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Representative Don E. Bush proposes to substitute the following bill:

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:

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

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

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

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

34 (e) in an emergency.

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

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

38 **53-3-204. Persons who may not be licensed.**

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

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

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

42 (iii) if the person is a minor, does not complete the driving requirement under Section
43 53-3-211.

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

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

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

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

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

51 (b) whose privilege has been revoked, except as provided in Section 53-3-225;

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

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

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

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

58 (ii) Section 53-3-231.

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

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

63 **53-3-210. Temporary learner permit -- Instruction permit -- Commercial driver**
64 **instruction permit -- Practice permit.**

65 (1) (a) The division upon receiving an application for a class D or M license from a person
66 16 years of age or older may issue a temporary learner permit after the person has successfully
67 passed all parts of the examination not involving actually driving a motor vehicle.

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

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

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

78 (3) The division may issue a commercial driver instruction permit under Title 53, Chapter
79 3, Part 4, Uniform Commercial Driver License Act.

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

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

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

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

84 (A) commercial driver training school licensed under Title 53, Chapter 3, Part 5,

85 Commercial Driver Training Schools Act; or

86 (B) driver education program approved by the division;

87 (iv) has passed the written test required by the division;

- 88 (v) has passed the physical and mental fitness tests; and
- 89 (vi) has submitted the nonrefundable fee for a class D license.
- 90 (b) The division shall supply the practice permit form. The form shall include the
- 91 following information:
- 92 (i) the person's full name, date of birth, sex, home address, height, weight, and eye color;
- 93 (ii) the name of the school providing the driver education course;
- 94 (iii) the dates of issuance and expiration of the permit;
- 95 (iv) the statutory citation authorizing the permit; and
- 96 (v) the conditions and restrictions contained in this section for operating a class D motor
- 97 vehicle.

98 (c) The practice permit is valid for up to ~~[90 days]~~ six months from the date of issuance.

99 The practice permit allows the person, while having the permit in the applicant's immediate

100 possession, to operate a class D motor vehicle when the person's parent, legal guardian, or adult

101 spouse, who must be a licensed driver, is occupying a seat next to the person ~~[and no other~~

102 ~~passengers are in the vehicle]~~.

103 (d) If an applicant has been issued a practice permit by the division, the applicant may

104 obtain an original or provisional class D license from the division upon passing the skills test

105 administered by the division and reaching 16 years of age.

106 Section 4. Section **53-3-211** is amended to read:

107 **53-3-211. Application of minors -- Liability of person signing application --**

108 **Cancellation of cosigning adult's liability -- Behind-the-wheel driving certification.**

109 (1) As used in this section, "minor" means any person younger than 18 years of age who

110 is not married or has not been emancipated by adjudication.

111 (2) (a) The application of a minor for a temporary learner permit, practice permit, or

112 provisional license shall be signed by the parent or guardian of the applicant and verified before

113 a person authorized to administer oaths.

114 (b) If the minor applicant does not have a parent or guardian, then a responsible adult who

115 is willing to assume the obligation imposed under this chapter may sign the application.

116 (3) (a) Except as provided in Subsection (4), the liability of a minor for civil compensatory

117 damages caused when operating a motor vehicle upon a highway is imputed to the person who has

118 signed the application of the minor under Subsection (2).

119 (b) The person who has signed the application under Subsection (2) is jointly and severally
120 liable with the minor as provided in Subsections (3)(a) and (c).

121 (c) The liability imposed under Subsections (3)(a) and (b) is limited to the policy minimum
122 limits established in Section 31A-22-304.

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

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

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

130 (b) The division shall then cancel the permit or license of the minor, and the person who
131 signed the application of the minor under Subsection (2) is relieved from the liability imposed
132 under Subsection (3) or the minor operating a motor vehicle subsequent to the cancellation.

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

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

138 (7) (a) In addition to the liability assumed under this section, the person who signs the
139 application of a minor for a provisional license must certify that the minor applicant has completed
140 at least 30 hours of driving a motor vehicle under the authority of a permit issued under this
141 chapter.

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

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

145 **53A-13-208. Driver education teachers certified as license examiners.**

146 (1) The Driver License Division of the Department of Public Safety and the State Board
147 of Education through the State Office of Education shall establish procedures and standards to
148 certify teachers of driver education classes under this part to administer written and driving tests.

149 (2) The division is the certifying authority.

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

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

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

159 (4) (a) A certified driver education teacher shall issue a practice permit to a student who:

- 160 (i) is at least 15 years and nine months of age;
- 161 (ii) passes the written test given by the teacher under this section; and
- 162 (iii) has been issued an instruction permit under Subsection 53-3-210(2).

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

- 165 (i) the student's full name, date of birth, sex, home address, height, weight, and eye color;
- 166 (ii) the name of the school providing the driver education program;
- 167 (iii) the name and signature of the driver education teacher;
- 168 (iv) the dates of issuance and expiration of the permit;
- 169 (v) the statutory citation authorizing the permit; and
- 170 (vi) the conditions and restrictions contained in this section for operating a class D motor
171 vehicle.

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

176 (d) A student shall have the practice permit in his immediate possession at all times when
177 operating a motor vehicle under this section.

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

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

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

187 Section 6. **Effective date.**

188 This act takes effect on July 1, 1999.