

Representative Melissa G. Ballard proposes the following substitute bill:

DRIVER EDUCATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: David G. Buxton

LONG TITLE

General Description:

This bill amends provisions related to driver education requirements and driver licenses.

Highlighted Provisions:

This bill:

- ▶ extends the term of a learner permit from one year to 18 months;
- ▶ changes identifying information required on a driver license application to include "sex" instead of "gender";
- ▶ removes certain references to a "school district" and replaces that term with "local education agency" to ensure that Utah Schools for the Deaf and the Blind receive funding and resources for driver education;
- ▶ prohibits rules requiring driver education observation hours; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **53-3-205**, as last amended by Laws of Utah 2019, Chapters 381 and 382

28 **53-3-210.5**, as last amended by Laws of Utah 2015, Chapter 207

29 **53-3-502**, as last amended by Laws of Utah 2006, Chapter 266

30 **53-3-505**, as last amended by Laws of Utah 2018, Chapter 233

31 **53G-10-502**, as last amended by Laws of Utah 2020, Chapter 408

32 **53G-10-503**, as last amended by Laws of Utah 2019, Chapters 293 and 325

33 **53G-10-506**, as last amended by Laws of Utah 2019, Chapter 293

34 **53G-10-507**, as last amended by Laws of Utah 2020, Chapter 408

35 **53G-10-508**, as last amended by Laws of Utah 2020, Chapter 408



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

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

39 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
40 **Expiration dates of licenses and endorsements -- Information required -- Previous**
41 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
42 **Fee required -- License agreement.**

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

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

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

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

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

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

52 (c) an original class D license and license certificate after all tests are passed and
53 requirements are completed.

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

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

57 months after the date of the application;

58 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

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

60 (4) An application for a commercial class A, B, or C license entitles the applicant to:

61 (a) not more than two attempts to pass a knowledge test when accompanied by the fee
62 provided in Subsection 53-3-105(18);

63 (b) not more than two attempts to pass a skills test when accompanied by a fee in
64 Subsection 53-3-105(19) within six months after the date of application;

65 (c) both a commercial driver instruction permit and a temporary license permit for the
66 license class held before the applicant submits the application if needed after the knowledge
67 test is passed; and

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

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

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

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

74 (6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
75 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
76 two additional times within the six months for the fee provided in Section 53-3-105.

77 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
78 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
79 administered by the division if the out-of-state resident pays the fee provided in Subsection
80 53-3-105(19).

81 (ii) The division shall:

82 (A) electronically transmit skills test results for an out-of-state resident to the licensing
83 agency in the state or jurisdiction in which the out-of-state resident has obtained a valid CDIP;
84 and

85 (B) provide the out-of-state resident with documentary evidence upon successful
86 completion of the skills test.

87 (7) (a) (i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class

88 D license expires on the birth date of the applicant in the eighth year after the year the license
89 certificate was issued.

90 (ii) An original provisional class D license expires on the birth date of the applicant in
91 the fifth year following the year the license certificate was issued.

92 (iii) Except as provided in Subsection (7)(f), a limited term class D license expires on
93 the birth date of the applicant in the fifth year the license certificate was issued.

94 (b) Except as provided under Subsections (7)(f) and (g), a renewal or an extension to a
95 license expires on the birth date of the licensee in the eighth year after the expiration date of the
96 license certificate renewed or extended.

97 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
98 the same date as the last license certificate issued.

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

101 (e) (i) A regular license certificate and an endorsement to the regular license certificate
102 held by an individual described in Subsection (7)(e)(ii), that expires during the time period the
103 individual is stationed outside of the state, is valid until 90 days after the individual's orders are
104 terminated, the individual is discharged, or the individual's assignment is changed or
105 terminated, unless:

106 (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by
107 the division; or

108 (B) the licensee updates the information or photograph on the license certificate.

109 (ii) The provisions in Subsection (7)(e)(i) apply to an individual:

110 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
111 the United States;

112 (B) who is an immediate family member or dependent of an individual described in
113 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

114 (C) who is a civilian employee of the United States State Department or United States
115 Department of Defense and is stationed outside of the United States; or

116 (D) who is an immediate family member or dependent of an individual described in
117 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

118 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a

119 renewal to a limited-term license certificate expires:

120 (A) on the expiration date of the period of time of the individual's authorized stay in
121 the United States or on the date provided under this Subsection (7), whichever is sooner; or

122 (B) on the date of issuance in the first year following the year that the limited-term
123 license certificate was issued if there is no definite end to the individual's period of authorized
124 stay.

125 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
126 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fifth
127 year following the year that the limited-term license certificate was issued.

128 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
129 birth date of the applicant in the first year following the year that the driving privilege card was
130 issued or renewed.

131 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
132 Procedures Act, for requests for agency action, an applicant shall:

133 (i) provide:

134 (A) the applicant's full legal name;

135 (B) the applicant's birth date;

136 (C) the applicant's [gender] sex;

137 (D) (I) documentary evidence of the applicant's valid social security number;

138 (II) written proof that the applicant is ineligible to receive a social security number;

139 (III) the applicant's temporary identification number (ITIN) issued by the Internal

140 Revenue Service for an individual who:

141 (Aa) does not qualify for a social security number; and

142 (Bb) is applying for a driving privilege card; or

143 (IV) other documentary evidence approved by the division;

144 (E) the applicant's Utah residence address as documented by a form or forms
145 acceptable under rules made by the division under Section 53-3-104, unless the application is
146 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

147 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the
148 applicant is applying for a driving privilege card;

149 (ii) provide evidence of the applicant's lawful presence in the United States by

150 providing documentary evidence:

151 (A) that the applicant is:

152 (I) a United States citizen;

153 (II) a United States national; or

154 (III) a legal permanent resident alien; or

155 (B) of the applicant's:

156 (I) unexpired immigrant or nonimmigrant visa status for admission into the United

157 States;

158 (II) pending or approved application for asylum in the United States;

159 (III) admission into the United States as a refugee;

160 (IV) pending or approved application for temporary protected status in the United

161 States;

162 (V) approved deferred action status;

163 (VI) pending application for adjustment of status to legal permanent resident or

164 conditional resident; or

165 (VII) conditional permanent resident alien status;

166 (iii) provide a description of the applicant;

167 (iv) state whether the applicant has previously been licensed to drive a motor vehicle

168 and, if so, when and by what state or country;

169 (v) state whether the applicant has ever had a license suspended, cancelled, revoked,

170 disqualified, or denied in the last 10 years, or whether the applicant has ever had a license

171 application refused, and if so, the date of and reason for the suspension, cancellation,

172 revocation, disqualification, denial, or refusal;

173 (vi) state whether the applicant intends to make an anatomical gift under Title 26,

174 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

175 (vii) state whether the applicant is required to register as a sex offender in accordance

176 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

177 (viii) state whether the applicant is a veteran of the United States military, provide

178 verification that the applicant was granted an honorable or general discharge from the United

179 States Armed Forces, and state whether the applicant does or does not authorize sharing the

180 information with the Department of Veterans and Military Affairs;

- 181 (ix) provide all other information the division requires; and
182 (x) sign the application which signature may include an electronic signature as defined
183 in Section [46-4-102](#).
- 184 (b) An applicant shall have a Utah residence address, unless the application is for a
185 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
- 186 (c) An applicant shall provide evidence of lawful presence in the United States in
187 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 188 (d) The division shall maintain on the division's computerized records an applicant's:
189 (i) (A) social security number;
190 (B) temporary identification number (ITIN); or
191 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
192 (ii) indication whether the applicant is required to register as a sex offender in
193 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- 194 (9) The division shall require proof of an applicant's name, birth date, and birthplace by
195 at least one of the following means:
196 (a) current license certificate;
197 (b) birth certificate;
198 (c) Selective Service registration; or
199 (d) other proof, including church records, family Bible notations, school records, or
200 other evidence considered acceptable by the division.
- 201 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
202 higher class than what the applicant originally was issued:
203 (i) the license application is treated as an original application; and
204 (ii) license and endorsement fees is assessed under Section [53-3-105](#).
- 205 (b) An applicant that receives a downgraded license in a lower license class during an
206 existing license cycle that has not expired:
207 (i) may be issued a duplicate license with a lower license classification for the
208 remainder of the existing license cycle; and
209 (ii) shall be assessed a duplicate license fee under Subsection [53-3-105\(25\)](#) if a
210 duplicate license is issued under Subsection (10)(b)(i).
- 211 (c) An applicant who has received a downgraded license in a lower license class under

212 Subsection (10)(b):

213 (i) may, when eligible, receive a duplicate license in the highest class previously issued
214 during a license cycle that has not expired for the remainder of the existing license cycle; and

215 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a
216 duplicate license is issued under Subsection (10)(c)(i).

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

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

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

225 (13) An individual who has an appointment with the division for testing and fails to
226 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the
227 fee under Section 53-3-105.

228 (14) An applicant who applies for an original license or renewal of a license agrees that
229 the individual's license is subject to a suspension or revocation authorized under this title or
230 Title 41, Motor Vehicles.

231 (15) (a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi)
232 in accordance with division rule.

233 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
234 Management Act, the division may, upon request, release to an organ procurement
235 organization, as defined in Section 26-28-102, the names and addresses of all applicants who,
236 under Subsection (8)(a)(vi), indicate that they intend to make an anatomical gift.

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

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

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

240 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
241 Management Act, the division may release to the Department of Veterans and Military Affairs
242 the names and addresses of all applicants who indicate their status as a veteran under

243 Subsection (8)(a)(viii).

244 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and
245 Management Act, the division shall, upon request, release to the Sex and Kidnap Offender
246 Registry office in the Department of Corrections, the names and addresses of all applicants
247 who, under Subsection (8)(a)(vii), indicate they are required to register as a sex offender in
248 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

249 (18) The division and its employees are not liable, as a result of false or inaccurate
250 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

251 (a) loss;

252 (b) detriment; or

253 (c) injury.

254 (19) An applicant who knowingly fails to provide the information required under
255 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

256 (20) A person may not hold both an unexpired Utah license certificate and an
257 unexpired identification card.

258 (21) (a) An applicant who applies for an original motorcycle endorsement to a regular
259 license certificate is exempt from the requirement to pass the knowledge and skills test to be
260 eligible for the motorcycle endorsement if the applicant:

261 (i) is a resident of the state of Utah;

262 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
263 forces of the United States; or

264 (B) is an immediate family member or dependent of an individual described in
265 Subsection (21)(a)(ii)(A) and is residing outside of Utah;

266 (iii) has a digitized driver license photo on file with the division;

267 (iv) provides proof to the division of the successful completion of a certified
268 Motorcycle Safety Foundation rider training course; and

269 (v) provides the necessary information and documentary evidence required under
270 Subsection (8).

271 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
272 division shall make rules:

273 (i) establishing the procedures for an individual to obtain a motorcycle endorsement

274 under this Subsection (21); and

275 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
276 this Subsection (21).

277 Section 2. Section **53-3-210.5** is amended to read:

278 **53-3-210.5. Learner permit.**

279 (1) [~~Beginning on August 1, 2006, the~~] The division, upon receiving an application for
280 a learner permit, may issue a learner permit effective for [~~one year~~] 18 months to an applicant
281 who is at least 15 years [~~of age~~] old.

282 (2) (a) The learner permit entitles an applicant that is 18 years [~~of age~~] old or older to
283 operate a class D motor vehicle only if:

284 (i) a person 21 years [~~of age~~] old or older who is a licensed driver is occupying a seat
285 beside the applicant; and

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

288 (b) The learner permit entitles an applicant that is younger than 18 years [~~of age~~] old to
289 operate a class D motor vehicle only if:

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

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

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

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

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

298 (a) is at least 15 years [~~of age~~] old;

299 (b) has passed the knowledge test required by the division;

300 (c) has passed the physical and mental fitness tests; and

301 (d) has submitted a nonrefundable fee for a learner permit under Section **53-3-105**.

302 (4) (a) The division shall supply the learner permit form.

303 (b) The form under Subsection (4)(a) shall include:

304 (i) the applicant's full name, date of birth, sex, Utah residence address, height, weight,

305 and eye color;

306 (ii) the date of issuance and expiration of the permit; and

307 (iii) the conditions and restrictions contained in this section for operating a class D

308 motor vehicle.

309 (5) An application and fee for a learner permit entitle the applicant to:

310 (a) not more than three attempts to pass the knowledge test for a class D license within

311 one year; and

312 (b) a learner permit after the knowledge test is passed.

313 (6) (a) If an applicant has been issued a learner permit under this section or an

314 equivalent by another state or branch of the United States Armed Forces, the applicant may be

315 issued an original or provisional class D license from the division upon:

316 (i) completing a driver education course in a:

317 (A) commercial driver training school licensed under Part 5, Commercial Driver

318 Training Schools Act; or

319 (B) driver education program approved by the State Board of Education or the division;

320 (ii) passing a knowledge test approved by the division that complies with the

321 requirement of Subsection (6)(d);

322 (iii) passing the skills test approved by the division;

323 (iv) reaching 16 years [~~of age~~] old; and

324 (v) paying the nonrefundable fee for an original or provisional class D license

325 application under Section [53-3-105](#).

326 (b) In addition to the requirements under Subsection (6)(a), an applicant who is 17

327 years [~~of age~~] old or younger is required to hold a learner permit for six months before applying

328 for a provisional class D license.

329 (c) An applicant is exempt from the requirement under Subsection (6)(a)(i) if the

330 applicant:

331 (i) is 19 years [~~of age~~] old or older;

332 (ii) holds a learner permit for three months before applying for an original class D

333 license; and

334 (iii) certifies that the applicant, under the authority of a permit issued under this

335 chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours

336 were completed during night hours after sunset.

337 (d) Fifty percent of the test questions included in the knowledge test required under
338 Subsection (6)(a)(ii) shall cover the topic of major causes of traffic related deaths as identified
339 in statistics published by the Highway Safety Office.

340 Section 3. Section **53-3-502** is amended to read:

341 **53-3-502. Definitions.**

342 As used in this part:

343 (1) (a) "Commercial driver training school" or "school" means a business enterprise
344 conducted by an individual, association, partnership, or corporation for the education and
345 training of persons, either practically or theoretically, or both, to:

346 (i) drive motor vehicles, including motorcycles; and

347 (ii) prepare an applicant for an examination given by the state for a license or learner
348 permit.

349 (b) A commercial driver training school may charge a consideration or tuition for the
350 services described under Subsection (1)(a).

351 (2) (a) "Commercial testing only school" means a business enterprise conducted by an
352 individual, association, partnership, or corporation that:

353 (i) is designated by the division as a commercial testing only school;

354 (ii) employs instructors who are certified by the division; and

355 (iii) engages only in testing students for the purpose of obtaining a driver license.

356 (b) A commercial testing only school may conduct behind-the-wheel or observation
357 instruction if approved by the division.

358 (c) A commercial testing only school may not engage in education or training of
359 persons, either practically or theoretically, or both to drive motor vehicles, except when:

360 (i) counseling the driver following a test in reference to errors made during the
361 administration of the test; or

362 (ii) conducting behind-the-wheel or observation instruction if approved by the division.

363 (d) A commercial testing only school may not test an individual who has completed
364 any behind-the-wheel or observation instruction through the school with which the tester is
365 employed.

366 (3) "Instructor" means a person, whether acting as an operator of a commercial driver

367 training school or for a school for compensation, who:

368 (a) teaches, conducts classes of, gives demonstrations to, or supervises practice of
369 persons learning to drive motor vehicles, including motorcycles;

370 (b) prepares persons to take an examination for a license or learner permit; or

371 (c) supervises the work of any other instructor.

372 (4) "Observation time" means a period of time during which a driver education student
373 observes another student, instructor, or road user.

374 [~~4~~] (5) "School operator" means a person who:

375 (a) is certified as an instructor;

376 (b) has met the requirements for school operator status as established by the division;

377 (c) is authorized or certified to operate or manage a driver training school; and

378 (d) may supervise the work of another instructor.

379 Section 4. Section **53-3-505** is amended to read:

380 **53-3-505. School license -- Contents of rules.**

381 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
382 commissioner shall make rules regarding the requirements for:

383 (a) a school license, including requirements concerning:

384 (i) locations;

385 (ii) equipment;

386 (iii) courses of instruction;

387 (iv) curriculum on air quality, based on data and information provided by the Division
388 of Air Quality, including:

389 (A) instruction on ways drivers can improve air quality; and

390 (B) the harmful effects of vehicle emissions;

391 (v) instructors;

392 (vi) previous records of the school and instructors;

393 (vii) financial statements;

394 (viii) schedule of fees and charges;

395 (ix) character and reputation of the operators and instructors;

396 (x) insurance as the commissioner determines necessary to protect the interests of the
397 public; and

398 (xi) other provisions the commissioner may prescribe for the protection of the public;

399 and

400 (b) an instructor's license, including requirements concerning:

401 (i) moral character;

402 (ii) physical condition;

403 (iii) knowledge of the courses of instruction;

404 (iv) motor vehicle laws and safety principles and practices;

405 (v) previous personnel and employment records; and

406 (vi) other provisions the commissioner may prescribe for the protection of the public;

407 (c) applications for licenses; and

408 (d) minimum standards for:

409 (i) driving simulation devices that are fully interactive under Subsection

410 [53-3-505.5\(2\)\(b\)](#); and

411 (ii) driving simulation devices that are not fully interactive under Subsection

412 [53-3-505.5\(2\)\(c\)](#).

413 (2) (a) Rules made by the commissioner may not require observation time to observe
414 the instructor, another student driver, or another road user.

415 (b) The prohibition on rulemaking described in Subsection (2)(a) does not prohibit a
416 commercial driver education school or other driver education program from including
417 observation time as part of a driver education curriculum.

418 [~~2~~] (3) Rules made by the commissioner shall require that a commercial driver
419 training school offering motorcycle rider education meet or exceed the standards established by
420 the Motorcycle Safety Foundation.

421 [~~3~~] (4) Rules made by the commissioner shall require that an instructor of motorcycle
422 rider education meet or exceed the standards for certification established by the Motorcycle
423 Safety Foundation.

424 [~~4~~] (5) The commissioner may call upon the state superintendent of public instruction
425 for assistance in formulating appropriate rules.

426 Section 5. Section **53G-10-502** is amended to read:

427 **53G-10-502. Driver education established by a local education agency.**

428 (1) (a) [~~Local school districts~~] A local education agency may establish and maintain

429 driver education for pupils.

430 (b) A school or local [~~school district~~] education agency that provides driver education
431 shall provide an opportunity for each pupil enrolled in that school or local [~~school district~~]
432 education agency to take the written test when the pupil is 15 years and nine months of age.

433 (c) Notwithstanding the provisions of Subsection (1)(b), a school or local[~~school~~
434 ~~district~~] education agency that provides driver education may provide an opportunity for each
435 pupil enrolled in that school or [~~school district~~] local education agency to take the written test
436 when the pupil is 15 years of age.

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

439 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
440 state board shall make rules for driver education offered in the public schools.

441 (4) The rules under Subsection (3) shall:

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

444 (b) require instruction, based on data and information provided by the Division of Air
445 Quality, on:

446 (i) ways drivers can improve air quality; and

447 (ii) the harmful effects of vehicle emissions; and

448 (c) establish minimum standards for approved driving ranges under Section
449 [53-3-505.5](#).

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

453 Section 6. Section **53G-10-503** is amended to read:

454 **53G-10-503. Driver education funding -- Reimbursement of a local education**
455 **agency for driver education class expenses -- Limitations -- Excess funds -- Student fees.**

456 (1) (a) Except as provided in Subsection (1)(b), a [~~school district~~] local education
457 agency that provides driver education shall fund the program solely through:

458 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform
459 School Fund as created under Section [41-1a-1205](#); and

460 (ii) student fees collected by each school.

461 (b) In determining the cost of driver education, a ~~[school district]~~ local education
462 agency may exclude:

463 (i) the full-time equivalent cost of a teacher for a driver education class taught during
464 regular school hours; and

465 (ii) classroom space and classroom maintenance.

466 (c) A ~~[school district]~~ local education agency may not use any additional school funds
467 beyond those allowed under Subsection (1)(b) to subsidize driver education.

468 (2) (a) The state superintendent shall, prior to September 2nd following the school year
469 during which it was expended, or may at earlier intervals during that school year, reimburse
470 each ~~[school district]~~ local education agency that applied for reimbursement in accordance with
471 this section.

472 (b) A ~~[school district]~~ local education agency that maintains driver education classes
473 that conform to this part and the rules prescribed by the state board may apply for
474 reimbursement for the actual cost of providing the behind-the-wheel and observation training
475 incidental to those classes.

476 (3) Under the state board's supervision for driver education, a ~~[school district]~~ local
477 education agency may:

478 (a) employ personnel who are not licensed by the state board under Section [53E-6-201](#);
479 or

480 (b) contract with private parties or agencies licensed under Section [53-3-504](#) for the
481 behind-the-wheel phase of the driver education program.

482 (4) The reimbursement amount shall be paid out of the Automobile Driver Education
483 Tax Account in the Uniform School Fund and may not exceed:

484 (a) \$100 per student who has completed driver education during the school year;

485 (b) \$30 per student who has only completed the classroom portion in the school during
486 the school year; or

487 (c) \$70 per student who has only completed the behind-the-wheel and observation
488 portion in the school during the school year.

489 (5) If the amount of money in the account at the end of a school year is less than the
490 total of the reimbursable costs, the state superintendent shall allocate the money to each ~~[school~~

491 ~~district]~~ local education agency in the same proportion that [~~its]~~ the local education agency's
492 reimbursable costs bear to the total reimbursable costs of all [~~school districts]~~ local education
493 agencies.

494 (6) If the amount of money in the account at the end of any school year is more than the
495 total of the reimbursement costs provided under Subsection (4), the state superintendent may
496 allocate the excess funds to [~~school districts]~~ local education agencies:

497 (a) to reimburse each [~~school district]~~ local education agency that applies for
498 reimbursement of the cost of a fee waived under Section 53G-7-504 for driver education; and

499 (b) to aid in the procurement of equipment and facilities which reduce the cost of
500 behind-the-wheel instruction.

501 (7) A local school board shall establish the student fee for driver education for the
502 [~~school district]~~ local education agency. Student fees shall be reasonably associated with the
503 costs of driver education that are not otherwise covered by reimbursements and allocations
504 made under this section.

505 Section 7. Section 53G-10-506 is amended to read:

506 **53G-10-506. Promoting the establishment and maintenance of classes -- Payment**
507 **of costs.**

508 (1) The state superintendent shall promote the establishment and maintenance of driver
509 education classes in [~~school districts]~~ local education agencies under rules adopted by the state
510 board.

511 (2) The state board may employ personnel and sponsor experimental programs
512 considered necessary to give full effect to this program.

513 (3) The costs of implementing this section shall be paid from the legislative
514 appropriation to the state board made from the Automobile Driver Education Tax Account in
515 the Uniform School Fund.

516 Section 8. Section 53G-10-507 is amended to read:

517 **53G-10-507. Driver education teachers certified as license examiners.**

518 (1) The Driver License Division of the Department of Public Safety and the state board
519 shall establish procedures and standards to certify teachers of driver education classes under
520 this part to administer written and driving tests.

521 (2) The division is the certifying authority.

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

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

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

532 (4) A student shall have a learner permit issued by the Driver License Division under
533 Section [53-3-210.5](#) in the student's immediate possession at all times when operating a motor
534 vehicle under this section.

535 (5) A student who successfully passes the tests given by a certified driver education
536 teacher under this section satisfies the written and driving parts of the test required for a learner
537 permit or class D operator's license.

538 (6) The Driver License Division and the state board shall establish procedures to
539 enable ~~[school districts]~~ a local education agency to administer or process any tests for
540 ~~[students]~~ a student to receive a learner permit or class D operator's license.

541 (7) The division and state board shall establish the standards and procedures required
542 under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative
543 Rulemaking Act.

544 Section 9. Section **53G-10-508** is amended to read:

545 **53G-10-508. Programs authorized -- Minimum standards.**

546 (1) ~~[Local school districts]~~ A local education agency may:

547 (a) allow ~~[students]~~ a student to complete the classroom training portion of driver
548 education through home study;

549 (b) provide each parent with driver education instructional materials to assist in parent
550 involvement with driver education including behind-the-wheel driving materials;

551 (c) offer driver education outside of school hours in order to reduce the cost of
552 providing driver education;

- 553 (d) offer driver education through community education programs;
- 554 (e) offer the classroom portion of driver education in the public schools and allow the
- 555 student to complete the behind-the-wheel portion with a private provider:
- 556 (i) licensed under Section 53-3-504; and
- 557 (ii) not associated with the school or under contract with the school under Subsection
- 558 53G-10-503(3); or
- 559 (f) any combination of Subsections (1)(a) through (e).
- 560 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 561 state board shall establish in rule minimum standards for the school-related programs under
- 562 Subsection (1).