

1 **DRIVER TRAINING PERMITS**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Marda Dillree**

5 AN ACT RELATING TO PUBLIC SAFETY; PROVIDING FOR DRIVER TRAINING  
6 PERMITS; PROVIDING FOR ISSUANCE; PROVIDING RESTRICTIONS; PROVIDING  
7 CERTAIN FEE INCREASES; REPEALING INSTRUCTION PERMITS, PRACTICE  
8 PERMITS, AND LEARNER PERMITS; AMENDING TESTING AUTHORITY FOR  
9 CERTAIN DRIVER EDUCATION AND DRIVER TRAINING INSTRUCTORS; MAKING  
10 TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

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

12 AMENDS:

13 **53-3-104**, as last amended by Chapters 28 and 314, Laws of Utah 1995

14 **53-3-105**, as last amended by Chapter 247, Laws of Utah 1998

15 **53-3-202**, as last amended by Chapter 51, Laws of Utah 1997

16 **53-3-205**, as last amended by Chapter 155, Laws of Utah 1995

17 **53-3-210**, as last amended by Chapters 34 and 48, Laws of Utah 1996

18 **53-3-211**, as last amended by Chapter 260, Laws of Utah 1998

19 **53-3-231**, as last amended by Chapter 98, Laws of Utah 1998

20 **53-3-502**, as renumbered and amended by Chapter 234, Laws of Utah 1993

21 **53-3-504**, as renumbered and amended by Chapter 234, Laws of Utah 1993

22 **53-3-903**, as last amended by Chapter 12, Laws of Utah 1994

23 **53A-13-201**, as last amended by Chapter 48, Laws of Utah 1996

24 **53A-13-208**, as last amended by Chapter 48, Laws of Utah 1996

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

26 Section 1. Section **53-3-104** is amended to read:

27 **53-3-104. Division duties.**

- 28 (1) The division shall:
- 29 (a) make rules:
- 30 (i) for examining applicants for a license, as necessary for the safety and welfare of the
- 31 traveling public;
- 32 (ii) regarding the restrictions to be imposed on a person driving a motor vehicle with a
- 33 [~~temporary learner~~] driver training permit and a commercial driver instruction permit; and
- 34 (iii) for exemptions from licensing requirements as authorized in this chapter;
- 35 (b) examine each applicant according to the class of license applied for;
- 36 (c) license motor vehicle drivers;
- 37 (d) file every application for a license received by it and shall maintain indices containing:
- 38 (i) all applications denied and the reason each was denied;
- 39 (ii) all applications granted; and
- 40 (iii) the name of every licensee whose license has been suspended, disqualified, or revoked
- 41 by the division and the reasons for the action;
- 42 (e) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this
- 43 chapter;
- 44 (f) file all accident reports and abstracts of court records of convictions received by it
- 45 under state law;
- 46 (g) maintain a record of each licensee showing his convictions and the traffic accidents in
- 47 which he has been involved where a conviction has resulted;
- 48 (h) consider the record of a licensee upon an application for renewal of a license and at
- 49 other appropriate times;
- 50 (i) search the license files, compile, and furnish a report on the driving record of any
- 51 person licensed in the state when requested by any person;
- 52 (j) develop and implement a record system as required by Section 41-6-48.5;
- 53 (k) in accordance with Section 53A-13-208, establish:
- 54 (i) procedures and standards to certify teachers of driver education classes to administer
- 55 written and driving tests;
- 56 (ii) minimal standards for the driver education class tests; and
- 57 (iii) procedures to enable school districts to administer or process any tests for students
- 58 to receive a class D operator's license;

59 (l) provide administrative support to the Driver License Medical Advisory Board created  
60 in Section 53-3-303; and

61 (m) provide drivers license information, including photograph, and drivers history to  
62 licensed private investigators upon written request.

63 (2) The division may:

64 (a) collect fees under Section 53-3-105 for searching and compiling its files or furnishing  
65 a report on the driving record of a person; and

66 (b) prepare under the seal of the division and deliver upon request, a certified copy of any  
67 record of the division, and charge a fee under Section 63-38-3.2 for each document authenticated.

68 (3) Each certified copy of a driving record furnished under Subsection (1)(i) is admissible  
69 in any court proceeding in the same manner as the original.

70 Section 2. Section **53-3-105** is amended to read:

71 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and**  
72 **identification cards.**

73 The following fees apply under this chapter:

74 (1) An original class D license application under Section 53-3-205 is \$15.

75 (2) An original class M license application under Section 53-3-205 is \$17.50.

76 (3) An original provisional license application for a class D license under Section 53-3-205  
77 is [~~\$20~~] \$30.

78 (4) An original provisional license application for a class M license under Section  
79 53-3-205 is [~~\$22.50~~] \$32.50.

80 (5) An original application for a motorcycle endorsement under Section 53-3-205 is \$7.50.

81 (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.

82 (7) A renewal of a class D license under Section 53-3-214 is \$15 unless Subsection (13)  
83 applies.

84 (8) A renewal of a class M license under Section 53-3-214 is \$17.50.

85 (9) A renewal of a provisional license application for a class D license under Section  
86 53-3-214 is \$15.

87 (10) A renewal of a provisional license application for a class M license under Section  
88 53-3-214 is \$17.50.

89 (11) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.

- 90 (12) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.
- 91 (13) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
- 92 \$5.
- 93 (14) An extension of a class D license under Section 53-3-214 is \$12 unless Subsection
- 94 (20) applies.
- 95 (15) An extension of a class M license under Section 53-3-214 is \$14.50.
- 96 (16) An extension of a provisional license application for a class D license under Section
- 97 53-3-214 is \$12.
- 98 (17) An extension of a provisional license application for a class M license under Section
- 99 53-3-214 is \$14.50.
- 100 (18) An extension of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- 101 (19) An extension of a taxicab endorsement under Section 53-3-214 is \$5.
- 102 (20) An extension of a class D license for a person 65 and older under Section 53-3-214
- 103 is \$3.
- 104 (21) An original or renewal application for a commercial class A, B, or C license or an
- 105 original or renewal of a provisional commercial class A or B license under Part 4 of this chapter
- 106 is:
- 107 (a) \$30 for the written test; and
- 108 (b) \$50 for the skills test.
- 109 (22) Each original CDL endorsement for passengers, hazardous material, double or triple
- 110 trailers, or tankers is \$5.
- 111 (23) An original CDL endorsement for a school bus under Part 4 of this chapter is \$5.
- 112 (24) A renewal of a CDL endorsement under Part 4 of this chapter is \$5.
- 113 (25) A retake of a CDL written or a CDL skills test provided for in Section 53-3-205 is
- 114 \$15.
- 115 (26) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$5.
- 116 (27) A duplicate class A, B, C, D, or M license certificate under Section 53-3-215 is \$10.
- 117 (28) (a) A license reinstatement application under Section 53-3-205 is \$25.
- 118 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
- 119 combination of alcohol and any drug-related offense is \$25 in addition to the fee under Subsection
- 120 (28)(a).

121 (29) An administrative fee for license reinstatement after an alcohol, drug, or combination  
122 of alcohol and any drug-related offense under Section 41-6-44.10, 53-3-223, or 53-3-231 or an  
123 alcohol, drug, or combination of alcohol and any drug-related offense under Part 4 of this chapter  
124 is \$150. This administrative fee is in addition to the fees under Subsection (28).

125 (30) An administrative fee for license reinstatement after confiscation under Section  
126 53-3-226 is \$25.

127 (31) (a) An administrative fee for providing the driving record of a driver under Section  
128 53-3-104 or 53-3-420 is \$4.

129 (b) The division may not charge for a report furnished under Section 53-3-104 to a  
130 municipal, county, state, or federal agency.

131 (32) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

132 (33) An identification card application under Section 53-3-808 is \$5.

133 Section 3. Section **53-3-202** is amended to read:

134 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

135 (1) A person may not drive a motor vehicle on a highway in this state unless the person  
136 is:

137 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the  
138 division under this chapter;

139 (b) driving an official United States Government class D motor vehicle with a valid United  
140 States Government driver permit or license for that type of vehicle;

141 (c) driving a road roller, road machinery, or any farm tractor or implement of husbandry  
142 temporarily drawn, moved, or propelled on the highways;

143 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who has  
144 in his immediate possession a valid license certificate issued to him in his home state or country  
145 and is driving as a class D or M driver;

146 (e) a nonresident who is at least 18 years of age and who has in his immediate possession  
147 a valid license certificate issued to him in his home state or country if driving in the class or classes  
148 identified on the home state license certificate, except those persons referred to in Part 6 of this  
149 chapter;

150 (f) driving under a [~~temporary learner permit, instruction permit, or practice~~] driver  
151 training permit [in accordance with] under Section 53-3-210 or 53A-13-208 or a commercial driver

152 instruction permit under Section 53-3-408;

153 (g) driving with a temporary license certificate issued in accordance with Section  
154 53-3-207; or

155 (h) exempt under Title 41, Chapter 22, Off-highway Vehicles.

156 (2) A person may not drive or, while within the passenger compartment of a motor vehicle,  
157 exercise any degree or form of physical control of a motor vehicle being towed by a motor vehicle  
158 upon a highway unless the person:

159 (a) holds a valid license issued under this chapter for the type or class of motor vehicle  
160 being towed; or

161 (b) is exempted under either Subsection (1)(b) or (1)(c).

162 (3) A person may not drive a motor vehicle as a taxicab on a highway of this state unless  
163 the person has a taxicab endorsement issued by the division on his license certificate.

164 (4) (a) A person may not operate an electric assisted bicycle as defined under Section  
165 41-6-1 unless the person has a valid class M or class D license issued under this chapter.

166 (b) Subsection (4)(a) is an exception to the provisions of Section 53-3-104.

167 (5) A person who violates this section is guilty of a class C misdemeanor.

168 Section 4. Section **53-3-205** is amended to read:

169 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**  
170 **Expiration dates of licenses and endorsements -- Information required -- Previous licenses**  
171 **surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required**  
172 **-- License agreement.**

173 (1) An application for any original license, provisional license, or endorsement shall be:

174 (a) made upon a form furnished by the division; and

175 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

176 (2) An application and fee for an original class D license entitle the applicant to:

177 (a) not more than three attempts to pass both the written and skills tests for a class D  
178 license within [~~six months~~] one year of the date of the application;

179 (b) a [~~learner~~] driver training permit, if needed, after the written test is passed; and

180 (c) an original class D license and license certificate after all tests are passed.

181 (3) An application and fee for an original class M license entitle the applicant to:

182 (a) not more than three attempts to pass both the written and skills tests for a class M

183 license within ~~[six months]~~ one year of the date of the application;

184 (b) a ~~[learner]~~ driver training permit, if needed, after the written test is passed; and

185 (c) an original class M license and license certificate after all tests are passed.

186 (4) An application and fee for a motorcycle or taxicab endorsement entitle the applicant

187 to:

188 (a) not more than three attempts to pass both the written and skills tests within ~~[six~~  
189 ~~months]~~ one year of the date of the application;

190 (b) a motorcycle ~~[learner]~~ driver training permit, if needed, after the motorcycle written  
191 test is passed; and

192 (c) a motorcycle or taxicab endorsement when all tests are passed.

193 (5) An application and fees for a commercial class A, B, or C license entitle the applicant

194 to:

195 (a) not more than two attempts to pass a written test and not more than two attempts to  
196 pass a skills test within six months of the date of the application;

197 (b) a commercial driver instruction permit if needed after the written test is passed; and

198 (c) an original commercial class A, B, or C license and license certificate when all  
199 applicable tests are passed.

200 (6) An application and fee for a CDL endorsement entitle the applicant to:

201 (a) not more than two attempts to pass a written test and not more than two attempts to  
202 pass a skills test within six months of the date of the application; and

203 (b) a CDL endorsement when all tests are passed.

204 (7) If a CDL applicant does not pass a written test, skills test, or an endorsement test within  
205 the number of attempts provided in Subsection (5) or (6), each test may be taken two additional  
206 times within the six months for the fee provided in Section 53-3-105.

207 ~~[(8) An original license, an extension or a renewal, and any endorsement to the license~~  
208 ~~granted before October 1, 1991, expires on the birth date of the applicant in the fourth year~~  
209 ~~following the year the license certificate is issued.]~~

210 ~~[(9)]~~ (8) (a) An original license ~~[granted after September 30, 1991,]~~ expires on the birth  
211 date of the applicant in the fifth year following the year the license certificate was issued.

212 (b) A renewal or an extension to a license ~~[granted after September 30, 1991,]~~ expires on  
213 the birth date of the licensee in the fifth year following the expiration date of the license certificate

214 renewed or extended.

215 (c) A duplicate license expires on the same date as the last license certificate issued.

216 (d) An endorsement to a license expires on the same date as the license certificate  
217 regardless of the date the endorsement was granted.

218 (e) A license and any endorsement to the license held by a person ordered to active duty  
219 and stationed outside Utah in any of the armed forces of the United States, which expires during  
220 the time period the person is stationed outside of the state, is valid until 90 days after the person  
221 has been discharged or has left the service, unless the license is suspended, disqualified, denied,  
222 or has been cancelled or revoked by the division, or the licensee updates the information or  
223 photograph on the license certificate.

224 [(10)] (9) (a) In addition to the information required by Title 63, Chapter 46b,  
225 Administrative Procedures Act, for requests for agency action, each application shall:

226 (i) state the full legal name, birth date, sex, social security number, and residence address  
227 of the applicant;

228 (ii) briefly describe the applicant;

229 (iii) state whether the applicant has previously been licensed to drive a motor vehicle and,  
230 if so, when and by what state or country;

231 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,  
232 disqualified, or denied in the last six years, or whether the applicant has ever had any license  
233 application refused, and if so, the date of and reason for the suspension, cancellation, revocation,  
234 disqualification, denial, or refusal;

235 (v) provide all other information the division requires; and

236 (vi) be signed and verified before a person authorized to administer oaths.

237 (b) An applicant's social security number shall be maintained on the computerized records  
238 of the division.

239 [(11)] (10) The division shall require proof of every applicant's name, birthdate, and  
240 birthplace by at least one of the following means:

241 (a) current license certificate;

242 (b) birth certificate;

243 (c) Selective Service registration; or

244 (d) other proof, including church records, family Bible notations, school records, or other



245 evidence considered acceptable by the division.

246 [(12)] (11) When an applicant receives a license in another class, all previous license  
247 certificates shall be surrendered and canceled. However, a disqualified commercial license may  
248 not be canceled unless it expires before the new license certificate is issued.

249 [(13)] (12) (a) When an application is received from a person previously licensed in  
250 another state to drive a motor vehicle, the division shall request a copy of the driver's record from  
251 the other state.

252 (b) When received, the driver's record becomes part of the driver's record in this state with  
253 the same effect as though entered originally on the driver's record in this state.

254 [(14)] (13) An application for reinstatement of a license after the suspension, cancellation,  
255 disqualification, denial, or revocation of a previous license shall be accompanied by the additional  
256 fee or fees specified in Section 53-3-105.

257 [(15)] (14) A person who has an appointment with the division for testing and fails to keep  
258 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee  
259 under Section 53-3-105.

260 [(16)] (15) A person who applies for an original license or renewal of a license agrees that  
261 the person's license is subject to any suspension or revocation authorized under this title or Title  
262 41, Motor Vehicles.

263 Section 5. Section **53-3-210** is amended to read:

264 **53-3-210. Driver training permit -- Issuance -- Restrictions -- Contents.**

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

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

271 [(2) (a) (1) The division, upon receiving an application, may issue [an instruction] a driver  
272 training permit effective for one year to an applicant who [is enrolled in a driver education program  
273 that includes practice driving, if the program is approved by the State Office of Education, even  
274 though the applicant has not reached the legal age to be eligible for a license.]:

275 [(b) The instruction permit entitles the applicant, while having the permit in his immediate

276 possession, to drive a motor vehicle, only if an approved instructor is occupying a seat beside the  
277 applicant or in accordance with the requirements of Subsections (4) and 53A-13-208 (4).]

278 [~~(3) The division may issue a commercial driver instruction permit under Title 53, Chapter~~  
279 ~~3, Part 4, Uniform Commercial Driver License Act.]~~

280 [~~(4) (a) The division shall issue a practice permit to an applicant who:]~~

281 [~~(i) is at least 15 years and nine months of age;]~~

282 [~~(ii) has been issued an instruction permit under this section;]~~

283 [~~(iii) is enrolled in or has successfully completed a driver education course in a:]~~

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

286 [~~(B) driver education program approved by the division;]~~

287 [~~(iv) has passed the written test required by the division;]~~

288 [~~(v) has passed the physical and mental fitness tests; and]~~

289 [~~(vi) has submitted the nonrefundable fee for a class D license.]~~

290 (a) is 15 years and six months of age;

291 (b) has passed the physical and mental fitness tests; and

292 (c) has submitted the nonrefundable fee for a class D license.

293 (2) Prior to successfully completing the driving instruction portion and the written test of  
294 an approved driver education course, the driver training permit allows the permit holder to drive  
295 a class D motor vehicle if:

296 (a) a certified driver education teacher, under Section 53A-13-208 or a licensed  
297 commercial driver training school instructor is occupying a seat next to the permit holder; or

298 (b) a licensed driver who is the permit holder's parent, legal guardian, or adult spouse is  
299 occupying a seat next to the permit holder and if:

300 (i) no other passengers are in the vehicle;

301 (ii) the driving occurs during daylight hours; and

302 (iii) the driving occurs exclusively on highways with a posted speed limit of 40 miles per  
303 hour or less.

304 (3) Upon successfully completing the driving instruction portion and the written test of an  
305 approved driver education course, the driver training permit holder's certified driver education  
306 teacher or licensed commercial driver training school instructor shall endorse or validate the permit

307 in a manner prescribed by the division. Upon obtaining this endorsement or validation, the driver  
 308 training permit allows the permit holder to drive a class D motor vehicle if:

309 (a) a licensed driver at least 21 years of age is occupying a seat next to the permit holder;  
 310 and

311 (b) no more than two people under 21 years of age, not counting immediate family  
 312 members of the driver, are passengers in the vehicle; and

313 (c) all passengers are restrained with a seat belt or child restraint device as provided under  
 314 Title 41, Chapter 6, Traffic Rules and Regulations.

315 [(b)] (4) The division shall supply the [practice] driver training permit form. The form  
 316 shall include the following information:

317 [(i)] (a) the person's full name, date of birth, sex, home address, height, weight, and eye  
 318 color;

319 [(ii)] ~~the name of the school providing the driver education course;~~

320 [(iii)] (b) the dates of issuance and expiration of the permit;

321 [(iv)] (c) the statutory citation authorizing the permit; and

322 [(v)] (d) the conditions [and], restrictions [contained], and spaces specified in this section  
 323 for operating a class D motor vehicle.

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

329 [(d)] (5) If an applicant has been issued a [practice] driver training permit by the division,  
 330 the applicant may obtain an original or provisional class D license from the division upon:

331 (a) completing an approved course in driver education;

332 (b) passing the skills test administered by the division; and

333 (c) reaching 16 years of age.

334 Section 6. Section **53-3-211** is amended to read:

335 **53-3-211. Application of minors -- Liability of person signing application --**  
 336 **Cancellation of cosigning adult's liability.**

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

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

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

342 (b) If the minor applicant does not have a parent or guardian, then a responsible adult who  
343 is willing to assume the obligation imposed under this chapter may sign the application.

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

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

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

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

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

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

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

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

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

366 Section 7. Section **53-3-231** is amended to read:

367 **53-3-231. Person under 21 may not operate vehicle with detectable alcohol in body**  
368 **-- Chemical test procedures -- Temporary license -- Hearing and decision -- Suspension of**

369 **license or operating privilege -- Fees -- Judicial review -- Referral to local substance abuse**  
370 **authority or program.**

371 (1) (a) As used in this section:

372 (i) "Local substance abuse authority" has the same meaning as provided in Section  
373 62A-8-101.

374 (ii) "Substance abuse program" means any substance abuse program licensed by the  
375 Department of Human Services or the Department of Health and approved by the local substance  
376 abuse authority.

377 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall  
378 be made in accordance with the procedures in Subsection 41-6-44(2).

379 (2) (a) A person younger than 21 years of age may not operate or be in actual physical  
380 control of a vehicle with any measurable blood, breath, or urine alcohol concentration in his body  
381 as shown by a chemical test.

382 (b) (i) A person with a valid operator license who violates Subsection (a), in addition to  
383 any other applicable penalties arising out of the incident, shall have his operator license denied or  
384 suspended as provided in Subsection (2)(b)(ii).

385 (ii) (A) For a first offense under Subsection (2)(a), the Driver License Division of the  
386 Department of Public Safety shall deny the person's operator license if ordered or not challenged  
387 under this section for a period of 90 days beginning on the 30th day after the date of the arrest  
388 under Section 32A-12-209.

389 (B) For a second or subsequent offense under Subsection (2)(a), within three years of a  
390 prior denial or suspension, the Driver License Division shall suspend the person's operator license  
391 for a period of one year beginning on the 30th day after the date of arrest.

392 (c) (i) A person who has not been issued an operator license who violates Subsection (a),  
393 in addition to any other penalties arising out of the incident, shall be punished as provided in  
394 Subsection (2)(c)(ii).

395 (ii) For one year or until he is 17, whichever is longer, a person may not operate a vehicle  
396 and the Driver License Division may not issue the person an operator license or [learner's] driver  
397 training permit.

398 (3) (a) When a peace officer has reasonable grounds to believe that a person may be  
399 violating or has violated Subsection (2), the peace officer may, in connection with arresting the

400 person for a violation of Section 32A-12-209, request that the person submit to a chemical test or  
401 tests to be administered in compliance with the standards under Section 41-6-44.10.

402 (b) The peace officer shall advise a person prior to the person's submission to a chemical  
403 test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension  
404 of the person's license to operate a motor vehicle or a refusal to issue a license.

405 (c) If the person submits to a chemical test and the test results indicate a blood, breath, or  
406 urine alcohol content in violation of Subsection (2)(a), or if the officer makes a determination,  
407 based on reasonable grounds, that the person is otherwise in violation of Subsection (2)(a), the  
408 officer directing administration of the test or making the determination shall serve on the person,  
409 on behalf of the Driver License Division, immediate notice of the Driver License Division's  
410 intention to deny or suspend the person's license to operate a vehicle or refusal to issue a license  
411 under Subsection (2).

412 (4) When the officer serves immediate notice on behalf of the Driver License Division,  
413 he shall:

414 (a) take the Utah license certificate or permit, if any, of the operator;

415 (b) issue a temporary license certificate effective for only 29 days if the driver had a valid  
416 operator's license; and

417 (c) supply to the operator, on a form to be approved by the Driver License Division, basic  
418 information regarding how to obtain a prompt hearing before the Driver License Division.

419 (5) A citation issued by the officer may, if approved as to form by the Driver License  
420 Division, serve also as the temporary license certificate under Subsection (4)(b).

421 (6) The peace officer serving the notice shall send to the Driver License Division within  
422 five days after the date of arrest and service of the notice:

423 (a) the person's driver license certificate, if any;

424 (b) a copy of the citation issued for the offense;

425 (c) a signed report on a form approved by the Driver License Division indicating the  
426 chemical test results, if any; and

427 (d) any other basis for the officer's determination that the person has violated Subsection  
428 (2).

429 (7) (a) (i) Upon written request, the Driver License Division shall grant to the person an  
430 opportunity to be heard within 29 days after the date of arrest under Section 32A-12-209.

- 431 (ii) The request shall be made within ten days of the date of the arrest.
- 432 (b) A hearing, if held, shall be before the Driver License Division in the county in which  
433 the arrest occurred, unless the Driver License Division and the person agree that the hearing may  
434 be held in some other county.
- 435 (c) The hearing shall be documented and shall cover the issues of:
- 436 (i) whether a peace officer had reasonable grounds to believe the person was operating a  
437 motor vehicle in violation of Subsection (2)(a);
- 438 (ii) whether the person refused to submit to the test; and
- 439 (iii) the test results, if any.
- 440 (d) In connection with a hearing the Driver License Division or its authorized agent may  
441 administer oaths and may issue subpoenas for the attendance of witnesses and the production of  
442 relevant books and papers.
- 443 (e) One or more members of the Driver License Division may conduct the hearing.
- 444 (f) Any decision made after a hearing before any number of the members of the Driver  
445 License Division is as valid as if made after a hearing before the full membership of the Driver  
446 License Division.
- 447 (g) After the hearing, the Driver License Division shall order whether the person:
- 448 (i) with a valid license to operate a motor vehicle will have his license denied or not or  
449 suspended or not; or
- 450 (ii) without a valid operator license will be refused a license under Subsection (2)(c).
- 451 (h) If the person for whom the hearing is held fails to appear before the Driver License  
452 Division as required in the notice, the division shall order whether the person shall have his license  
453 denied, suspended, or not denied or suspended, or whether an operator license will be refused or  
454 not refused.
- 455 (8) (a) Following denial or suspension the Driver License Division shall assess against a  
456 person, in addition to any fee imposed under Subsection 53-3-205(14), a fee under Section  
457 53-3-105, which shall be paid before the person's driving privilege is reinstated, to cover  
458 administrative costs. This fee shall be canceled if the person obtains an unappealed Driver License  
459 Division hearing or court decision that the suspension was not proper.
- 460 (b) A person whose operator license has been denied, suspended, or postponed by the  
461 Driver License Division under this section may file a petition within 30 days after the suspension

462 for a hearing on the matter which, if held, is governed by Section 53-3-224.

463 (9) After reinstatement of an operator license for a first offense under this section, a report  
464 authorized under Section 53-3-104 may not contain evidence of the denial or suspension of the  
465 person's operator license under this section if he has not been convicted of any other offense for  
466 which the denial or suspension may be extended.

467 (10) (a) In addition to the penalties in Subsection (2), a person who violates Subsection  
468 (2)(a) shall:

469 (i) obtain an assessment and recommendation for appropriate action from a substance  
470 abuse program, but any associated costs shall be the person's responsibility; or

471 (ii) be referred by the Driver License Division to the local substance abuse authority for  
472 an assessment and recommendation for appropriate action.

473 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator  
474 license is contingent upon successful completion of the action recommended by the local substance  
475 abuse authority or the substance abuse program.

476 (ii) The local substance abuse authority's or the substance abuse program's recommended  
477 action shall be determined by an assessment of the person's alcohol abuse and may include:

478 (A) a targeted education and prevention program;

479 (B) an early intervention program; or

480 (C) a substance abuse treatment program.

481 (iii) Successful completion of the recommended action shall be determined by standards  
482 established by the Division of Substance Abuse.

483 (c) At the conclusion of the penalty period imposed under Subsection (2), the local  
484 substance abuse authority or the substance abuse program shall notify the Driver License Division  
485 of the person's status regarding completion of the recommended action.

486 (d) The local substance abuse authorities and the substance abuse programs shall cooperate  
487 with the Driver License Division in:

488 (i) conducting the assessments;

489 (ii) making appropriate recommendations for action; and

490 (iii) notifying the Driver License Division about the person's status regarding completion  
491 of the recommended action.

492 (e) (i) The local substance abuse authority is responsible for the cost of the assessment of



493 the person's alcohol abuse, if the assessment is conducted by the local substance abuse authority.

494 (ii) The local substance abuse authority or a substance abuse program selected by a person  
495 is responsible for:

496 (A) conducting an assessment of the person's alcohol abuse; and

497 (B) for making a referral to an appropriate program on the basis of the findings of the  
498 assessment.

499 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees  
500 associated with the recommended program to which the person selected or is referred.

501 (B) The costs and fees under Subsection (10)(e)(iii)(A) shall be based on a sliding scale  
502 consistent with the local substance abuse authority's policies and practices regarding fees for  
503 services or determined by the substance abuse program.

504 Section 8. Section **53-3-502** is amended to read:

505 **53-3-502. Definitions.**

506 As used in this part:

507 (1) "Commercial driver training school" or "school" means a business enterprise conducted  
508 by an individual, association, partnership, or corporation for the education and training of persons,  
509 either practically or theoretically, or both, to drive motor vehicles, including motorcycles, and to  
510 prepare an applicant for an examination given by the state for a license or [learner] driver training  
511 permit, and charging a consideration or tuition for those services.

512 (2) "Instructor" means any person, whether acting for himself as operator of a commercial  
513 driver training school or for any school for compensation, who teaches, conducts classes of, gives  
514 demonstrations to, or supervises practice of persons learning to drive motor vehicles, including  
515 motorcycles, or preparing to take an examination for a license or [learner] driver training permit,  
516 and any person who supervises the work of any other instructor.

517 Section 9. Section **53-3-504** is amended to read:

518 **53-3-504. Licenses required -- Inspections.**

519 (1) A commercial driver training school may be established only if the school applies for  
520 and obtains a license from the division.

521 (2) A person may act as an instructor only if the person applies for and obtains a license  
522 from the division.

523 (3) The division may certify licensed instructors of commercial driver training schools,

524 under this part, to administer written tests and to endorse or validate driver training permits in  
525 compliance with the procedures, standards, and privileges authorized under Section 53A-13-208.

526 [~~3~~] (4) The division shall inspect the school facilities and equipment of applicants and  
527 licensees and examine applicants for instructor's licenses.

528 [~~4~~] (5) The division shall administer and enforce this part.

529 Section 10. Section **53-3-903** is amended to read:

530 **53-3-903. Motorcycle Rider Education Program.**

531 (1) (a) The division shall develop standards for and administer the Motorcycle Rider  
532 Education Program.

533 (b) The division shall make rules in accordance with Title 63, Chapter 46a, Utah  
534 Administrative Rulemaking Act, to implement this chapter.

535 (2) The program shall include:

536 (a) a novice rider training course;

537 (b) a rider training course for experienced riders; and

538 (c) an instructor training course.

539 (3) The division may expand the program to include:

540 (a) enhancing public awareness of motorcycle riders;

541 (b) increasing the awareness of motorcycle riders of the effects of alcohol and drugs;

542 (c) motorcycle rider skills improvement;

543 (d) program and other motorcycle safety promotion; and

544 (e) improvement of motorcycle licensing efforts.

545 (4) (a) Rider training courses shall be open to all residents of the state who either hold a  
546 valid driver's license for any classification or are eligible for a [~~temporary~~] motorcycle [~~learner's~~]  
547 driver training permit.

548 (b) An adequate number of novice rider training courses shall be provided to meet the  
549 reasonably anticipated needs of all persons in the state who are eligible and who desire to  
550 participate in the program.

551 (c) Program delivery may be phased in over a reasonable period of time.

552 (5) (a) The division may enter into contracts with either public or private institutions to  
553 provide a rider training course approved by the division.

554 (b) The institution shall issue certificates of completion in the manner and form prescribed

555 by the director to persons who satisfactorily complete the requirements of the course.

556 (c) An institution conducting a rider training course may charge a reasonable tuition fee  
557 to cover the cost of offering the course.

558 (d) (i) The division may use program funds to defray its own expenses in administering  
559 the program.

560 (ii) The division may reimburse entities that offer approved courses for actual expenses  
561 incurred in offering the courses, up to a limit established by the division based upon available  
562 program funds.

563 (iii) Any reimbursement paid to an entity must be entirely reflected by the entity in reduced  
564 course enrollment fees for students.

565 (6) (a) Standards for the motorcycle rider training courses, including standards for course  
566 curriculum, materials, and student evaluation, and standards for the training and approval of  
567 instructors shall meet or exceed established national standards for motorcycle rider training courses  
568 prescribed by the Motorcycle Safety Foundation.

569 (b) Motorcycle rider training courses shall be taught only by instructors approved under  
570 Section 53-3-904.

571 (c) Motorcycle rider training courses for novices shall include at least eight hours of  
572 practice riding.

573 (7) The commissioner shall appoint a full-time program coordinator to oversee and direct  
574 the program.

575 Section 11. Section **53A-13-201** is amended to read:

576 **53A-13-201. Driver education established by school districts.**

577 (1) (a) Local school districts may establish and maintain driver education classes for  
578 pupils.

579 (b) A school that provides driver education shall provide opportunity for each pupil  
580 enrolled in that school to [~~take the written test and be issued a practice permit~~] begin driver  
581 education when the pupil is 15 years and nine months of age.

582 (2) "Driver education," as used in this chapter, includes classroom instruction and  
583 behind-the-wheel driving and observation in a dual controlled automobile.

584 (3) The aims and purposes of driver education are to develop the knowledge, attitudes,  
585 habits, and skills necessary for the safe operation of motor vehicles.

586 (4) The State Board of Education shall prescribe rules for driver education classes in the  
587 public schools.

588 (5) The rules under Subsection (4) shall require at least one hour of classroom training on  
589 the subject of railroad crossing safety for each driver education pupil.

590 Section 12. Section **53A-13-208** is amended to read:

591 **53A-13-208. Driver education teachers certified as license examiners.**

592 (1) The Driver License Division of the Department of Public Safety and the State Board  
593 of Education through the State Office of Education shall establish procedures and standards to  
594 certify teachers of driver education classes under this part to administer written [~~and driving~~] tests  
595 and to endorse or validate driver training permits.

596 (2) The division is the certifying authority.

597 (3) (a) A teacher certified under this section shall give written [~~and driving~~] tests designed  
598 for driver education classes authorized under this part.

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

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

606 (4) [(a)] A certified driver education teacher shall [issue] endorse or validate a [practice]  
607 driver training permit [to a student who:] on behalf of the Driver License Division, in accordance  
608 with the provisions of Section 53-3-210 and rules made under Subsection (7).

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

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

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

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

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

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

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

617 ~~[(iv) the dates of issuance and expiration of the permit;]~~  
618 ~~[(v) the statutory citation authorizing the permit, and]~~  
619 ~~[(vi) the conditions and restrictions contained in this section for operating a class D motor~~  
620 ~~vehicle.]~~

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

625 ~~[(d) A student shall have the practice permit in his immediate possession at all times when~~  
626 ~~operating a motor vehicle under this section.]~~

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

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

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

636 Section 13. **Effective date.**

637 This act takes effect on September 1, 1999.

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**Legislative Review Note**  
**as of 11-19-98 12:04 PM**

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

**Office of Legislative Research and General Counsel**