

YOUTH DRIVER PROVISIONS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Don E. Bush

AN ACT RELATING TO PUBLIC SAFETY; REQUIRING CERTAIN DRIVING EXPERIENCE IN ORDER TO OBTAIN A DRIVER LICENSE; AMENDING CERTAIN PRACTICE PERMIT PROVISIONS; PROVIDING A NIGHT RESTRICTION FOR CERTAIN YOUNG DRIVERS; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

53-3-204, as last amended by Chapter 365, Laws of Utah 1997

53-3-210, as last amended by Chapters 34 and 48, Laws of Utah 1996

53-3-211, as last amended by Chapter 260, Laws of Utah 1998

53A-13-208, as last amended by Chapter 48, Laws of Utah 1996

ENACTS:

41-8-2, Utah Code Annotated 1953

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

Section 1. Section **41-8-2** is enacted to read:

41-8-2. Operation of vehicle by persons under 17 during night hours prohibited --

Exceptions.

(1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a person younger than 17 years of age, whether resident or nonresident of this state, may not operate a motor vehicle upon any highway of this state between the hours of 12:00 a.m. and 5:00 a.m.

(2) It is an affirmative defense to a charge under Subsection (1) that the person is operating a motor vehicle:

(a) accompanied by a licensed driver at least 21 years of age who is occupying a seat next to the driver;

(b) for the driver's employment, including the trip to and from the driver's residence and the driver's employment;

(c) to and from the driver's religion-sponsored activity or own school-sponsored activity and the driver's residence;

(d) on assignment of a farmer or rancher and the driver is engaged in an agricultural operation; or

(e) in an emergency.

(3) In addition to any penalties imposed under Title 53, Chapter 3, Uniform Driver License Act, a violation of this section is a class C misdemeanor.

Section 2. Section **53-3-204** is amended to read:

53-3-204. Persons who may not be licensed.

(1) (a) The division may not license a person who:

(i) is younger than 16 years of age [or a person who];

(ii) has not completed a course in driver training approved by the commissioner; and

(iii) if the person is a minor, does not complete the driving requirement under Section 53-3-211.

(b) Subsection (a) does not apply to a person:

(i) who has been licensed before July 1, 1967; or

(ii) who is 16 years of age or older making application for a license who has been licensed in another state or country.

(2) The division may not issue a license certificate to a person:

(a) whose license has been suspended, denied, cancelled, or disqualified during the period of suspension, denial, cancellation, or disqualification;

(b) whose privilege has been revoked, except as provided in Section 53-3-225;

(c) who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency as provided by law;

(d) who is required by this chapter to take an examination unless the person successfully passes the examination; or

(e) whose driving privileges have been denied or suspended under:

(i) Section 78-3a-506 by an order of the juvenile court; or

(ii) Section 53-3-231.

(3) The division may grant a class D or M license to a person whose commercial license is disqualified under Part 4 of this chapter if the person is not otherwise sanctioned under this chapter.

Section 3. Section **53-3-210** is amended to read:

53-3-210. Temporary learner permit -- Instruction permit -- Commercial driver instruction permit -- Practice permit.

(1) (a) The division upon receiving an application for a class D or M license from a person 16 years of age or older may issue a temporary learner permit after the person has successfully passed

all parts of the examination not involving actually driving a motor vehicle.

(b) The temporary learner permit allows the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle upon the highways for six months from the date of the application in conformance with the restrictions indicated on the permit.

(2) (a) The division, upon receiving an application, may issue an instruction permit effective for one year to an applicant who is enrolled in a driver education program that includes practice driving, if the program is approved by the State Office of Education, even though the applicant has not reached the legal age to be eligible for a license.

(b) The instruction permit entitles the applicant, while having the permit in his immediate possession, to drive a motor vehicle, only if an approved instructor is occupying a seat beside the applicant or in accordance with the requirements of Subsections (4) and 53A-13-208 (4).

(3) The division may issue a commercial driver instruction permit under Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act.

(4) (a) The division shall issue a practice permit to an applicant who:

(i) is at least 15 years and nine months of age;

(ii) has been issued an instruction permit under this section;

(iii) is enrolled in or has successfully completed a driver education course in a:

(A) commercial driver training school licensed under Title 53, Chapter 3, Part 5, Commercial Driver Training Schools Act; or

(B) driver education program approved by the division;

- (iv) has passed the written test required by the division;
- (v) has passed the physical and mental fitness tests; and
- (vi) has submitted the nonrefundable fee for a class D license.

(b) The division shall supply the practice permit form. The form shall include the following information:

- (i) the person's full name, date of birth, sex, home address, height, weight, and eye color;
- (ii) the name of the school providing the driver education course;
- (iii) the dates of issuance and expiration of the permit;
- (iv) the statutory citation authorizing the permit; and
- (v) the conditions and restrictions contained in this section for operating a class D motor

vehicle.

(c) The practice permit is valid for up to [~~90 days~~] six months from the date of issuance. The practice permit allows the person, while having the permit in the applicant's immediate possession, to operate a class D motor vehicle when the person's parent, legal guardian, or adult spouse, who must be a licensed driver, is occupying a seat next to the person [~~and no other passengers are in the vehicle~~].

(d) If an applicant has been issued a practice permit by the division, the applicant may obtain an original or provisional class D license from the division upon passing the skills test administered by the division and reaching 16 years of age.

Section 4. 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 -- Behind-the-wheel driving certification.

(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 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) Except as provided in Subsection (4), the liability of a minor for civil compensatory damages caused when operating a motor vehicle upon a highway is imputed to the person who has signed the application of the minor under Subsection (2).

(b) The person who has signed the application under Subsection (2) is jointly and severally liable with the minor 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.

(d) The liability provisions in this Subsection (3) are in addition to the liability provisions in Section 53-3-212.

(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 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 Subsection (3) or the minor 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.

(7) (a) In addition to the liability assumed under this section, the person who signs the application of a minor for a provisional license must certify that the minor applicant, under the authority of a permit issued under this chapter, has completed at least 30 hours of driving a motor vehicle, of which at least ten hours shall be during night hours after sunset.

(b) The hours of driving a motor vehicle in a driver education course may be counted a part of the requirement under Subsection (7)(a).

Section 5. Section **53A-13-208** is amended to read:

53A-13-208. Driver education teachers certified as license examiners.

(1) The Driver License Division of the Department of Public Safety and the State Board of Education through the State Office of Education 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 Office of Education, 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 Drivers 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 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) A certified driver education teacher shall issue a practice permit to a student who:

(i) is at least 15 years and nine months of age;

(ii) passes the written test given by the teacher under this section; and

(iii) has been issued an instruction permit under Subsection 53-3-210(2).

(b) The State Office of Education shall supply the practice permit form. The form shall include the following information:

(i) the student's full name, date of birth, sex, home address, height, weight, and eye color;

(ii) the name of the school providing the driver education program;

(iii) the name and signature of the driver education teacher;

(iv) the dates of issuance and expiration of the permit;

(v) the statutory citation authorizing the permit; and

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

(c) The practice permit is valid for up to [~~90 days~~] six months from the date of issuance. The practice permit allows the student to operate a class D motor vehicle when the student's parent, legal guardian, or adult spouse, who must be a licensed driver, is occupying a seat next to the student [~~and no other passengers are in the vehicle~~].

(d) A student shall have the practice permit in his 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 class D operator's license.

(6) The Driver License Division and the State Board of Education shall establish procedures to enable school districts to administer or process any tests for students to receive a class D operator's license.

(7) The division and board shall establish the standards and procedures required under this section by rules made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 6. Effective date.

This act takes effect on July 1, 1999.