

**DRIVER LICENSE - APPLICATION OF
MINOR**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Litvack

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Human Services Code and the Driver Licensing Act by amending provisions relating to driver license applications by certain minors.

Highlighted Provisions:

This bill:

- provides that if a minor applicant for a temporary learner permit, practice permit, or provisional driver license is in the legal custody of the Division of Child and Family Services, a parent or responsible adult who is willing to assume certain obligations and liability requirements may sign the application;

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

- grants the Office of Licensing rulemaking authority to establish procedures for a child placing agency to provide the notifications; and

- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



None

Utah Code Sections Affected:

AMENDS:

53-3-211, as last amended by Chapter 201, Laws of Utah 2006

ENACTS:

62A-2-108.5, Utah Code Annotated 1953

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Section **62A-2-108.5** is enacted to read:

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

(1) The office shall require a child placing agency that provides foster home services to notify a foster parent that if the foster parent signs as the responsible adult for a foster child to receive a driver license under Section 53-3-211, the foster parent is jointly and severally liable with the minor for civil compensatory damages caused by the minor when operating a motor vehicle upon a highway as provided under Subsections 53-3-211(2) and (4).

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

90 office may makes rules establishing the procedures for a child placing agency to provide the
91 notification required under this section.

Legislative Review Note
as of 12-4-06 9:19 AM

Office of Legislative Research and General Counsel

H.B. 213 - Driver License - Application of Minor

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/9/2007, 9:24:36 AM, Lead Analyst: Ricks, G.

Office of the Legislative Fiscal Analyst