

1 **DRIVER LICENSE - LEARNER PERMIT**

2 **PROVISIONS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: John Dougall**

6 Senate Sponsor: Curtis S. Bramble

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Uniform Driver License Act and the State System of Public
11 Education Code by amending provisions related to learner permits.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that beginning on August 1, 2006, the Driver License Division shall issue a
15 learner permit to a person who is at least 15 years of age, has passed the knowledge
16 test, has passed the physical and mental fitness test, and has paid the learner permit
17 fee;

18 ▶ provides that the fee for a learner permit is \$15;

19 ▶ provides that an applicant with a learner permit may operate a motor vehicle if a
20 person who is 21 years of age or older and is a licensed driver is occupying the seat
21 next to the applicant;

22 ▶ provides that an applicant that has been issued a learner permit may obtain an
23 original or provisional class D license upon completing a driver education program,
24 passing the skills test required by the division, reaching 16 years of age, and paying
25 the fee for an original or provisional class D license application;

26 ▶ provides that a person 17 years of age or younger shall hold a learner permit for six
27 months before applying for a provisional class D license;



- 28 ▶ prohibits the Driver License Division from issuing a temporary learner permit, an
- 29 instruction permit, or a practice permit beginning on August 1, 2006;
- 30 ▶ repeals temporary learner permit, instruction permit, and practice permit provisions
- 31 on February 1, 2007;
- 32 ▶ authorizes a school district that provides driver education to provide an opportunity
- 33 for each pupil enrolled in that school or school district to take the written test when
- 34 the pupil is 15 years of age;
- 35 ▶ repeals provisions that authorize a school district to issue an instruction permit or a
- 36 practice permit;
- 37 ▶ requires a student enrolled in driver education provided by a school district to have
- 38 a learner permit issued by the division in the student's immediate possession at all
- 39 times when operating a motor vehicle during the driver education program; and
- 40 ▶ makes technical changes.

41 **Monies Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 This bill takes effect on August 1, 2006.

45 **Utah Code Sections Affected:**

46 AMENDS:

- 47 **41-8-1**, as last amended by Chapter 30, Laws of Utah 2003
- 48 **53-3-104**, as last amended by Chapters 2, 20 and 34, Laws of Utah 2005
- 49 **53-3-105**, as last amended by Chapter 2, Laws of Utah 2005
- 50 **53-3-106**, as last amended by Chapter 2, Laws of Utah 2005
- 51 **53-3-202**, as last amended by Chapter 2, Laws of Utah 2005
- 52 **53-3-204**, as last amended by Chapter 20, Laws of Utah 2005
- 53 **53-3-205**, as last amended by Chapters 20 and 34, Laws of Utah 2005
- 54 **53-3-210**, as last amended by Chapter 222, Laws of Utah 2004
- 55 **53-3-211**, as last amended by Chapter 222, Laws of Utah 2004
- 56 **53-3-408**, as last amended by Chapter 220, Laws of Utah 2005
- 57 **53A-13-201**, as last amended by Chapter 222, Laws of Utah 2004
- 58 **53A-13-208**, as last amended by Chapter 222, Laws of Utah 2004

59 **63-55b-153**, as last amended by Chapters 90, 251 and 328, Laws of Utah 2004

60 ENACTS:

61 **53-3-210.5**, Utah Code Annotated 1953



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

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

65 **41-8-1. Operation of vehicle by persons under 16 prohibited -- Exceptions for**
66 **off-highway vehicles and off-highway implements of husbandry.**

67 (1) A person under 16 years of age, whether resident or nonresident of this state, may
68 not operate a motor vehicle upon any highway of this state.

69 (2) This section does not apply to a person operating:

70 (a) a motor vehicle under a permit issued under Section 53-3-210, 53-3-210.5, or
71 53A-13-208;

72 (b) an off-highway vehicle registered under Section 41-22-3 either:

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

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

75 (c) an off-highway implement of husbandry in the manner prescribed by Subsections
76 41-22-5.5(3) through (5).

77 Section 2. Section **53-3-104** is amended to read:

78 **53-3-104. Division duties.**

79 The division shall:

80 (1) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
81 make rules:

82 (a) for examining applicants for a license, as necessary for the safety and welfare of the
83 traveling public;

84 (b) for acceptable documentation of an applicant's identity, Utah resident status, Utah
85 residence address, proof of legal presence, proof of citizenship of a country other than the
86 United States, and other proof or documentation required under this chapter;

87 (c) regarding the restrictions to be imposed on a person driving a motor vehicle with a
88 temporary learner permit or learner permit; and

89 (d) for exemptions from licensing requirements as authorized in this chapter;

- 90 (2) examine each applicant according to the class of license applied for;
- 91 (3) license motor vehicle drivers;
- 92 (4) file every application for a license received by it and shall maintain indices
- 93 containing:
- 94 (a) all applications denied and the reason each was denied;
- 95 (b) all applications granted; and
- 96 (c) the name of every licensee whose license has been suspended, disqualified, or
- 97 revoked by the division and the reasons for the action;
- 98 (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with
- 99 this chapter;
- 100 (6) file all accident reports and abstracts of court records of convictions received by it
- 101 under state law;
- 102 (7) maintain a record of each licensee showing his convictions and the traffic accidents
- 103 in which he has been involved where a conviction has resulted;
- 104 (8) consider the record of a licensee upon an application for renewal of a license and at
- 105 other appropriate times;
- 106 (9) search the license files, compile, and furnish a report on the driving record of any
- 107 person licensed in the state in accordance with Section 53-3-109;
- 108 (10) develop and implement a record system as required by Section 41-6a-604;
- 109 (11) in accordance with Section 53A-13-208, establish:
- 110 (a) procedures and standards to certify teachers of driver education classes to
- 111 administer knowledge and skills tests;
- 112 (b) minimal standards for the tests; and
- 113 (c) procedures to enable school districts to administer or process any tests for students
- 114 to receive a class D operator's license;
- 115 (12) in accordance with Section 53-3-510, establish:
- 116 (a) procedures and standards to certify licensed instructors of commercial driver
- 117 training school courses to administer the skills test;
- 118 (b) minimal standards for the test; and
- 119 (c) procedures to enable licensed commercial driver training schools to administer or
- 120 process skills tests for students to receive a class D operator's license; and

121 (13) provide administrative support to the Driver License Medical Advisory Board
122 created in Section 53-3-303.

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

124 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
125 **and identification cards.**

126 The following fees apply under this chapter:

127 (1) An original class D license application under Section 53-3-205 is \$20.

128 (2) An original class M license application under Section 53-3-205 is \$22.50.

129 (3) An original provisional license application for a class D license under Section
130 53-3-205 is \$25.

131 (4) An original provisional license application for a class M license under Section
132 53-3-205 is \$27.50.

133 (5) An original application for a motorcycle endorsement under Section 53-3-205 is
134 \$7.50.

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

136 (7) A learner permit application under Section 53-3-210.5 is \$15.

137 [~~(7)~~] (8) A renewal of a class D license under Section 53-3-214 is \$20 unless
138 Subsection [~~(13)~~] (14) applies.

139 [~~(8)~~] (9) A renewal of a class M license under Section 53-3-214 is \$22.50.

140 [~~(9)~~] (10) A renewal of a provisional license application for a class D license under
141 Section 53-3-214 is \$20.

142 [~~(10)~~] (11) A renewal of a provisional license application for a class M license under
143 Section 53-3-214 is \$22.50.

144 [~~(11)~~] (12) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.

145 [~~(12)~~] (13) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.

146 [~~(13)~~] (14) A renewal of a class D license for a person 65 and older under Section
147 53-3-214 is \$8.

148 [~~(14)~~] (15) An extension of a class D license under Section 53-3-214 is \$15 unless
149 Subsection [~~(20)~~] (21) applies.

150 [~~(15)~~] (16) An extension of a class M license under Section 53-3-214 is \$17.50.

151 [~~(16)~~] (17) An extension of a provisional license application for a class D license under

152 Section 53-3-214 is \$15.

153 ~~[(17)]~~ (18) An extension of a provisional license application for a class M license
154 under Section 53-3-214 is \$17.50.

155 ~~[(18)]~~ (19) An extension of a motorcycle endorsement under Section 53-3-214 is
156 \$7.50.

157 ~~[(19)]~~ (20) An extension of a taxicab endorsement under Section 53-3-214 is \$5.

158 ~~[(20)]~~ (21) An extension of a class D license for a person 65 and older under Section
159 53-3-214 is \$6.

160 ~~[(21)]~~ (22) An original or renewal application for a commercial class A, B, or C license
161 or an original or renewal of a provisional commercial class A or B license under Part 4,
162 Uniform Commercial Driver License Act, is:

163 (a) \$35 for the knowledge test; and

164 (b) \$55 for the skills test.

165 ~~[(22)]~~ (23) Each original CDL endorsement for passengers, hazardous material, double
166 or triple trailers, or tankers is \$5.

167 ~~[(23)]~~ (24) An original CDL endorsement for a school bus under Part 4, Uniform
168 Commercial Driver License Act, is \$5.

169 ~~[(24)]~~ (25) A renewal of a CDL endorsement under Part 4, Uniform Commercial
170 Driver License Act, is \$5.

171 ~~[(25)]~~ (26) A retake of a CDL knowledge or a CDL skills test provided for in Section
172 53-3-205 is \$15.

173 ~~[(26)]~~ (27) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$5.

174 ~~[(27)]~~ (28) A duplicate class A, B, C, D, or M license certificate under Section
175 53-3-215 is \$13.

176 ~~[(28)]~~ (29) (a) A license reinstatement application under Section 53-3-205 is \$25.

177 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
178 combination of alcohol and any drug-related offense is \$25 in addition to the fee under
179 Subsection ~~[(28)]~~ (29)(a).

180 ~~[(29)]~~ (30) (a) An administrative fee for license reinstatement after an alcohol, drug, or
181 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
182 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under

183 Part 4, Uniform Commercial Driver License Act, is \$150.

184 (b) This administrative fee is in addition to the fees under Subsection [~~(28)~~] (29).

185 [~~(30)~~] (31) (a) An administrative fee for providing the driving record of a driver under
186 Section 53-3-104 or 53-3-420 is \$4.

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

189 [~~(31)~~] (32) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

190 [~~(32)~~] (33) An identification card application under Section 53-3-808 is \$8.

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

192 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
193 **-- Uses as provided by appropriation -- Nonlapsing.**

194 (1) There is created within the Transportation Fund a restricted account known as the
195 "Department of Public Safety Restricted Account."

196 (2) The account consists of monies generated from the following revenue sources:

197 (a) all monies received under this chapter;

198 (b) administrative fees received according to the fee schedule authorized under this
199 chapter and Section 63-38-3.2; and

200 (c) any appropriations made to the account by the Legislature.

201 (3) (a) The account shall earn interest.

202 (b) All interest earned on account monies shall be deposited in the account.

203 (4) The expenses of the department in carrying out this chapter shall be provided for by
204 legislative appropriation from this account.

205 (5) The amount in excess of \$35 of the fees collected under Subsection
206 53-3-105[~~(29)~~](30) shall be appropriated by the Legislature from this account to the department
207 to implement the provisions of Section 53-1-117, except that of the amount in excess of \$35,
208 \$30 shall be deposited in the State Laboratory Drug Testing restricted account created in
209 Section 26-1-34.

210 (6) All monies received under Subsection 41-6a-1406(6)(b)(ii) shall be appropriated by
211 the Legislature from this account to the department to implement the provisions of Section
212 53-1-117.

213 (7) Appropriations to the department from the account are nonlapsing.

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

215 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

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

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

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

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

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

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

231 (f) driving under a temporary learner permit, instruction permit, [~~or~~] practice permit, or
232 learner permit in accordance with Section 53-3-210, 53-3-210.5, or 53A-13-208;

233 (g) driving with a temporary license certificate issued in accordance with Section
234 53-3-207; or

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

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

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

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

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

244 (4) (a) A person may not operate an electric assisted bicycle as defined under Section

245 41-6a-102 unless the person has a valid class M or class D license issued under this chapter.

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

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

248 Section 6. Section **53-3-204** is amended to read:

249 **53-3-204. Persons who may not be licensed.**

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

251 (i) is younger than 16 years of age;

252 (ii) has not completed a course in driver training approved by the commissioner; [~~or~~]

253 (iii) if the person is a minor, has not completed the driving requirement under Section

254 53-3-211; [~~or~~]

255 (iv) is not a resident of the state [~~of Utah.~~]; or

256 (v) if the person is 17 years of age or younger, has not held a learner permit issued

257 under Section 53-3-210.5 for six months.

258 (b) Subsections (1)(a)(i), (ii), and (iii) do not apply to a person:

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

260 (ii) who is 16 years of age or older making application for a license who has been

261 licensed in another state or country; or

262 (iii) who is applying for a permit under Section 53-3-210 or 53A-13-208.

263 (c) Subsection (1)(a)(v) does not apply to a person applying for a provisional class D

264 license certificate before February 1, 2007 if the person has been issued a temporary learner

265 permit or practice permit under Section 53-3-210.

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

267 (a) whose license has been suspended, denied, cancelled, or disqualified during the

268 period of suspension, denial, cancellation, or disqualification;

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

270 (c) who has previously been adjudged mentally incompetent and who has not at the

271 time of application been restored to competency as provided by law;

272 (d) who is required by this chapter to take an examination unless the person

273 successfully passes the examination; or

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

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

276 (ii) Section 53-3-231.

277 (3) The division may grant a class D or M license to a person whose commercial
278 license is disqualified under Part 4 ~~[of this chapter]~~, Uniform Commercial Driver License Act,
279 if the person is not otherwise sanctioned under this chapter.

280 Section 7. Section **53-3-205** is amended to read:

281 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
282 **Expiration dates of licenses and endorsements -- Information required -- Previous**
283 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
284 **Fee required -- License agreement.**

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

- 287 (a) made upon a form furnished by the division; and
- 288 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

289 (2) An application and fee for an original provisional class D license or an original
290 class D license entitle the applicant to:

- 291 (a) not more than three attempts to pass both the knowledge and the skills tests for a
- 292 class D license within six months of the date of the application; and
- 293 ~~[(b) a learner permit if needed after the knowledge test is passed; and]~~
- 294 ~~[(c)]~~ (b) an original class D license and license certificate after all tests are passed.

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

- 296 (a) not more than three attempts to pass both the knowledge and skills tests for a class
- 297 M license within six months of the date of the application;
- 298 (b) a motorcycle learner permit if needed after the knowledge test is passed; and
- 299 (c) an original class M license and license certificate after all tests are passed.

300 (4) An application and fee for a motorcycle or taxicab endorsement entitle the
301 applicant to:

- 302 (a) not more than three attempts to pass both the knowledge and skills tests within six
- 303 months of the date of the application;
- 304 (b) a motorcycle learner permit if needed after the motorcycle knowledge test is
- 305 passed; and
- 306 (c) a motorcycle or taxicab endorsement when all tests are passed.

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

309 (a) not more than two attempts to pass a knowledge test and not more than two
310 attempts to pass a skills test within six months of the date of the application;

311 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
312 and

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

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

316 (a) not more than two attempts to pass a knowledge test and not more than two
317 attempts to pass a skills test within six months of the date of the application; and

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

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

322 (8) (a) Except as provided under Subsections (8)(f) and (g), an original license expires
323 on the birth date of the applicant in the fifth year following the year the license certificate was
324 issued.

325 (b) Except as provided under Subsections (8)(f) and (g), a renewal or an extension to a
326 license expires on the birth date of the licensee in the fifth year following the expiration date of
327 the license certificate renewed or extended.

328 (c) Except as provided under Subsections (8)(f) and (g), a duplicate license expires on
329 the same date as the last license certificate issued.

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

332 (e) A license and any endorsement to the license held by a person ordered to active
333 duty and stationed outside Utah in any of the armed forces of the United States, which expires
334 during the time period the person is stationed outside of the state, is valid until 90 days after the
335 person has been discharged or has left the service, unless:

336 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
337 the division[;]; or

338 (ii) the licensee updates the information or photograph on the license certificate.

339 (f) An original license or a renewal to an original license obtained using proof under
340 Subsection (9)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign visa,
341 permit, or other document granting legal presence in the United States or on the date provided
342 under this Subsection (8), whichever is sooner.

343 (g) (i) An original license or a renewal or a duplicate to an original license expires on
344 the next birth date of the applicant or licensee beginning on July 1, 2005 if:

345 (A) the license was obtained without using a Social Security number as required under
346 Subsection (9); and

347 (B) the license certificate or driving privilege card is not clearly distinguished as
348 required under Subsection 53-3-207(6).

349 (ii) A driving privilege card issued or renewed under Section 53-3-207 expires on the
350 birth date of the applicant in the first year following the year that the driving privilege card was
351 issued or renewed.

352 (iii) The expiration dates provided under Subsections (8)(g)(i) and (ii) do not apply to
353 an original license or driving privilege card or to the renewal of an original license or driving
354 privilege card with an expiration date provided under Subsection (8)(f).

355 (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative
356 Procedures Act, for requests for agency action, each applicant shall have a Utah residence
357 address and each applicant shall:

358 (i) provide the applicant's:

359 (A) full legal name;

360 (B) birth date;

361 (C) gender;

362 (D) between July 1, 2002 and July 1, 2007, race in accordance with the categories
363 established by the United States Census Bureau;

364 (E) (I) Social Security number;

365 (II) temporary identification number (ITIN) issued by the Internal Revenue Service for
366 a person who does not qualify for a Social Security number; or

367 (III) (Aa) proof that the applicant is a citizen of a country other than the United States;

368 (Bb) proof that the applicant does not qualify for a Social Security number; and

369 (Cc) proof of legal presence in the United States, as authorized under federal law; and

370 (F) Utah residence address as documented by a form acceptable under rules made by
371 the division under Section 53-3-104;

372 (ii) provide a description of the applicant;

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

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

379 (v) state whether the applicant intends to make an anatomical gift under Title 26,
380 Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);

381 (vi) provide all other information the division requires; and

382 (vii) sign the application which signature may include an electronic signature as
383 defined in Section 46-4-102.

384 (b) The division shall maintain on its computerized records an applicant's:

385 (i) Social Security number;

386 (ii) temporary identification number (ITIN); or

387 (iii) other number assigned by the division if Subsection (9)(a)(i)(E)(III) applies.

388 (c) An applicant may not be denied a license for refusing to provide race information
389 required under Subsection (9)(a)(i)(D).

390 (10) The division shall require proof of every applicant's name, birthdate, and
391 birthplace by at least one of the following means:

392 (a) current license certificate;

393 (b) birth certificate;

394 (c) Selective Service registration; or

395 (d) other proof, including church records, family Bible notations, school records, or
396 other evidence considered acceptable by the division.

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

400 (12) (a) When an application is received from a person previously licensed in another
401 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
402 other state.

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

405 (13) An application for reinstatement of a license after the suspension, cancellation,
406 disqualification, denial, or revocation of a previous license shall be accompanied by the
407 additional fee or fees specified in Section 53-3-105.

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

411 (15) A person who applies for an original license or renewal of a license agrees that the
412 person's license is subject to any suspension or revocation authorized under this title or Title
413 41, Motor Vehicles.

414 (16) (a) The indication of intent under Subsection (9)(a)(v) shall be authenticated by
415 the licensee in accordance with division rule.

416 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and
417 Management Act, the division may, upon request, release to an organ procurement
418 organization, as defined in Section 26-28-2, the names and addresses of all persons who under
419 Subsection (9)(a)(v) indicate that they intend to make an anatomical gift.

420 (ii) An organ procurement organization may use released information only to:

421 (A) obtain additional information for an anatomical gift registry; and

422 (B) inform licensees of anatomical gift options, procedures, and benefits.

423 (17) The division and its employees are not liable, as a result of false or inaccurate
424 information provided under Subsection (9)(a)(v), for direct or indirect:

425 (a) loss;

426 (b) detriment; or

427 (c) injury.

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

429 **53-3-210. Temporary learner permit -- Instruction permit -- Commercial driver**
430 **instruction permit -- Practice permit.**

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

434 ~~[(b) The]~~ (1) A temporary learner permit issued by the division allows the applicant,
435 while having the permit in the applicant's immediate possession, to drive a motor vehicle upon
436 the highways for six months from the date of the application in conformance with the
437 restrictions indicated on the permit.

438 ~~[(2) (a) The division, upon receiving an application, may issue an instruction permit~~
439 ~~effective for one year to an applicant who is at least 15 years and six months of age and who is~~
440 ~~enrolled in a driver education program that includes practice driving, if the program is~~
441 ~~approved by the State Board of Education or the division, even though the applicant has not~~
442 ~~reached the legal age to be eligible for a license.]~~

443 ~~[(b) The]~~ (2) An instruction permit issued by the division entitles the applicant, while
444 having the permit in [his] the applicant's immediate possession, to drive a motor vehicle, only
445 if an approved instructor is occupying a seat beside the applicant.

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

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

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

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

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

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

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

456 ~~[(iv) has passed the knowledge test required by the division;]~~

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

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

459 ~~[(b) The division shall supply the practice permit form. The form shall include the~~
460 ~~following information:]~~

461 ~~[(i) the applicant's full name, date of birth, sex, home address, height, weight, and eye~~

462 color;]

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

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

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

466 [(v) the conditions and restrictions contained in this section for operating a class D
467 motor vehicle.]

468 [(e) The] (4) (a) A practice permit issued by the division is valid for up to six months
469 from the date of issuance.

470 (b) The practice permit allows the person, while having the permit in the applicant's
471 immediate possession, to operate a class D motor vehicle when the person's parent, legal
472 guardian, or adult spouse, who must be a licensed driver, is occupying a seat next to the person.

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

476 (5) Beginning on August 1, 2006, the division may not issue a temporary learner
477 permit, an instruction permit, or a practice permit under this section.

478 Section 9. Section **53-3-210.5** is enacted to read:

479 **53-3-210.5. Learner permit.**

480 (1) Beginning on August 1, 2006, the division, upon receiving an application for a
481 learner permit, may issue a learner permit effective for one year to an applicant who is at least
482 15 years of age.

483 (2) The learner permit entitles the applicant, while having the permit in the applicant's
484 immediate possession, to operate a class D motor vehicle only if a person 21 years of age or
485 older who is a licensed driver is occupying a seat beside the applicant.

486 (3) The division shall issue a learner permit to an applicant who:

487 (a) is at least 15 years of age;

488 (b) has passed the knowledge test required by the division;

489 (c) has passed the physical and mental fitness tests; and

490 (d) has submitted a nonrefundable fee for a learner permit under Section 53-3-105.

491 (4) (a) The division shall supply the learner permit form.

492 (b) The form under Subsection (4)(a) shall include:

493 (i) the applicant's full name, date of birth, sex, Utah residence address, height, weight,
494 and eye color;

495 (ii) the date of issuance and expiration of the permit; and

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

498 (5) An application and fee for a learner permit entitle the applicant to:

499 (a) not more than three attempts to pass the knowledge test for a class D license within
500 one year; and

501 (b) a learner permit after the knowledge test is passed.

502 (6) (a) If an applicant has been issued a learner permit under this section, the applicant
503 may be issued an original or provisional class D license from the division upon:

504 (i) completing a driver education course in a:

505 (A) commercial driver training school licensed under Part 5, Commercial Driver
506 Training Schools Act; or

507 (B) driver education program approved by the State Board of Education or the division;

508 (ii) passing the skills test approved by the division;

509 (iii) reaching 16 years of age; and

510 (iv) paying the nonrefundable fee for an original or provisional class D license
511 application under Section 53-3-105.

512 (b) In addition to the requirements under Subsection (6)(a), an applicant who is 17
513 years of age or younger is required to hold a learner permit for six months before applying for a
514 provisional class D license.

515 Section 10. Section **53-3-211** is amended to read:

516 **53-3-211. Application of minors -- Liability of person signing application --**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

555 (i) hours completed in a driver education course as required under Subsection
556 53-3-505.5(1); and

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

559 Section 11. Section **53-3-408** is amended to read:

560 **53-3-408. Qualifications for commercial driver instruction permit.**

561 (1) [~~A CDIP may be issued~~] The division may issue a CDIP to a person who:

562 (a) holds a valid license;

563 (b) has at least one year of driving experience; and

564 (c) has passed the vision and knowledge test for the class of license for which he is
565 applying.

566 (2) A CDIP may be:

567 (a) issued only for a period not to exceed six months; and

568 (b) renewed or issued again only once within a two-year period.

569 (3) The holder of a CDIP may drive a commercial motor vehicle on a highway only
570 when accompanied by a person who:

571 (a) (i) holds a CDL valid for the type of commercial motor vehicle driven; or

572 (ii) is certified by the division to administer driver licensing examinations to CDL
573 applicants; and

574 (b) occupies a seat beside the individual for the purpose of:

575 (i) giving the driver instruction regarding the driving of the commercial motor vehicle;

576 or

577 (ii) administering a driver licensing examination to a CDL applicant.

578 (4) A CDL or CDIP may not be issued to a person:

579 (a) subject to disqualification from driving a commercial motor vehicle; or

580 (b) whose license is suspended, revoked, or canceled in any state.

581 (5) A CDL or CDIP may not be issued to a person until the person has surrendered all
582 license certificates the person holds to the division for cancellation.

583 Section 12. Section **53A-13-201** is amended to read:

584 **53A-13-201. Driver education established by school districts.**

585 (1) As used in this part:

586 (a) "Driver education" includes classroom instruction and driving and observation in a
587 dual-controlled motor vehicle~~[-and]~~.

588 (b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor
589 vehicle under the supervision of a certified instructor.

590 (2) (a) Local school districts may establish and maintain driver education for pupils.

591 (b) A school or local school district that provides driver education shall provide an
592 opportunity for each pupil enrolled in that school or local school district to take the written test
593 ~~[and be issued a practice permit]~~ when the pupil is 15 years and nine months of age.

594 (c) Notwithstanding the provisions of Subsection (2)(b), a school or local school
595 district that provides driver education may provide an opportunity for each pupil enrolled in
596 that school or school district to ~~[be issued a practice permit]~~ take the written test when the pupil
597 is 15 years ~~[and six months]~~ of age.

598 (3) The purpose of driver education is to help develop the knowledge, attitudes, habits,
599 and skills necessary for the safe operation of motor vehicles.

600 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
601 State Board of Education shall make rules for driver education offered in the public schools.

602 (5) The rules under Subsection (4) shall:

603 (a) require at least one hour of classroom training on the subject of railroad crossing
604 safety for each driver education pupil; and

605 (b) establish minimum standards for approved driving ranges under Section
606 53-3-505.5.

607 (6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving
608 training provided as part of driver education offered under this part and used to satisfy the
609 driver training requirement under Section 53-3-204.

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

611 **53A-13-208. Driver education teachers certified as license examiners.**

612 (1) The Driver License Division of the Department of Public Safety and the State
613 Board of Education through the State Office of Education shall establish procedures and
614 standards to certify teachers of driver education classes under this part to administer written
615 and driving tests ~~[and to issue practice permits]~~.

616 (2) The division is the certifying authority.

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

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

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

627 ~~[(4) (a) A certified driver education teacher shall issue a practice permit to a student
628 who:]~~

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

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

631 ~~[(iii) has been issued an instruction permit under Subsection 53-3-210(2); and]~~

632 ~~[(iv) has passed the physical and mental fitness tests as required by the division.]~~

633 ~~[(b) Notwithstanding the provisions of Subsection (4)(a)(i), a certified driver education
634 teacher may issue a practice permit to a student who is at least 15 years and six months of age
635 and who meets the requirements of Subsections (4)(a)(ii) and (iii).]~~

636 ~~[(c) The State Office of Education shall supply the practice permit form. The form
637 shall include the following information:]~~

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

640 ~~[(ii) the name of the school or local school district providing the driver education
641 program;]~~

642 ~~[(iii) the name and signature of a driver education teacher;]~~

643 ~~[(iv) the dates of issuance and expiration of the permit;]~~

644 ~~[(v) the statutory citation authorizing the permit; and]~~

645 ~~[(vi) the conditions and restrictions contained in this section for operating a class D
646 motor vehicle.]~~

647 ~~[(d) The practice permit is valid for up to six months from the date of issuance. The~~

648 ~~practice permit allows the student to operate a class D motor vehicle when the student's parent,~~
649 ~~legal guardian, or adult spouse, who must be a licensed driver, is occupying a seat next to the~~
650 ~~student.]~~

651 ~~[(e)]~~ (4) A student shall have ~~[the practice]~~ a learner permit issued by the Driver
652 License Division under Section 53-3-210.5 in ~~[his]~~ the student's immediate possession at all
653 times when operating a motor vehicle under this section.

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

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

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

663 Section 14. Section **63-55b-153** is amended to read:

664 **63-55b-153. Repeal dates -- Titles 53, 53A, and 53B.**

665 (1) Subsection 53-3-205(9)(a)(i)(D) is repealed July 1, 2007.

666 (2) Subsection 53-3-804(2)(g) is repealed July 1, 2007.

667 (3) Section 53A-1-403.5 is repealed July 1, 2007.

668 (4) Subsection 53A-1a-511(7)(c) is repealed July 1, 2007.

669 (5) Section 53A-3-702 is repealed July 1, 2008.

670 (6) Section 53B-8-104.5 is repealed July 1, 2009.

671 (7) Section 53-3-210 is repealed February 1, 2007.

672 Section 15. **Effective date.**

673 This bill takes effect on August 1, 2006.

Legislative Review Note

as of 2-1-06 10:50 AM

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

State Impact

It is estimated that provisions of the bill will increase state revenues by \$550,000 in FY 2007 and by \$600,000 in FY 2008 and each fiscal year thereafter. The Department of Public Safety will require \$490,400 in FY 2007 and \$479,900 in FY 2008 and each fiscal year thereafter from the Transportation Fund Department of Public Safety Restricted Account and 8 FTEs to implement provisions of the bill.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
Transportation Fund Restr	\$490,400	\$479,900	\$550,000	\$600,000
TOTAL	\$490,400	\$479,900	\$550,000	\$600,000

Individual and Business Impact

Each new driver will pay \$15 for a learner's permit.
