

1                                   **DRIVER LICENSE - APPLICATION OF**  
2   **MINOR**

3   2006 GENERAL SESSION  
4   STATE OF UTAH

5                                   **Chief Sponsor: David Litvack**

6   Senate Sponsor: Gene Davis

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8 **LONG TITLE**

9 **General Description:**

10                   This bill modifies the ~~H→~~ Utah Human Services Code and ~~←H~~ Driver Licensing Act by  
10a                   amending provisions related to  
11                   applications by ~~H→~~ certain ~~←H~~ minors.

12 **Highlighted Provisions:**

13                   This bill:

14                   ▶ provides that if a minor applicant for a temporary learner permit, practice permit, or  
15                   provisional license is in the legal custody of the Division of Child and Family  
16                   Services, a parent or responsible adult who is willing to assume certain obligations  
17                   and liability requirements may sign the application; ~~H→~~ [and]

17a                   ▶ provides that the Office of Licensing within the Department of Human Services shall  
17b                   require a child placing agency that provides foster home services to notify a foster parent of  
17c                   the liability requirements when signing as a responsible adult for a foster child to receive a  
17d                   driver license;

17e                   ▶ grants the Office of Licensing rule making authority to establish procedures for a  
17f                   child placing agency to provide the notifications; and ~~←H~~

18                   ▶ makes technical changes.

19 **Monies Appropriated in this Bill:**

20                   None

21 **Other Special Clauses:**



22           None

23   **Utah Code Sections Affected:**

24   AMENDS:

25           **53-3-211**, as last amended by Chapter 222, Laws of Utah 2004

25a   **Ĥ→ ENACTS:**

25b           **62A-2-108.5, Utah Code Annotated 1953 ←Ĥ**

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

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

29 **53-3-211. Application of minors -- Liability of person signing application --**  
30 **Cancellation of cosigning adult's liability -- Behind-the-wheel driving certification.**

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

33 (2) (a) The application of a minor for a temporary learner permit, practice permit, or  
34 provisional license shall be signed by the parent or guardian of the applicant.

35 (b) If the minor applicant does not have a parent or guardian or is in the legal custody  
36 of the Division of Child and Family Services, then a parent or a responsible adult who is  
37 willing to assume the obligation imposed under this chapter may sign the application.

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

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

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

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

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

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

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

58 (6) (a) The division upon receipt of satisfactory evidence of the death of the person

59 who signed the application of a minor under Subsection (2) shall cancel the permit or license  
 60 and may not issue a new permit or license until a new application, signed and verified, is made  
 61 under this chapter.

62 (b) This Subsection (6) does not apply to an application of a person who is no longer a  
 63 minor.

64 (7) (a) In addition to the liability assumed under this section, the person who signs the  
 65 application of a minor for a provisional license must certify that the minor applicant, under the  
 66 authority of a permit issued under this chapter, has completed at least 40 hours of driving a  
 67 motor vehicle, of which at least ten hours shall be during night hours after sunset.

68 (b) The hours of driving a motor vehicle required under Subsection (7)(a) may include:

69 (i) hours completed in a driver education course as required under Subsection  
 70 53-3-505.5(1); and

71 (ii) up to five hours completed by driving simulation practice on a fully interactive  
 72 driving simulation device at the substitution rate provided under Subsection 53-3-505.5(2)(b).

72a **H→ Section 2. Section 62A-2-108.5 is enacted to read:**

72b **62A-2-108.5. Notification requirement for child placing agencies that provide foster**  
 72c **home services.**

72d **(1) The office shall require a child placing agency that provides foster home services to**  
 72e **notify a foster parent that if the foster parent signs as the responsible adult for a foster child to**  
 72f **receive a driver license under Section 53-3-211, the foster parent is jointly and severally liable**  
 72g **with the minor for civil compensatory damages caused by the minor when operating a motor**  
 72h **vehicle upon a highway as provided under Subsections 53-3-211(3) and (4).**

72i **(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rule making Act,**  
 72j **the office may make rules establishing the procedures for a child placing agency to provide the**  
 72k **notification required under this section. ←H**

**Legislative Review Note**  
 as of 1-9-06 12:41 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0298**

**Driver License - Application of Minor**

*23-Jan-06*

*10:08 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**