

1 **DRIVER EDUCATION AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Melissa G. Ballard**

5 Senate Sponsor: David G. Buxton

---

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Transportation Interim Committee recommended this bill.

10 Legislative Vote: 16 voting for 0 voting against 2 absent

11 **General Description:**

12 This bill amends provisions related to driver education requirements and driver  
13 licenses.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ extends the term of a learner permit from one year to 18 months;
- 17 ▶ changes identifying information required on a driver license to include "gender"  
18 instead of "sex";
- 19 ▶ prohibits rules requiring driver education observation hours; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53-3-210.5**, as last amended by Laws of Utah 2015, Chapter 207



28 [53-3-502](#), as last amended by Laws of Utah 2006, Chapter 266

29 [53-3-505](#), as last amended by Laws of Utah 2018, Chapter 233



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

32 Section 1. Section [53-3-210.5](#) is amended to read:

33 **[53-3-210.5. Learner permit.](#)**

34 (1) [~~Beginning on August 1, 2006, the~~] The division, upon receiving an application for  
35 a learner permit, may issue a learner permit effective for [~~one year~~] 18 months to an applicant  
36 who is at least 15 years [~~of age~~] old.

37 (2) (a) The learner permit entitles an applicant that is 18 years [~~of age~~] old or older to  
38 operate a class D motor vehicle only if:

39 (i) a person 21 years [~~of age~~] old or older who is a licensed driver is occupying a seat  
40 beside the applicant; and

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

43 (b) The learner permit entitles an applicant that is younger than 18 years [~~of age~~] old to  
44 operate a class D motor vehicle only if:

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

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

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

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

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

53 (a) is at least 15 years [~~of age~~] old;

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

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

56 (d) has submitted a nonrefundable fee for a learner permit under Section [53-3-105](#).

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

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

59 (i) the applicant's full name, date of birth, [~~sex~~] gender, Utah residence address, height,  
60 weight, and eye color;

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

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

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

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

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

68 (6) (a) If an applicant has been issued a learner permit under this section or an  
69 equivalent by another state or branch of the United States Armed Forces, the applicant may be  
70 issued an original or provisional class D license from the division upon:

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

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

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

75 (ii) passing a knowledge test approved by the division that complies with the  
76 requirement of Subsection (6)(d);

77 (iii) passing the skills test approved by the division;

78 (iv) reaching 16 years [~~of age~~] old; and

79 (v) paying the nonrefundable fee for an original or provisional class D license  
80 application under Section [53-3-105](#).

81 (b) In addition to the requirements under Subsection (6)(a), an applicant who is 17  
82 years [~~of age~~] old or younger is required to hold a learner permit for six months before applying  
83 for a provisional class D license.

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

86 (i) is 19 years [~~of age~~] old or older;

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

89 (iii) certifies that the applicant, under the authority of a permit issued under this

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

92 (d) Fifty percent of the test questions included in the knowledge test required under  
93 Subsection (6)(a)(ii) shall cover the topic of major causes of traffic related deaths as identified  
94 in statistics published by the Highway Safety Office.

95 Section 2. Section **53-3-502** is amended to read:

96 **53-3-502. Definitions.**

97 As used in this part:

98 (1) (a) "Commercial driver training school" or "school" means a business enterprise  
99 conducted by an individual, association, partnership, or corporation for the education and  
100 training of persons, either practically or theoretically, or both, to:

- 101 (i) drive motor vehicles, including motorcycles; and
- 102 (ii) prepare an applicant for an examination given by the state for a license or learner  
103 permit.

104 (b) A commercial driver training school may charge a consideration or tuition for the  
105 services described under Subsection (1)(a).

106 (2) (a) "Commercial testing only school" means a business enterprise conducted by an  
107 individual, association, partnership, or corporation that:

- 108 (i) is designated by the division as a commercial testing only school;
- 109 (ii) employs instructors who are certified by the division; and
- 110 (iii) engages only in testing students for the purpose of obtaining a driver license.

111 (b) A commercial testing only school may conduct behind-the-wheel or observation  
112 instruction if approved by the division.

113 (c) A commercial testing only school may not engage in education or training of  
114 persons, either practically or theoretically, or both to drive motor vehicles, except when:

- 115 (i) counseling the driver following a test in reference to errors made during the  
116 administration of the test; or
- 117 (ii) conducting behind-the-wheel or observation instruction if approved by the division.

118 (d) A commercial testing only school may not test an individual who has completed  
119 any behind-the-wheel or observation instruction through the school with which the tester is  
120 employed.

121 (3) "Instructor" means a person, whether acting as an operator of a commercial driver  
122 training school or for a school for compensation, who:

123 (a) teaches, conducts classes of, gives demonstrations to, or supervises practice of  
124 persons learning to drive motor vehicles, including motorcycles;

125 (b) prepares persons to take an examination for a license or learner permit; or

126 (c) supervises the work of any other instructor.

127 (4) "Observation time" means a period of time during which a driver education student  
128 observes another student, instructor, or road user.

129 [~~4~~] (5) "School operator" means a person who:

130 (a) is certified as an instructor;

131 (b) has met the requirements for school operator status as established by the division;

132 (c) is authorized or certified to operate or manage a driver training school; and

133 (d) may supervise the work of another instructor.

134 Section 3. Section **53-3-505** is amended to read:

135 **53-3-505. School license -- Contents of rules.**

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

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

139 (i) locations;

140 (ii) equipment;

141 (iii) courses of instruction;

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

144 (A) instruction on ways drivers can improve air quality; and

145 (B) the harmful effects of vehicle emissions;

146 (v) instructors;

147 (vi) previous records of the school and instructors;

148 (vii) financial statements;

149 (viii) schedule of fees and charges;

150 (ix) character and reputation of the operators and instructors;

151 (x) insurance as the commissioner determines necessary to protect the interests of the

152 public; and  
153 (xi) other provisions the commissioner may prescribe for the protection of the public;  
154 and

155 (b) an instructor's license, including requirements concerning:  
156 (i) moral character;  
157 (ii) physical condition;  
158 (iii) knowledge of the courses of instruction;  
159 (iv) motor vehicle laws and safety principles and practices;  
160 (v) previous personnel and employment records; and  
161 (vi) other provisions the commissioner may prescribe for the protection of the public;  
162 (c) applications for licenses; and  
163 (d) minimum standards for:  
164 (i) driving simulation devices that are fully interactive under Subsection  
165 53-3-505.5(2)(b); and  
166 (ii) driving simulation devices that are not fully interactive under Subsection  
167 53-3-505.5(2)(c).

168 (2) (a) Rules made by the commissioner may not require observation time to observe  
169 the instructor, another student driver, or another road user.

170 (b) The prohibition on rulemaking described in Subsection (2)(a) does not prohibit a  
171 commercial driver education school or other driver education program from including  
172 observation time as part of a driver education curriculum.

173 [~~2~~] (3) Rules made by the commissioner shall require that a commercial driver  
174 training school offering motorcycle rider education meet or exceed the standards established by  
175 the Motorcycle Safety Foundation.

176 [~~3~~] (4) Rules made by the commissioner shall require that an instructor of motorcycle  
177 rider education meet or exceed the standards for certification established by the Motorcycle  
178 Safety Foundation.

179 [~~4~~] (5) The commissioner may call upon the state superintendent of public instruction  
180 for assistance in formulating appropriate rules.