

1 **LIABILITY FOR MINOR WHO DRIVES**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: John E. Swallow**

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

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

8 AMENDS:

9 **53-3-211**, as last amended by Chapter 122, Laws of Utah 1995

10 **53-3-212**, as renumbered and amended by Chapter 234, Laws of Utah 1993

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

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

13 **53-3-211. Application of minors -- Liability of person signing application --**
14 **Cancellation of cosigning adult's liability.**

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

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

20 (b) If no person has custody of the minor applicant, then a responsible adult who is willing
21 to assume the obligation imposed under this chapter may sign the application.

22 (3) (a) Any negligence or willful misconduct of a minor when driving a motor vehicle
23 upon a highway is imputed to the person who has signed the application of the minor under
24 Subsection (2).

25 (b) Except as provided under Subsection (4), the person who has signed the application
26 under Subsection (2), is jointly and severally liable with the minor for any damages caused by the
27 minor's negligence or willful misconduct.

1 (c) This liability provision is in addition to the liability provisions in Section 53-3-212.

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

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

9 (4) If owner's or operator's security for the minor's operation of the motor vehicle is in
10 effect in amounts as required under Title 41, Chapter 12a, Financial Responsibility of Motor
11 Vehicle Owners and Operators Act, the parent, guardian, or responsible adult who signed the
12 minor's application is not subject to the liability imposed under Subsection (3).

13 (5) (a) A person who has signed the application of a minor under Subsection (2) may file
14 with the division a verified written request that the license of the minor be cancelled.

15 (b) The division shall then cancel the license of the minor, and the person who signed the
16 application of the minor under Subsection (2) is relieved from the liability imposed under this
17 chapter regarding any subsequent negligence or willful misconduct of the minor in driving a motor
18 vehicle.

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

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

23 Section 2. Section **53-3-212** is amended to read:

24 **53-3-212. Owner giving permission and minor liable for damages caused by minor**
25 **driving a motor vehicle.**

26 (1) (a) The owner of a motor vehicle causing or knowingly permitting a person younger
27 than 18 years of age to drive the motor vehicle on a highway, or a person who gives or furnishes
28 a motor vehicle to the minor, are each jointly and severally liable with the minor for any damages
29 caused by the negligence of the minor in driving the motor vehicle.

30 [~~(2) This~~] (b) The liability provision in Subsection (1)(a) is in addition to the liability
31 provisions in Section 53-3-211.

1 (2) If owner's or operator's security for the minor's operation of the motor vehicle is in
2 effect in amounts as required under Title 41, Chapter 12a, Financial Responsibility of Motor
3 Vehicle Owners and Operators Act, the owner or person who gave or furnished a motor vehicle
4 to the minor is not subject to the liability imposed under Subsection (1).

Legislative Review Note
as of 1-28-98 1:19 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel