

1 **DRIVER EDUCATION AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bradley M. Daw**

5 Senate Sponsor: Kevin T. Van Tassell

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7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

13 ► provides that the Driver License Division may not license a person who is 19 years  
14 of age or older and who has not completed an approved course in driver training  
15 unless the person:

16 • holds a learner permit for three months before applying for an original class D  
17 license; and

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

22 ► makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill takes effect on July 1, 2012.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53-3-204**, as last amended by Laws of Utah 2009, Chapter 356

30 53-3-205, as last amended by Laws of Utah 2011, Chapters 152, 190, 415, and 428

31 53-3-210.5, as enacted by Laws of Utah 2006, Chapter 201

32 53-3-407, as last amended by Laws of Utah 2010, Chapter 196

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

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

36 **53-3-204. Persons who may not be licensed.**

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

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

39 (ii) if the person is 18 years of age or younger, has not completed a course in driver  
40 training approved by the commissioner;

41 (iii) if the person is 19 years of age or older has not completed:

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

43 (B) the requirements under Subsection 53-3-210.5(6)(c);

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

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

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

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

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

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

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

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

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

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

60 (d) who is required by this chapter to take an examination unless the person  
61 successfully passes the examination; or

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

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

64 (ii) Section 53-3-231.

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

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

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

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

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

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

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

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

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

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

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

- 92 (a) not more than three attempts to pass both the knowledge and the skills tests for a  
93 class D license within six months of the date of the application;
- 94 (b) a learner permit if needed pending completion of the application and testing  
95 process; and
- 96 (c) an original class D license and license certificate after all tests are passed and  
97 requirements are completed.

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

- 100 (a) not more than three attempts to pass both the knowledge and skills tests within six  
101 months of the date of the application;
- 102 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- 103 (c) a motorcycle or taxicab endorsement when all tests are passed.

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

- 106 (a) not more than two attempts to pass a knowledge test and not more than two  
107 attempts to pass a skills test within six months of the date of the application;
- 108 (b) a commercial driver instruction permit if needed after the knowledge test is passed;  
109 and
- 110 (c) an original commercial class A, B, or C license and license certificate when all  
111 applicable tests are passed.

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

- 113 (a) not more than two attempts to pass a knowledge test and not more than two

114 attempts to pass a skills test within six months of the date of the application; and

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

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

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

122 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension  
123 to a license expires on the birth date of the licensee in the fifth year following the expiration  
124 date of the license certificate renewed or extended.

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

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

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

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

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

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

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

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

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

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

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

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

156 (i) provide the applicant's:

157 (A) full legal name;

158 (B) birth date;

159 (C) gender;

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

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

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

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

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

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

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

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

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

174 (A) that a person is:

175 (I) a United States citizen;

176 (II) a United States national; or

177 (III) a legal permanent resident alien; or

178 (B) of the applicant's:

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

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

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

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

185 (V) approved deferred action status;

186 (VI) pending application for adjustment of status to legal permanent resident or  
187 conditional resident; or

188 (VII) conditional permanent resident alien status;

189 (iii) provide a description of the applicant;

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

192 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,  
193 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license  
194 application refused, and if so, the date of and reason for the suspension, cancellation,  
195 revocation, disqualification, denial, or refusal;

196 (vi) state whether the applicant intends to make an anatomical gift under Title 26,  
197 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

198 (vii) state whether the applicant is required to register as a sex offender under Section  
199 77-27-21.5;

200 (viii) state whether the applicant is a veteran of the United States military, provide  
201 verification that the applicant was honorably discharged from the United States military, and  
202 state whether the applicant does or does not authorize sharing the information with the state  
203 Department of Veterans' Affairs;

204 (ix) provide all other information the division requires; and

205 (x) sign the application which signature may include an electronic signature as defined  
206 in Section 46-4-102.

207 (b) Each applicant shall have a Utah residence address, unless the application is for a  
208 temporary CDL issued under Subsection 53-3-407(2)(b).

209 (c) Each applicant shall provide evidence of lawful presence in the United States in  
210 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

211 (d) The division shall maintain on its computerized records an applicant's:

212 (i) (A) Social Security number;

213 (B) temporary identification number (ITIN); or

214 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

215 (ii) indication whether the applicant is required to register as a sex offender under  
216 Section 77-27-21.5.

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

219 (a) current license certificate;

220 (b) birth certificate;

221 (c) Selective Service registration; or

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

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



226 (i) the license application shall be treated as an original application; and  
227 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

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

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

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

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

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

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

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

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

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

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

251 (14) A person who applies for an original license or renewal of a license agrees that the  
252 person's license is subject to any suspension or revocation authorized under this title or Title  
253 41, Motor Vehicles.

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

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

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

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

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

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

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

268 (a) loss;

269 (b) detriment; or

270 (c) injury.

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

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

274 **53-3-210.5. Learner permit.**

275 (1) Beginning on August 1, 2006, the division, upon receiving an application for a  
276 learner permit, may issue a learner permit effective for one year to an applicant who is at least  
277 15 years of age.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

309 (6) (a) If an applicant has been issued a learner permit under this section, the applicant

310 may be issued an original or provisional class D license from the division upon:

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

312 (A) commercial driver training school licensed under Part 5, Commercial Driver

313 Training Schools Act; or

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

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

316 (iii) reaching 16 years of age; and

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

318 application under Section 53-3-105.

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

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

324 (i) is 19 years of age or older;

325 (ii) holds a learner permit for three months before applying for an original class D  
326 license; and

327 (iii) certifies that the applicant, under the authority of a permit issued under this  
328 chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours  
329 were completed during night hours after sunset.

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

331 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**  
332 **administer skills test.**

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

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

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

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

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

342 (i) is a resident of this state;

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

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

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

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

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

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

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

355 (A) is valid for 60 days; and

356 (B) may not be renewed or extended.

357 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)~~(iv)~~(v),  
358 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,  
359 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL  
360 issued under this Subsection (2)(b) in the same way as a commercial driver license issued  
361 under this part.

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

364 (4) The division shall authorize a person, an agency of this or another state, an  
365 employer, a private driver training facility or other private institution, or a department, agency,

366 or entity of local government to administer the skills test required under this section if:

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

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

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

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

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

379 **Section 5. Effective date.**

380 This bill takes effect on July 1, 2012.