

Senator Scott N. Howell proposes to substitute the following bill:

GRADUATED DRIVER LICENSING

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott N. Howell

AN ACT RELATING TO PUBLIC SAFETY; INCREASING THE AGE REQUIREMENT FOR OBTAINING A PROVISIONAL DRIVER LICENSE; EXTENDING THE PERIOD FOR PRACTICE PERMITS; PROVIDING RESTRICTIONS FOR CERTAIN YOUNG DRIVERS AND THEIR PASSENGERS; REQUIRING CERTAIN DRIVING EXPERIENCE IN ORDER TO OBTAIN A DRIVER LICENSE; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

41-8-1, as last amended by Chapter 162, Laws of Utah 1987

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

53-3-203, as last amended by Chapter 51, Laws of Utah 1997

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

53-3-225, as last amended by Chapter 5, Laws of Utah 1993, Second Special Session

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

ENACTS:

41-8-2, Utah Code Annotated 1953

41-8-3, Utah Code Annotated 1953

41-8-4, Utah Code Annotated 1953

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

26 Section 1. Section **41-8-1** is amended to read:

27 **41-8-1. Operation of vehicle by persons under 16 prohibited -- Exceptions for**
28 **off-highway vehicles and off-highway implements of husbandry.**

29 (1) ~~[No]~~ A person under 16 years and three months of age, whether resident or nonresident
30 of this state, may not operate a motor vehicle upon any highway of this state.

31 (2) This section does not apply to:

32 (a) persons operating off-highway vehicles registered under Section 41-22-3 either:

33 (i) on a highway designated as open for off-highway vehicle use; or

34 (ii) in the manner prescribed by Section 41-22-10.3; or

35 (b) persons operating off-highway implements of husbandry in the manner prescribed by

36 Subsections 41-22-5.5 (3) through (5).

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

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

40 **41-8-2. Operation of vehicle by persons under 16 and six months during night hours**
41 **prohibited -- Affirmative defense.**

42 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
43 person younger than 16 years and six months of age, whether resident or nonresident of this state,
44 may not operate a motor vehicle upon any highway of this state between the hours of 11:00 p.m.
45 and 5:00 a.m.

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

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

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

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

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

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

57 Section 3. Section **41-8-3** is enacted to read:

58 **41-8-3. Operation of vehicle by persons under 16 and six months -- Passenger**
59 **limitations -- Exceptions -- Penalties.**

60 (1) In addition to the provisions of Title 53, Chapter 3, Uniform Driver License Act, a
61 person younger than 16 years and six months of age, whether resident or nonresident of this state,
62 may not operate a motor vehicle upon any highway of this state with any passenger who is not an
63 immediate family member.

64 (2) This section does not apply to a person who is operating a motor vehicle accompanied
65 by a licensed driver who is at least 21 years of age and is occupying a seat next to the driver.

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

68 Section 4. Section **41-8-4** is enacted to read:

69 **41-8-4. Seat belt requirements.**

70 (1) In addition to the provisions of Sections 41-6-148.20 and 41-6-182, all persons in a
71 motor vehicle being driven by a person younger than 18 years of age shall wear a properly adjusted
72 and fastened safety belt system or child restraint device, as applicable, that meets the standards set
73 by the commissioner of the Department of Public Safety.

74 (2) A violation of this section is a class C misdemeanor.

75 Section 5. Section **53-3-202** is amended to read:

76 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

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

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

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

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

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

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

92 (f) driving under a temporary learner permit, instruction permit, or practice permit in
93 accordance with Section 53-3-210 or 53A-13-208;

94 (g) driving with a temporary license certificate issued in accordance with Section
95 53-3-207; or

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

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

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

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

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

105 (4) (a) A person may not operate an electric assisted bicycle as defined under Section
106 41-6-1 unless the person has a valid class M or class D license issued under this chapter.

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

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

109 Section 6. Section **53-3-203** is amended to read:

110 **53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of**
111 **motor vehicles -- License requirements -- Employees must be licensed -- Violations.**

112 (1) A person may not authorize or knowingly permit a motor vehicle owned by him or
113 under his control to be driven by a person in violation of this chapter or of Title 41, Chapter 8,
114 Driving By Minors.

115 (2) (a) A person may not rent a motor vehicle to another person unless the person who will
116 be the driver is licensed in this state, or in the case of a nonresident, licensed under the laws of the
117 state or country of his residence.

118 (b) A person may not rent a motor vehicle to another person until he has inspected the

119 license certificate of the person who will be the driver and verified the signature on the license
120 certificate by comparison with the signature of the person who will be the driver written in his
121 presence.

122 (c) A person renting a motor vehicle to another shall keep a record of the:

123 (i) registration number of the rented motor vehicle;

124 (ii) name and address of the person to whom the motor vehicle is rented;

125 (iii) number of the license certificate of the renter; and

126 (iv) date and place the license certificate was issued.

127 (d) The record is open to inspection by any peace officer or officer or employee of the
128 division.

129 (3) A person may not employ a person to drive a motor vehicle who is not licensed as
130 required under this chapter.

131 (4) A person who violates Subsection (1), (2)(a), or (3) is guilty of a class C misdemeanor.
132 Section 7. Section **53-3-204** is amended to read:

133 **53-3-204. Persons who may not be licensed.**

134 (1) (a) The division may not license a person younger than 16 years and three months of
135 age or a person who has not completed a course in driver training approved by the commissioner.

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

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

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

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

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

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

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

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

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

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

150 (ii) Section 53-3-231.

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

154 Section 8. Section **53-3-210** is amended to read:

155 **53-3-210. Temporary learner permit -- Instruction permit -- Commercial driver**
156 **instruction permit -- Practice permit.**

157 (1) (a) The division upon receiving an application for a class D or M license from a person
158 16 years and three months of age or older may issue a temporary learner permit after the person
159 has successfully passed all parts of the examination not involving actually driving a motor vehicle.

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

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

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

170 (3) The division may issue a commercial driver instruction permit under Title 53, Chapter
171 3, Part 4, Uniform Commercial Driver License Act.

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

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

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

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

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

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

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

180 (v) has passed the physical and mental fitness tests; and

- 181 (vi) has submitted the nonrefundable fee for a class D license.
- 182 (b) The division shall supply the practice permit form. The form shall include the
- 183 following information:
- 184 (i) the person's full name, date of birth, sex, home address, height, weight, and eye color;
- 185 (ii) the name of the school providing the driver education course;
- 186 (iii) the dates of issuance and expiration of the permit;
- 187 (iv) the statutory citation authorizing the permit; and
- 188 (v) the conditions and restrictions contained in this section for operating a class D motor
- 189 vehicle.

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

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

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

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

194 passengers, except immediate family members of the driver, are in the vehicle.

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

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

197 administered by the division and reaching 16 years and three months of age.

198 Section 9. Section **53-3-211** is amended to read:

199 **53-3-211. Application of minors -- Liability of person signing application --**

200 **Cancellation of cosigning adult's liability.**

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

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

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

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

205 a person authorized to administer oaths.

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

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

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

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

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

211 (b) The person who has signed the application under Subsection (2) is jointly and severally

212 liable with the minor as provided in Subsections (3)(a) and (c).

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

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

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

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

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

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

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

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

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

236 Section 10. Section **53-3-225** is amended to read:

237 **53-3-225. Eligibility for new license after revocation.**

238 (1) (a) Except as provided in Subsections (b) and (c), a person whose license has been
239 revoked under this chapter may not apply for or receive any new license until the expiration of one
240 year from the date the former license was revoked.

241 (b) A person's license may be revoked for a longer period as provided in:

242 (i) Section 53-3-220, for driving a motor vehicle while the person's license is revoked, or

243 involvement as a driver in an accident or violation of the motor vehicle laws; and

244 (ii) Section 53-3-221, for failing to comply with the terms of a traffic citation.

245 (c) (i) The length of the revocation required by Subsection 53-3-220(1)(a)(xi), (a)(xii),
246 (b)(i), or (b)(ii) shall be specified in an order of the court adjudicating or convicting the person of
247 the offense.

248 (ii) If the person adjudicated of the offense is younger than 16 years and three months of
249 age, the license or driving privilege shall be revoked for a minimum of one year, from age 16 and
250 three months, but not to exceed the date the person turns 21 years of age.

251 (iii) If the person adjudicated or convicted of the offense is 16 years of age or older, the
252 license or driving privilege shall be revoked for a minimum of one year, but not to exceed five
253 years.

254 (d) A revoked license may not be renewed.

255 (e) Application for a new license shall be filed in accordance with Section 53-3-205.

256 (f) The new license is subject to all provisions of an original license.

257 (g) The division may not grant the license until an investigation of the character, driving
258 abilities, and habits of the driver has been made to indicate whether it is safe to grant him a license.

259 (2) Any resident or nonresident whose license to drive a motor vehicle in this state has
260 been suspended or revoked under this chapter may not drive a motor vehicle in this state under a
261 license, permit, or registration certificate issued by any other jurisdiction or other source during
262 suspension or after revocation until a new license is obtained under this chapter.

263 Section 11. Section **53A-13-208** is amended to read:

264 **53A-13-208. Driver education teachers certified as license examiners.**

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

268 (2) The division is the certifying authority.

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

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

274 Act.

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

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

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

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

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

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

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

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

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

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

288 (v) the statutory citation authorizing the permit; and

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

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

292 The practice permit allows the student to operate a class D motor vehicle when the student's
293 parent, legal guardian, or adult spouse, who must be a licensed driver, is occupying a seat next to
294 the student and no other passengers, except immediate family members of the driver, are in the
295 vehicle.

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

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

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

304 (7) The division and board shall establish the standards and procedures required under this

305 section by rules made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
306 Act.

307 Section 12. **Effective date.**

308 This act takes effect on July 1, 1999.