

**AIR POLLUTION MITIGATION EDUCATION PROGRAM**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael S. Kennedy**

Senate Sponsor: Todd Weiler

Cosponsor: Mike Winder

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**LONG TITLE**

**General Description:**

This bill requires the Driver License Division and the State Board of Education to each create rules regarding the creation and dissemination of educational information to students in driver education and applicants for a driver license on ways drivers can help improve air quality and the harmful effects of vehicle emissions.

**Highlighted Provisions:**

This bill:

► requires the Driver License Division and the State Board of Education to each create rules requiring the development and dissemination of educational information regarding:

- ways drivers can help improve air quality; and
- the harmful effects of vehicle emissions;
- requires the educational information to be:
  - based on data and information provided by the Division of Air Quality;
  - provided to applicants for a driver license;
  - included in the driver education curriculum of a commercial driver training school; and
  - included in the curriculum of a driver education program in a public school; and
- makes technical changes.

**Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53-3-104**, as last amended by Laws of Utah 2014, Chapter 85

35 **53-3-505**, as last amended by Laws of Utah 2008, Chapter 382

36 **53G-10-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3



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

39 Section 1. Section **53-3-104** is amended to read:

40 **53-3-104. Division duties.**

41 The division shall:

42 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
43 make rules:

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

46 (b) for acceptable documentation of an applicant's identity, Social Security number,  
47 Utah resident status, Utah residence address, proof of legal presence, proof of citizenship in the  
48 United States, honorable or general discharge from the United States military, and other proof  
49 or documentation required under this chapter;

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

52 (d) for exemptions from licensing requirements as authorized in this chapter; ~~[and]~~

53 (e) establishing procedures for the storage and maintenance of applicant information  
54 provided in accordance with Section **53-3-205**, **53-3-410**, or **53-3-804**; and

55 (f) to provide educational information to each applicant for a license, which  
56 information shall be based on data provided by the Division of Air Quality, including:

- 57            (i) ways drivers can improve air quality; and  
58            (ii) the harmful effects of vehicle emissions;  
59            (2) examine each applicant according to the class of license applied for;  
60            (3) license motor vehicle drivers;  
61            (4) file every application for a license received by it and shall maintain indices  
62 containing:  
63            (a) all applications denied and the reason each was denied;  
64            (b) all applications granted; and  
65            (c) the name of every licensee whose license has been suspended, disqualified, or  
66 revoked by the division and the reasons for the action;  
67            (5) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with  
68 this chapter;  
69            (6) file all accident reports and abstracts of court records of convictions received by it  
70 under state law;  
71            (7) maintain a record of each licensee showing the licensee's convictions and the traffic  
72 accidents in which the licensee has been involved where a conviction has resulted;  
73            (8) consider the record of a licensee upon an application for renewal of a license and at  
74 other appropriate times;  
75            (9) search the license files, compile, and furnish a report on the driving record of any  
76 person licensed in the state in accordance with Section 53-3-109;  
77            (10) develop and implement a record system as required by Section 41-6a-604;  
78            (11) in accordance with Section 53A-13-208, establish:  
79            (a) procedures and standards to certify teachers of driver education classes to  
80 administer knowledge and skills tests;  
81            (b) minimal standards for the tests; and  
82            (c) procedures to enable school districts to administer or process any tests for students  
83 to receive a class D operator's license;  
84            (12) in accordance with Section 53-3-510, establish:

85 (a) procedures and standards to certify licensed instructors of commercial driver  
86 training school courses to administer the skills test;

87 (b) minimal standards for the test; and

88 (c) procedures to enable licensed commercial driver training schools to administer or  
89 process skills tests for students to receive a class D operator's license;

90 (13) provide administrative support to the Driver License Medical Advisory Board  
91 created in Section 53-3-303;

92 (14) upon request by the lieutenant governor, provide the lieutenant governor with a  
93 digital copy of the driver license or identification card signature of a person who is an applicant  
94 for voter registration under Section 20A-2-206; and

95 (15) in accordance with Section 53-3-407.1, establish:

96 (a) procedures and standards to license a commercial driver license third party tester or  
97 commercial driver license third party examiner to administer the commercial driver license  
98 skills tests;

99 (b) minimum standards for the commercial driver license skills test; and

100 (c) procedures to enable a licensed commercial driver license third party tester or  
101 commercial driver license third party examiner to administer a commercial driver license skills  
102 test for an applicant to receive a commercial driver license.

103 Section 2. Section 53-3-505 is amended to read:

104 **53-3-505. School license -- Contents of rules.**

105 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
106 commissioner shall make rules regarding the requirements for:

107 (a) a school license, including requirements concerning:

108 (i) locations;

109 (ii) equipment;

110 (iii) courses of instruction;

111 (iv) curriculum on air quality, based on data and information provided by the Division  
112 of Air Quality, including:

- 113 (A) instruction on ways drivers can improve air quality; and
- 114 (B) the harmful effects of vehicle emissions;
- 115 [~~(iv)~~] (v) instructors;
- 116 [~~(v)~~] (vi) previous records of the school and instructors;
- 117 [~~(vi)~~] (vii) financial statements;
- 118 [~~(vii)~~] (viii) schedule of fees and charges;
- 119 [~~(viii)~~] (ix) character and reputation of the operators and instructors;
- 120 [~~(ix)~~] (x) insurance as the commissioner determines necessary to protect the interests of
- 121 the public; and
- 122 [~~(x)~~] (xi) other provisions the commissioner may prescribe for the protection of the
- 123 public; and
- 124 (b) an instructor's license, including requirements concerning:
- 125 (i) moral character;
- 126 (ii) physical condition;
- 127 (iii) knowledge of the courses of instruction;
- 128 (iv) motor vehicle laws and safety principles and practices;
- 129 (v) previous personnel and employment records; and
- 130 (vi) other provisions the commissioner may prescribe for the protection of the public;
- 131 (c) applications for licenses; and
- 132 (d) minimum standards for:
- 133 (i) driving simulation devices that are fully interactive under Subsection
- 134 [53-3-505.5\(2\)\(b\)](#); and
- 135 (ii) driving simulation devices that are not fully interactive under Subsection
- 136 [53-3-505.5\(2\)\(c\)](#).
- 137 (2) Rules made by the commissioner shall require that a commercial driver training
- 138 school offering motorcycle rider education meet or exceed the standards established by the
- 139 Motorcycle Safety Foundation.
- 140 (3) Rules made by the commissioner shall require that an instructor of motorcycle rider

141 education meet or exceed the standards for certification established by the Motorcycle Safety  
142 Foundation.

143 (4) The commissioner may call upon the state superintendent of public instruction for  
144 assistance in formulating appropriate rules.

145 Section 3. Section **53G-10-502** is amended to read:

146 **53G-10-502. Driver education established by school districts.**

147 (1) As used in this part:

148 (a) "Driver education" includes classroom instruction and driving and observation in a  
149 dual-controlled motor vehicle.

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

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

153 (b) A school or local school district that provides driver education shall provide an  
154 opportunity for each pupil enrolled in that school or local school district to take the written test  
155 when the pupil is 15 years and nine months of age.

156 (c) Notwithstanding the provisions of Subsection (2)(b), a school or local school  
157 district that provides driver education may provide an opportunity for each pupil enrolled in  
158 that school or school district to take the written test when the pupil is 15 years of age.

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

161 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
162 State Board of Education shall make rules for driver education offered in the public schools.

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

164 (a) require at least one hour of classroom training on the subject of railroad crossing  
165 safety for each driver education pupil; [~~and~~]

166 (b) require instruction, based on data and information provided by the Division of Air  
167 Quality, on:

168 (i) ways drivers can improve air quality; and

169            (ii) the harmful effects of vehicle emissions; and  
170            [~~(b)~~] (c) establish minimum standards for approved driving ranges under Section  
171            53-3-505.5.  
172            (6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving  
173            training provided as part of driver education offered under this part and used to satisfy the  
174            driver training requirement under Section 53-3-204.