

HB0018S01 compared with HB0018

~~{deleted text}~~ shows text that was in HB0018 but was deleted in HB0018S01.

inserted text shows text that was not in HB0018 but was inserted into HB0018S01.

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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

~~{Committee Note:~~

~~———— The Transportation Interim Committee recommended this bill.~~

~~———— Legislative Vote: 16 voting for 0 voting against 2 absent~~

~~{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

"~~{gender}~~sex" instead of "~~{sex}~~;

~~{gender}~~gender";

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- ▶ 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:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

- (1) An application for an original license, provisional license, or endorsement shall be:
 - (a) made upon a form furnished by the division; and
 - (b) accompanied by a nonrefundable fee set under Section 53-3-105.
- (2) An application and fee for an original provisional class D license or an original

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class D license entitle the applicant to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued

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by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by the division if the out-of-state resident pays the fee provided in Subsection 53-3-105(19).

(ii) The division shall:

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

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

(7) (a) (i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class D license expires on the birth date of the applicant in the eighth year after the year the license certificate was issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:

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

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

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

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

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

(i) provide:

(A) the applicant's full legal name;

(B) the applicant's birth date;

(C) the applicant's ~~gender~~ sex;

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

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

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

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Revenue Service for an individual who:

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

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

(IV) other documentary evidence approved by the division;

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

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

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

(A) that the applicant is:

(I) a United States citizen;

(II) a United States national; or

(III) a legal permanent resident alien; or

(B) of the applicant's:

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

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

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

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

(V) approved deferred action status;

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

(VII) conditional permanent resident alien status;

(iii) provide a description of the applicant;

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

(v) state whether the applicant has ever had a license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had a license

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application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;

(vi) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

(vii) state whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

(viii) state whether the applicant is a veteran of the United States military, provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the Department of Veterans and Military Affairs;

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

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

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

(c) An applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

(d) The division shall maintain on the division's computerized records an applicant's:

(i) (A) social security number;

(B) temporary identification number (ITIN); or

(C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

(ii) indication whether the applicant is required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

(9) The division shall require proof of an applicant's name, birth date, and birthplace by at least one of the following means:

(a) current license certificate;

(b) birth certificate;

(c) Selective Service registration; or

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

(10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a

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higher class than what the applicant originally was issued:

(i) the license application is treated as an original application; and

(ii) license and endorsement fees is assessed under Section 53-3-105.

(b) An applicant that receives a downgraded license in a lower license class during an existing license cycle that has not expired:

(i) may be issued a duplicate license with a lower license classification for the remainder of the existing license cycle; and

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

(c) An applicant who has received a downgraded license in a lower license class under Subsection (10)(b):

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

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

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

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

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

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

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

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

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

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

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

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

(16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all applicants who indicate their status as a veteran under Subsection (8)(a)(viii).

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

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

(a) loss;

(b) detriment; or

(c) injury.

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

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

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

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

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

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

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

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

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

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

(i) establishing the procedures for an individual to obtain a motorcycle endorsement under this Subsection (21); and

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

Section ~~41~~2. Section **53-3-210.5** is amended to read:

53-3-210.5. Learner permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the applicant's full name, date of birth, ~~{sex}~~ {gender}, Utah residence address, height, weight, and eye color;

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

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

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

(a) not more than three attempts to pass the knowledge test for a class D license within one year; and

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

(6) (a) If an applicant has been issued a learner permit under this section or an equivalent by another state or branch of the United States Armed Forces, the applicant may be issued an original or provisional class D license from the division upon:

(i) completing a driver education course in a:

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

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

(ii) passing a knowledge test approved by the division that complies with the requirement of Subsection (6)(d);

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

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

(v) paying the nonrefundable fee for an original or provisional class D license application under Section 53-3-105.

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(b) In addition to the requirements under Subsection (6)(a), an applicant who is 17 years [~~of age~~] old or younger is required to hold a learner permit for six months before applying for a provisional class D license.

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

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

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

(iii) certifies that the applicant, under the authority of a permit issued under this chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours were completed during night hours after sunset.

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

Section ~~2~~3. Section **53-3-502** is amended to read:

53-3-502. Definitions.

As used in this part:

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

(i) drive motor vehicles, including motorcycles; and

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

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

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

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

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

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

(b) A commercial testing only school may conduct behind-the-wheel or observation

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instruction if approved by the division.

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

- (i) counseling the driver following a test in reference to errors made during the administration of the test; or
- (ii) conducting behind-the-wheel or observation instruction if approved by the division.

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

(3) "Instructor" means a person, whether acting as an operator of a commercial driver training school or for a school for compensation, who:

- (a) teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to drive motor vehicles, including motorcycles;
- (b) prepares persons to take an examination for a license or learner permit; or
- (c) supervises the work of any other instructor.

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

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

- (a) is certified as an instructor;
- (b) has met the requirements for school operator status as established by the division;
- (c) is authorized or certified to operate or manage a driver training school; and
- (d) may supervise the work of another instructor.

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

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

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

- (a) a school license, including requirements concerning:
 - (i) locations;
 - (ii) equipment;
 - (iii) courses of instruction;
 - (iv) curriculum on air quality, based on data and information provided by the Division

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of Air Quality, including:

- (A) instruction on ways drivers can improve air quality; and
- (B) the harmful effects of vehicle emissions;
- (v) instructors;
- (vi) previous records of the school and instructors;
- (vii) financial statements;
- (viii) schedule of fees and charges;
- (ix) character and reputation of the operators and instructors;
- (x) insurance as the commissioner determines necessary to protect the interests of the

public; and

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

and

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

- (i) moral character;
- (ii) physical condition;
- (iii) knowledge of the courses of instruction;
- (iv) motor vehicle laws and safety principles and practices;
- (v) previous personnel and employment records; and
- (vi) other provisions the commissioner may prescribe for the protection of the public;

- (c) applications for licenses; and

- (d) minimum standards for:

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

53-3-505.5(2)(b); and

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

53-3-505.5(2)(c).

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

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

- ~~(2)~~ (3) Rules made by the commissioner shall require that a commercial driver

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training school offering motorcycle rider education meet or exceed the standards established by the Motorcycle Safety Foundation.

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

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

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

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

(1) (a) ~~[Local school districts]~~ A local education agency may establish and maintain driver education for pupils.

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

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

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

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

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

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

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

(i) ways drivers can improve air quality; and

(ii) the harmful effects of vehicle emissions; and

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

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

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

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

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

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

(ii) student fees collected by each school.

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

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

(ii) classroom space and classroom maintenance.

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

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

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

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

(a) employ personnel who are not licensed by the state board under Section 53E-6-201;

or

(b) contract with private parties or agencies licensed under Section 53-3-504 for the

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behind-the-wheel phase of the driver education program.

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

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

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

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

(5) If the amount of money in the account at the end of a school year is less than the total of the reimbursable costs, the state superintendent shall allocate the money to each [school district] local education agency in the same proportion that [its] the local education agency's reimbursable costs bear to the total reimbursable costs of all [school districts] local education agencies.

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

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

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

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

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

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

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

(2) The state board may employ personnel and sponsor experimental programs

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considered necessary to give full effect to this program.

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

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

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

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

(2) The division is the certifying authority.

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

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

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

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

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

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

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

HB0018S01 compared with HB0018

Rulemaking Act.

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

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

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

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

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

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

(d) offer driver education through community education programs;

(e) offer the classroom portion of driver education in the public schools and allow the student to complete the behind-the-wheel portion with a private provider:

(i) licensed under Section 53-3-504; and

(ii) not associated with the school or under contract with the school under Subsection 53G-10-503(3); or

(f) any combination of Subsections (1)(a) through (e).

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall establish in rule minimum standards for the school-related programs under Subsection (1).