

DRIVER TRAINING REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to driver training.

Highlighted Provisions:

This bill:

- ▶ amends the age for a person to be exempt from the requirement to complete a driver education course;
- ▶ amends the eligibility for a person to be exempt from the requirement to complete a driver education course;
- ▶ repeals the restriction that certain instructors giving driver training lessons may not administer a skills test to a student who took the course from the same school or the same instructor; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-3-204, as last amended by Laws of Utah 2014, Chapter 58



28 [53-3-210.5](#), as last amended by Laws of Utah 2012, Chapter 176

29 [53-3-510](#), as last amended by Laws of Utah 2008, Chapter 382



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

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

33 **53-3-204. Persons who may not be licensed.**

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

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

36 (ii) if the person is [~~18~~] 24 years of age or younger, has not completed a course in
37 driver training approved by the commissioner;

38 (iii) if the person is [~~19~~] 25 years of age or older, has not completed:

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

40 (B) the requirements under Subsection [53-3-210.5\(6\)\(c\)](#);

41 (iv) if the person is a minor as defined in Section [53-3-211](#), has not completed the
42 driving requirement under Section [53-3-211](#);

43 (v) is not a resident of the state, unless the person is issued a temporary CDL under
44 Subsection [53-3-407\(2\)\(b\)](#); or

45 (vi) if the person is 17 years of age or younger, has not held a learner permit issued
46 under Section [53-3-210.5](#) or an equivalent by another state or branch of the United States
47 Armed Forces for six months.

48 (b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) 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;

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; or

63 (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card
64 issued under Part 8, Identification Card Act, unless:

65 (i) the Utah identification card is canceled; and

66 (ii) if the Utah identification card is in the person's possession, the Utah identification
67 card is surrendered to the division.

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

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

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

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

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

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

84 Section 2. Section 53-3-210.5 is amended to read:

85 **53-3-210.5. Learner permit.**

86 (1) Beginning on August 1, 2006, the division, upon receiving an application for a
87 learner permit, may issue a learner permit effective for one year to an applicant who is at least
88 15 years of age.

89 (2) (a) The learner permit entitles an applicant that is 18 years of age or older to operate

90 a class D motor vehicle only if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

127 (iii) reaching 16 years of age; and

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

129 application under Section [53-3-105](#).

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

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

135 (i) is ~~[19]~~ 25 years of age or older;

136 (ii) holds a learner permit for three months before applying for an original class D
137 license; ~~[and]~~

138 (iii) certifies that the applicant, under the authority of a permit issued under this
139 chapter, has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours
140 were completed during night hours after sunset~~[-]; and~~

141 (iv) (A) is not a citizen of the United States; and

142 (B) previously held a valid driver license issued by a foreign or international
143 jurisdiction.

144 Section 3. Section **53-3-510** is amended to read:

145 **53-3-510. Instructors certified to administer skills tests.**

146 (1) ~~[(a)]~~ The division shall establish procedures and standards to certify licensed
147 instructors of driver training courses under this part to administer skills tests.

148 ~~[(b) An instructor may not administer a skills test under this section to a student that~~
149 ~~took the course from the same school or the same instructor.]~~

150 (2) The division is the certifying authority.

151 (3) (a) Subject to Subsection (1), an instructor certified under this section may give

152 skills tests designed for driver training courses authorized under this part.

153 (b) The division shall establish minimal standards for the test that is at least as difficult
154 as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform
155 Driver License Act.

156 (c) A student who fails the skills test given by an instructor certified under this section
157 may apply for a class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing
158 Act, and complete the skills test at a division office.

159 (4) A student who successfully passes the test given by a certified driver training
160 instructor under this section satisfies the driving parts of the test required for a class D
161 operator's license.

162 (5) The division shall establish procedures to enable licensed commercial driver
163 training schools to administer or process the skills test authorized under this section for a class
164 D operator's license.

165 (6) The division shall establish the standards and procedures required under this
166 section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative
167 Rulemaking Act.

168 Section 4. **Effective date.**

169 This bill takes effect on July 1, 2015.

Legislative Review Note
as of 2-10-15 2:54 PM

Office of Legislative Research and General Counsel