

Representative Gay Lynn Bennion proposes the following substitute bill:

DRIVER LICENSE TEST AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gay Lynn Bennion

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the Driver License Division to begin administering certain examinations in languages other than English.

Highlighted Provisions:

This bill:

- ▶ allows the Driver License Division to begin administering certain examinations in languages other than English;

- ▶ allows an individual to take certain driver license examinations in the individual's preferred language, subject to availability, for the individual's initial application and first renewal application for a driver license;

- ▶ allows a translator for certain driver license examinations in certain circumstances;

- ▶ requires a report from the Driver License Division to the Transportation Interim Committee; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-3-206**, as last amended by Laws of Utah 2022, Chapters 16, 105



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

31 Section 1. Section **53-3-206** is amended to read:

32 **53-3-206. Examination of applicant's physical and mental fitness to drive a motor**
33 **vehicle.**

34 (1) The division shall examine every applicant for a license, including a test of the
35 applicant's:

36 (a) eyesight either:

37 (i) by the division; or

38 (ii) by allowing the applicant to furnish to the division a statement from a physician
39 licensed under Title 58, Chapter 67, Utah Medical Practice Act, or an optometrist licensed
40 under Title 58, Chapter 16a, Utah Optometry Practice Act;

41 (b) ability to read and understand highway signs regulating, warning, and directing
42 traffic;

43 (c) ability to read and understand simple English used in highway traffic and
44 directional signs;

45 (d) knowledge of the state traffic laws;

46 (e) other physical and mental abilities the division finds necessary to determine the
47 applicant's fitness to drive a motor vehicle safely on the highways; and

48 (f) ability to exercise ordinary and responsible control driving a motor vehicle, as
49 determined by actual demonstration or other indicator.

50 (2) (a) ~~[Notwithstanding]~~ Subject to Subsection (2)(d), and notwithstanding the
51 provisions of Subsection (1) or any other provision of law, the division shall allow ~~[a refugee,~~
52 ~~an approved asylee, or a covered humanitarian parolee]~~ an individual to take an examination of
53 the ~~[person's]~~ individual's knowledge of the state traffic laws in the ~~[person's native]~~
54 individual's preferred language:

55 (i) if the individual is a refugee, an approved asylee, or a covered humanitarian parolee:

56 ~~[(i)]~~ (A) the first time the ~~[person]~~ individual applies for a limited-term license

57 certificate; and

58 [(ii)] (B) the first time the [person] individual applies for a renewal of a limited-term
59 license certificate[-]; and

60 (ii) for any other individual applying for a class D license certificate:

61 (A) the first time the individual applies for a class D license certificate; and

62 (B) the first time the individual applies for a renewal of a class D license certificate.

63 (b) (i) Upon the second renewal of a refugee's, an approved asylee's, or a covered
64 humanitarian parolee's limited-term license certificate for a refugee, an approved asylee, or a
65 covered humanitarian parolee that has taken the knowledge exam in the [person's native]
66 individual's preferred language under Subsection (2)(a), the division shall re-examine the
67 [person's] individual's knowledge of the state traffic laws in English.

68 (ii) Upon the second renewal of an individual's class D license certificate of an
69 individual who has taken the knowledge exam in the individual's preferred language under
70 Subsection (2)(a)(ii), the division shall re-examine the individual's knowledge of the state
71 traffic laws in English.

72 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
73 division shall make rules establishing the procedures and requirements for ~~[a refugee, an~~
74 ~~approved asylee, or a covered humanitarian parolee to take an]~~ the examination of the
75 [person's] individual's knowledge of the state traffic laws in the [person's native] individual's
76 preferred language.

77 (d) (i) Beginning on July 1, 2023, for a class D license certificate, except for a driving
78 privilege card issued under Section 53-3-207, the division shall administer the written
79 knowledge examination in as many languages as reasonably possible given budgetary and other
80 constraints.

81 (ii) If the division is unable to administer the written knowledge examination in a
82 particular language, an individual may take an examination with the assistance of a translator
83 approved by the division.

84 (iii) If an individual takes the examination with the assistance of a translator, the
85 individual is responsible for the costs of the translator.

86 (e) In order to provide the services described in Subsection (2)(d)(i), the division may
87 contract with a private vendor to provide the translation services or technology.

88 (3) (a) For an applicant for an original or a renewal of a class D license, other than a
89 driving privilege card or a limited term license certificate, the division shall provide the
90 examination of [~~a person's~~] an individual's knowledge of the state traffic laws in five
91 commonly spoken languages in the state, other than English, as determined under Subsection
92 (3)(c).

93 (b) An applicant for an original or a renewal of a class D license, other than a driving
94 privilege card or a limited term license certificate, may request to take the examination of the
95 [~~person's~~] individual's knowledge of the state traffic laws in a language other than English, if
96 the requested language is one of five commonly spoken languages in the state as determined
97 under Subsection (3)(c).

98 (c) (i) The Division of Multicultural Affairs created in Section 9-21-201 shall
99 recommend five commonly spoken languages in the state, other than English, for examination
100 of [~~a person's~~] an individual's knowledge of the state traffic laws.

101 (ii) The division shall offer the examination of [~~a person's~~] an individual's knowledge
102 of the state traffic laws in the five commonly spoken languages, other than English,
103 recommended by the Division of Multicultural Affairs created in Section 9-21-201.

104 (4) The division shall determine whether any facts exist that would bar granting a
105 license under Section 53-3-204.

106 (5) The division shall examine each applicant according to the class of license applied
107 for.

108 (6) An applicant for a CDL shall meet all additional requirements of Part 4, Uniform
109 Commercial Driver License Act, of this chapter.

110 (7) The division shall provide a report to the Transportation Interim Committee on or
111 before October 1, 2023, regarding the written knowledge examination in languages other than
112 English, including:

113 (a) costs associated with the program;

114 (b) the number of languages provided;

115 (c) the likelihood of adding additional languages in the future; and

116 (d) other information the division finds relevant.