

**DRIVER EDUCATION AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley M. Daw**

Senate Sponsor: Kevin T. Van Tassell

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**LONG TITLE**

**General Description:**

This bill modifies the Uniform Driver License Act by amending provisions relating to driver education.

**Highlighted Provisions:**

This bill:

► provides that the Driver License Division may not license a person who is

~~H~~→ [18] 19 ←~~H~~ years

of age or older ~~S~~→ **and who has not completed an approved course in driver training** ←~~S~~ unless the person:

• ~~S~~→ [~~—has completed an approved course in driver training; or~~] **holds a learner permit for three months before applying for an original class D license; and** ←~~S~~

• certifies that the person, under the authority of a learner permit issued by the Driver License Division, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours were completed during night hours after sunset; and

► makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

~~H~~→ [None] **This bill takes effect on July 1, 2012.** ←~~H~~

**Utah Code Sections Affected:**

AMENDS:

**53-3-204**, as last amended by Laws of Utah 2009, Chapter 356



28 **53-3-205**, as last amended by Laws of Utah 2011, Chapters 152, 190, 415, and 428

29 **53-3-210.5**, as enacted by Laws of Utah 2006, Chapter 201

30 **53-3-407**, as last amended by Laws of Utah 2010, Chapter 196

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

33 Section 1. Section **53-3-204** is amended to read:

34 **53-3-204. Persons who may not be licensed.**

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

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

37 (ii) if the person is ~~H~~→ [17] 18 ←~~H~~ years of age or younger, has not completed a course  
37a in driver

38 training approved by the commissioner;

39 (iii) if the person is ~~H~~→ [18] 19 ←~~H~~ years of age or older ~~S~~→, ←~~S~~ has not completed:

40 (A) a course in driver training approved by the commissioner; or

41 (B) the ~~S~~→ [driving requirement] requirements ←~~S~~ under Subsection 53-3-210.5(6)(c);

42 [(iii)] (iv) if the person is a minor as defined in Section 53-3-211, has not completed  
43 the driving requirement under Section 53-3-211;

44 [(iv)] (v) is not a resident of the state, unless the person is issued a temporary CDL  
45 under Subsection 53-3-407(2)(b); or

46 [(v)] (vi) if the person is 17 years of age or younger, has not held a learner permit  
47 issued under Section 53-3-210.5 for six months.

48 (b) Subsections (1)(a)(i), (ii), ~~[and]~~ (iii), and (iv) do not apply to a person:

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

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

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

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

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

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

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

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

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

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

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

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

314 (iii) reaching 16 years of age; and

315 (iv) paying the nonrefundable fee for an original or provisional class D license

316 application under Section 53-3-105.

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

320 (c) An applicant is exempt from the requirement under Subsection (6)(a)(i) if the  
321 applicant:

322 (i) is ~~H~~→ [18] 19 ←~~H~~ years of age or older; ~~S~~→ [and]

322a (ii) holds a learner permit for three months before applying for an original class D  
322b license; and ←~~S~~

323 ~~S~~→ [(ii)] (iii) ←~~S~~ certifies that the applicant, under the authority of a permit issued under this  
323a chapter,

324 has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours were  
325 completed during night hours after sunset.

326 Section 4. Section **53-3-407** is amended to read:

327 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**  
328 **administer skills test.**

329 (1) (a) As used in this section, "CDL driver training school" means a business  
330 enterprise conducted by an individual, association, partnership, or corporation that:

331 (i) educates and trains persons, either practically or theoretically, or both, to drive  
332 commercial motor vehicles; and

333 (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).

334 (b) A CDL driver training school may charge a consideration or tuition for the services  
335 provided under Subsection (1)(a).

336 (2) (a) Except as provided in Subsection (2)(b), a CDL may be issued only to a person  
337 who:

369 under Section 53-3-105.

370 (6) A person authorized under this section to administer the skills test is not criminally  
371 or civilly liable for the administration of the test unless he administers the test in a grossly  
372 negligent manner.

373 (7) The division may waive the skills test required under this section if it determines  
374 that the applicant meets the requirements of 49 C.F.R., Part 383.77.

374a **Ĥ→ Section 5. Effective date.**

374b **This bill takes effect on July 1, 2012. ←Ĥ**

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**Legislative Review Note**  
as of 1-11-12 3:58 PM

**Office of Legislative Research and General Counsel**