

**LIABILITY FOR MINOR WHO DRIVES**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: John E. Swallow**

AN ACT RELATING TO PUBLIC SAFETY; AMENDING PROVISIONS RELATING TO THE LIABILITY OF CERTAIN ADULTS FOR MINORS WHO DRIVE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53-3-211**, as last amended by Chapter 122, Laws of Utah 1995

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

Section 1. Section **53-3-211** is amended to read:

**53-3-211. Application of minors -- Liability of person signing application --  
Cancellation of cosigning adult's liability.**

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

(2) (a) The application of a minor for a temporary learner permit, practice permit, or provisional license shall be signed by the parent or guardian of the applicant and verified before a person authorized to administer oaths.

(b) If [~~no person has custody of~~] the minor applicant does not have a parent or guardian, then a responsible adult who is willing to assume the obligation imposed under this chapter may sign the application.

(3) (a) [~~Any negligence or willful misconduct~~] Except as provided in Subsection (4), the liability of a minor for civil compensatory damages caused when [driving] operating a motor vehicle upon a highway is imputed to the person who has signed the application of the minor under Subsection (2).

(b) [~~Except as provided under Subsection (4), the~~] The person who has signed the application under Subsection (2)[,] is jointly and severally liable with the minor [for any damages caused by the minor's negligence or willful misconduct] as provided in Subsections (3)(a) and (c).

(c) The liability imposed under Subsections (3)(a) and (b) is limited to the policy

minimum limits established in Section 31A-22-304.

~~[(c) This]~~ (d) The liability [provision is] provisions in this Subsection (3) are in addition to the liability provisions in Section 53-3-212.

~~[(4) (a) If a minor deposits, or there is deposited on his behalf, proof of financial responsibility for driving a motor vehicle in form and in amounts as required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, the division may accept the application of the minor when signed before a person authorized to administer oaths by a parent, guardian of the minor, or a responsible adult.]~~

~~[(b) While the proof is maintained, the parent, guardian, or responsible adult is not subject to the liability imposed under Subsection (3).]~~

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

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

(b) The division shall then cancel the permit or license of the minor, and the person who signed the application of the minor under Subsection (2) is relieved from the liability imposed under ~~[this chapter regarding any subsequent negligence or willful misconduct of]~~ Subsection (3) or the minor [in driving] operating a motor vehicle subsequent to the cancellation.

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

(b) This subsection does not apply to an application of a person who is no longer a minor.