

Effective 1/24/2018

**Part 5
Driver Education Classes**

53G-10-501 Definitions.

As used in this part:

- (1) "Driver education" includes classroom instruction and driving and observation in a dual-controlled motor vehicle.
- (2) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of a certified instructor.

Amended by Chapter 293, 2019 General Session

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

- (1)
 - (a) A local education agency may establish and maintain driver education for pupils.
 - (b) A school or local education agency that provides driver education shall provide an opportunity for each pupil enrolled in that school or local 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 education agency that provides driver education may provide an opportunity for each pupil enrolled in that school or 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.
- (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.

Amended by Chapter 247, 2021 General Session

Effective until 7/1/2024

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 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 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 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 local education agency that applied for reimbursement in accordance with this section.
 - (b) A 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 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 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 local education agency in the same proportion that the local education agency's reimbursable costs bear to the total reimbursable costs of all 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 local education agencies:
- (a) to reimburse each 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) A local school board shall, in accordance with Chapter 7, Part 5, Student Fees, establish the student fee for driver education for the local education agency.
 - (b) 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.

Amended by Chapter 497, 2024 General Session

Effective 7/1/2024

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 local education agency that provides driver education shall fund the program 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 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 local education agency may use 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 local education agency that applied for reimbursement in accordance with this section.
 - (b) A 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 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 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) \$150 per student who has completed driver education during the school year;
 - (b) \$45 per student who has only completed the classroom portion in the school during the school year; or
 - (c) \$105 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 local education agency in the same proportion that the local education agency's reimbursable costs bear to the total reimbursable costs of all 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 local education agencies:
- (a) to reimburse each 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) A local school board shall, in accordance with Chapter 7, Part 5, Student Fees, establish the student fee for driver education for the local education agency.
 - (b) 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.

Amended by Chapter 55, 2024 General Session

53G-10-504 Enrollment of private school pupils.

- (1) A school district maintaining driver education classes shall allow pupils enrolled in grades nine to 12 of regularly established private schools located within the school district to enroll in the most accessible public school in the school district to receive driver education.
- (2) Enrollment is on the same terms and conditions as applies to students in public schools within the district, as such terms and conditions relate to the driver education classes only.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-10-505 Reports as to costs of driver training programs.

A local school board seeking reimbursement shall, at the end of each school year and at other times as designated by the state board, report the following to the state superintendent:

- (1) the costs of providing driver education including a separate accounting for:
 - (a) course work; and
 - (b) behind-the-wheel and observation training to students;
- (2) the costs of fees waived under Section 53G-7-504 for driver education including a separate accounting for:
 - (a) course work; and
 - (b) behind-the-wheel and observation training to students;
- (3) the number of students who completed driver education including a separate accounting for:
 - (a) course work; and
 - (b) behind-the-wheel and observation training to students;
- (4) whether or not a passing grade was received; and
- (5) any other information the state board may require for the purpose of administering this program.

Amended by Chapter 293, 2019 General Session

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 local education agencies under rules adopted by the state board.
- (2) The state board may employ personnel and sponsor experimental programs 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.

Amended by Chapter 247, 2021 General Session

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 a local education agency to administer or process any tests for 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 Rulemaking Act.

Amended by Chapter 247, 2021 General Session

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

- (1) A local education agency may:
 - (a) allow 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).

Amended by Chapter 247, 2021 General Session