

DRIVER EDUCATION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Kevin T. Van Tassell

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

31

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

59 successfully passes the examination; or

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

61 (i) Section 78A-6-606 by an order of the juvenile court; or

62 (ii) Section 53-3-231.

63 (3) (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle
64 endorsement to a person who:

65 (i) has not been granted an original or provisional class D license, a CDL, or an
66 out-of-state equivalent to an original or provisional class D license or a CDL; and

67 (ii) if the person is under 19 years of age, has not held a motorcycle learner permit for
68 two months unless Subsection (3)(b) applies.

69 (b) The division may waive the two month motorcycle learner permit holding period
70 requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division
71 that the person has completed a motorcycle rider education program that meets the
72 requirements under Section 53-3-903.

73 (c) The division may grant a motorcycle endorsement to a person under 19 years of age
74 who has not held a motorcycle learner permit for two months if the person was issued a
75 motorcycle endorsement prior to July 1, 2008.

76 (4) The division may grant a class D license to a person whose commercial license is
77 disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not
78 otherwise sanctioned under this chapter.

79 Section 2. Section **53-3-205** is amended to read:

80 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
81 **Expiration dates of licenses and endorsements -- Information required -- Previous**
82 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
83 **Fee required -- License agreement.**

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

86 (a) made upon a form furnished by the division; and

87 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

90 (a) not more than three attempts to pass both the knowledge and the skills tests for a
91 class D license within six months of the date of the application;

92 (b) a learner permit if needed pending completion of the application and testing
93 process; and

94 (c) an original class D license and license certificate after all tests are passed and
95 requirements are completed.

96 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
97 applicant to:

98 (a) not more than three attempts to pass both the knowledge and skills tests within six
99 months of the date of the application;

100 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

101 (c) a motorcycle or taxicab endorsement when all tests are passed.

102 (4) An application and fees for a commercial class A, B, or C license entitle the
103 applicant to:

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

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

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

110 (5) An application and fee for a CDL endorsement entitle the applicant to:

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

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

114 (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
115 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
116 two additional times within the six months for the fee provided in Section 53-3-105.

117 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
118 expires on the birth date of the applicant in the fifth year following the year the license
119 certificate was issued.

120 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension

121 to a license expires on the birth date of the licensee in the fifth year following the expiration
122 date of the license certificate renewed or extended.

123 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
124 the same date as the last license certificate issued.

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

127 (e) A regular license certificate and any endorsement to the regular license certificate
128 held by a person ordered to active duty and stationed outside Utah in any of the armed forces of
129 the United States or by an immediate family member or dependent who is residing outside of
130 the state, which expires during the time period the person is stationed outside of the state, is
131 valid until 90 days after the person's orders have been terminated or the person has been
132 discharged, unless:

133 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
134 the division; or

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

136 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a
137 renewal to a limited-term license certificate expires:

138 (A) on the expiration date of the period of time of the individual's authorized stay in
139 the United States or on the date provided under this Subsection (7), whichever is sooner; or

140 (B) on the birth date of the applicant in the first year following the year that the
141 limited-term license certificate was issued if there is no definite end to the individual's period
142 of authorized stay.

143 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
144 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
145 year following the year that the limited-term license certificate was issued.

146 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
147 birth date of the applicant in the first year following the year that the driving privilege card was
148 issued or renewed.

149 (h) An original license or a renewal to an original license expires on the birth date of
150 the applicant in the first year following the year that the license was issued if the applicant is
151 required to register as a sex offender under Section 77-27-21.5.

152 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
153 Procedures Act, for requests for agency action, each applicant shall:

154 (i) provide the applicant's:

155 (A) full legal name;

156 (B) birth date;

157 (C) gender;

158 (D) (I) documentary evidence of the applicant's valid Social Security number;

159 (II) written proof that the applicant is ineligible to receive a Social Security number;

160 (III) temporary identification number (ITIN) issued by the Internal Revenue Service for
161 a person who:

162 (Aa) does not qualify for a Social Security number; and

163 (Bb) is applying for a driving privilege card; or

164 (IV) other documentary evidence approved by the division;

165 (E) Utah residence address as documented by a form or forms acceptable under rules
166 made by the division under Section 53-3-104, unless the application is for a temporary CDL
167 issued under Subsection 53-3-407(2)(b); and

168 (F) submit fingerprints and a photograph in accordance with Section 53-3-205.5 if the
169 person is applying for a driving privilege card;

170 (ii) provide evidence of the applicant's lawful presence in the United States by
171 providing documentary evidence:

172 (A) that a person is:

173 (I) a United States citizen;

174 (II) a United States national; or

175 (III) a legal permanent resident alien; or

176 (B) of the applicant's:

177 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
178 States;

179 (II) pending or approved application for asylum in the United States;

180 (III) admission into the United States as a refugee;

181 (IV) pending or approved application for temporary protected status in the United
182 States;

- 183 (V) approved deferred action status;
- 184 (VI) pending application for adjustment of status to legal permanent resident or
185 conditional resident; or
- 186 (VII) conditional permanent resident alien status;
- 187 (iii) provide a description of the applicant;
- 188 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
189 and, if so, when and by what state or country;
- 190 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
191 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
192 application refused, and if so, the date of and reason for the suspension, cancellation,
193 revocation, disqualification, denial, or refusal;
- 194 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
195 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 196 (vii) state whether the applicant is required to register as a sex offender under Section
197 77-27-21.5;
- 198 (viii) state whether the applicant is a veteran of the United States military, provide
199 verification that the applicant was honorably discharged from the United States military, and
200 state whether the applicant does or does not authorize sharing the information with the state
201 Department of Veterans' Affairs;
- 202 (ix) provide all other information the division requires; and
- 203 (x) sign the application which signature may include an electronic signature as defined
204 in Section 46-4-102.
- 205 (b) Each applicant shall have a Utah residence address, unless the application is for a
206 temporary CDL issued under Subsection 53-3-407(2)(b).
- 207 (c) Each applicant shall provide evidence of lawful presence in the United States in
208 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 209 (d) The division shall maintain on its computerized records an applicant's:
- 210 (i) (A) Social Security number;
- 211 (B) temporary identification number (ITIN); or
- 212 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 213 (ii) indication whether the applicant is required to register as a sex offender under

214 Section 77-27-21.5.

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

217 (a) current license certificate;

218 (b) birth certificate;

219 (c) Selective Service registration; or

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

222 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
223 higher class than what the applicant originally was issued:

224 (i) the license application shall be treated as an original application; and

225 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

226 (b) An applicant that receives a downgraded license in a lower license class during an
227 existing license cycle that has not expired:

228 (i) may be issued a duplicate license with a lower license classification for the
229 remainder of the existing license cycle; and

230 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
231 duplicate license is issued under Subsection (10)(b)(i).

232 (c) An applicant who has received a downgraded license in a lower license class under
233 Subsection (10)(b):

234 (i) may, when eligible, receive a duplicate license in the highest class previously issued
235 during a license cycle that has not expired for the remainder of the existing license cycle; and

236 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
237 duplicate license is issued under Subsection (10)(c)(i).

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

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

243 (12) An application for reinstatement of a license after the suspension, cancellation,
244 disqualification, denial, or revocation of a previous license shall be accompanied by the

245 additional fee or fees specified in Section 53-3-105.

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

249 (14) A person who applies for an original license or renewal of a license agrees that the
250 person's license is subject to any suspension or revocation authorized under this title or Title
251 41, Motor Vehicles.

252 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by
253 the licensee in accordance with division rule.

254 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
255 Management Act, the division may, upon request, release to an organ procurement
256 organization, as defined in Section 26-28-102, the names and addresses of all persons who
257 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

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

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

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

261 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
262 Management Act, the division may release to the Department of Veterans' Affairs the names
263 and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).

264 (17) The division and its employees are not liable, as a result of false or inaccurate
265 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

266 (a) loss;

267 (b) detriment; or

268 (c) injury.

269 (18) A person who knowingly fails to provide the information required under
270 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

271 Section 3. Section **53-3-210.5** is amended to read:

272 **53-3-210.5. Learner permit.**

273 (1) Beginning on August 1, 2006, the division, upon receiving an application for a
274 learner permit, may issue a learner permit effective for one year to an applicant who is at least
275 15 years of age.

276 (2) (a) The learner permit entitles an applicant that is 18 years of age or older to operate
277 a class D motor vehicle only if:

278 (i) a person 21 years of age or older who is a licensed driver is occupying a seat beside
279 the applicant; and

280 (ii) the applicant has the learner permit in the applicant's immediate possession while
281 operating the motor vehicle.

282 (b) The learner permit entitles an applicant that is younger than 18 years of age to
283 operate a class D motor vehicle only if:

284 (i) (A) an approved driving instructor is occupying a seat beside the applicant;

285 (B) the applicant's parent or legal guardian, who must be a licensed driver, is
286 occupying a seat beside the applicant; or

287 (C) a responsible adult who has signed for the applicant under Section 53-3-211 and
288 who must be a licensed driver, is occupying a seat beside the applicant; and

289 (ii) the applicant has the learner permit in the applicant's immediate possession while
290 operating the motor vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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:

338 (i) is a resident of this state;

339 (ii) has passed a test of knowledge and skills for driving a commercial motor vehicle,
340 that complies with minimum standards established by federal regulation in 49 C.F.R., Part 383,
341 Subparts G and H; and

342 (iii) has complied with all requirements of 49 C.F.R., Part 383 and other applicable
343 state laws and federal regulations.

344 (b) (i) A temporary CDL may be issued to a person who:

345 (A) is enrolled in a CDL driver training school located in Utah;

346 (B) has passed a test of knowledge and skills for driving a commercial motor vehicle,
347 that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383,
348 Subparts G and H; and

349 (C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.

350 (ii) A temporary CDL issued under this Subsection (2)(b):

351 (A) is valid for 60 days; and

352 (B) may not be renewed or extended.

353 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)~~(iv)~~(v),
354 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
355 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL
356 issued under this Subsection (2)(b) in the same way as a commercial driver license issued
357 under this part.

358 (3) Tests required under this section shall be prescribed and administered by the
359 division.

360 (4) The division shall authorize a person, an agency of this or another state, an
361 employer, a private driver training facility or other private institution, or a department, agency,
362 or entity of local government to administer the skills test required under this section if:

363 (a) the test is the same test as prescribed by the division, and is administered in the
364 same manner; and

365 (b) the party authorized under this section to administer the test has entered into an
366 agreement with the state that complies with the requirements of 49 C.F.R., Part 383.75.

367 (5) A person who has an appointment with the division for testing and fails to keep the
368 appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee

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**

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

Office of Legislative Research and General Counsel