

UNIFORM DRIVER LICENSE ACT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ prohibits the Driver License Division from issuing a CDL to a person who is younger than 18 years of age at the time of application;
- ▶ provides that a CDL may be issued to an individual who is an out-of-state resident if the person qualifies for a non-domiciled CDL;
- ▶ provides that a temporary CDL may only be issued until June 30, 2015, to a person who is enrolled in a CDL driving training school located in Utah;
- ▶ adds a requirement to the CDL application that, beginning July 1, 2015, a person must hold a commercial driver instruction permit for a minimum of 14 days prior to taking the skills test, including a person who is upgrading a CDL class or endorsement requiring a skills test;
- ▶ adds a requirement to the commercial driver instruction permit application that a person must be 18 years of age or older to be eligible for a commercial driver instruction permit;
- ▶ authorizes the Driver License Division, beginning July 1, 2015, to accept a skills test result from another state or a party authorized by another state or jurisdiction that is compliant with certain federal requirements for issuance of a Utah CDL if the applicant holds a valid Utah commercial driver instruction permit at the time the test is administered;
- ▶ authorizes the Driver License Division or an authorized third party, beginning July 1, 2015, to administer a skills test to an out-of-state resident that holds a valid commercial driver instruction permit issued by a state or jurisdiction that is

- 33 compliant with certain federal requirements;
- 34 ▶ requires the Driver License Division or an authorized third party who administers a
- 35 skills test to:
- 36 • electronically transmit the skills test results for an out-of-state resident to the
- 37 state or jurisdiction in which the out-of-state resident holds a valid commercial
- 38 driver instruction permit;
- 39 • provide an out-of-state resident with documentary evidence upon successful
- 40 completion of the test;
- 41 ▶ authorizes the Driver License Division or an authorized third party to collect a fee
- 42 when a skills test is administered to an out-of-state resident; and
- 43 ▶ makes technical corrections.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 None

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **53-3-204**, as last amended by Laws of Utah 2014, Chapter 58

51 **53-3-205**, as last amended by Laws of Utah 2014, Chapter 85

52 **53-3-402**, as last amended by Laws of Utah 2013, Chapter 411

53 **53-3-407**, as last amended by Laws of Utah 2014, Chapter 85

54 **53-3-408**, as last amended by Laws of Utah 2006, Chapter 201

55

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

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

58 **53-3-204. Persons who may not be licensed.**

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

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

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

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

- 64 (A) a course in driver training approved by the commissioner; or
- 65 (B) the requirements under Subsection 53-3-210.5(6)(c);
- 66 (iv) if the person is a minor as defined in Section 53-3-211, has not completed the
- 67 driving requirement under Section 53-3-211;
- 68 (v) is not a resident of the state, unless the person:
- 69 (A) is issued a temporary CDL under Subsection 53-3-407(2)(b)[~~;~~or] prior to July 1,
- 70 2015; or
- 71 (B) qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;
- 72 (vi) if the person is 17 years of age or younger, has not held a learner permit issued
- 73 under Section 53-3-210.5 or an equivalent by another state or branch of the United States
- 74 Armed Forces for six months[-]; or
- 75 (vii) is younger than 18 years of age and applying for a CDL under 49 C.F.R. Part 383.
- 76 (b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:
- 77 (i) who has been licensed before July 1, 1967; or
- 78 (ii) who is 16 years of age or older making application for a license who has been
- 79 licensed in another state or country.
- 80 (2) The division may not issue a license certificate to a person:
- 81 (a) whose license has been suspended, denied, cancelled, or disqualified during the
- 82 period of suspension, denial, cancellation, or disqualification;
- 83 (b) whose privilege has been revoked, except as provided in Section 53-3-225;
- 84 (c) who has previously been adjudged mentally incompetent and who has not at the
- 85 time of application been restored to competency as provided by law;
- 86 (d) who is required by this chapter to take an examination unless the person
- 87 successfully passes the examination;
- 88 (e) whose driving privileges have been denied or suspended under:
- 89 (i) Section 78A-6-606 by an order of the juvenile court; or
- 90 (ii) Section 53-3-231; or
- 91 (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card
- 92 issued under Part 8, Identification Card Act, unless:
- 93 (i) the Utah identification card is canceled; and
- 94 (ii) if the Utah identification card is in the person's possession, the Utah identification

95 card is surrendered to the division.

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

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

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

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

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

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

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

113 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
114 **Expiration dates of licenses and endorsements -- Information required -- Previous**
115 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
116 **Fee required -- License agreement.**

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

119 (a) made upon a form furnished by the division; and

120 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

123 (a) not more than three attempts to pass both the knowledge and the skills tests for a
124 class D license within six months of the date of the application;

125 (b) a learner permit if needed pending completion of the application and testing

126 process; and

127 (c) an original class D license and license certificate after all tests are passed and
128 requirements are completed.

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

131 (a) not more than three attempts to pass both the knowledge and skills tests within six
132 months of the date of the application;

133 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

134 (c) a motorcycle or taxicab endorsement when all tests are passed.

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

137 (a) not more than two attempts to pass a knowledge test and not more than two
138 attempts to pass a skills test within six months of the date of the application;

139 (b) a commercial driver instruction permit if needed after the knowledge test is passed;

140 and

141 (c) an original commercial class A, B, or C license and license certificate when all
142 applicable tests are passed.

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

144 (a) not more than two attempts to pass a knowledge test and not more than two
145 attempts to pass a skills test within six months of the date of the application; and

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

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

150 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
151 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
152 administered by the division if the out-of-state resident pays the fee provided in Subsection
153 53-3-105(20)(b).

154 (ii) The division shall:

155 (A) electronically transmit skills test results for an out-of-state resident to the licensing
156 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

157 (B) provide the out-of-state resident with documentary evidence upon successful
158 completion of the skills test.

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

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

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

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

169 (e) (i) A regular license certificate and any endorsement to the regular license
170 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time
171 period the person is stationed outside of the state, is valid until 90 days after the person's orders
172 have been terminated, the person has been discharged, or the person's assignment has been
173 changed or terminated, unless:

174 (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by
175 the division; or

176 (B) the licensee updates the information or photograph on the license certificate.

177 (ii) The provisions in Subsection (7)(e)(i) apply to a person:

178 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
179 the United States;

180 (B) who is an immediate family member or dependent of a person described in
181 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

182 (C) who is a civilian employee of the United States State Department or United States
183 Department of Defense and is stationed outside of the United States; or

184 (D) who is an immediate family member or dependent of a person described in
185 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

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

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

190 (B) on the date of issuance in the first year following the year that the limited-term
191 license certificate was issued if there is no definite end to the individual's period of authorized
192 stay.

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

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

199 (h) An original license or a renewal to an original license expires on the birth date of
200 the applicant in the first year following the year that the license was issued if the applicant is
201 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap
202 Offender Registry.

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

205 (i) provide:

206 (A) the applicant's full legal name;

207 (B) the applicant's birth date;

208 (C) the applicant's gender;

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

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

211 (III) the applicant's temporary identification number (ITIN) issued by the Internal
212 Revenue Service for a person who:

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

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

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

216 (E) the applicant's Utah residence address as documented by a form or forms

217 acceptable under rules made by the division under Section 53-3-104, unless the application is

218 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

- 219 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
220 is applying for a driving privilege card;
- 221 (ii) provide evidence of the applicant's lawful presence in the United States by
222 providing documentary evidence:
- 223 (A) that a person is:
- 224 (I) a United States citizen;
- 225 (II) a United States national; or
- 226 (III) a legal permanent resident alien; or
- 227 (B) of the applicant's:
- 228 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
229 States;
- 230 (II) pending or approved application for asylum in the United States;
- 231 (III) admission into the United States as a refugee;
- 232 (IV) pending or approved application for temporary protected status in the United
233 States;
- 234 (V) approved deferred action status;
- 235 (VI) pending application for adjustment of status to legal permanent resident or
236 conditional resident; or
- 237 (VII) conditional permanent resident alien status;
- 238 (iii) provide a description of the applicant;
- 239 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
240 and, if so, when and by what state or country;
- 241 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
242 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
243 application refused, and if so, the date of and reason for the suspension, cancellation,
244 revocation, disqualification, denial, or refusal;
- 245 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
246 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 247 (vii) state whether the applicant is required to register as a sex offender in accordance
248 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 249 (viii) state whether the applicant is a veteran of the United States military, provide

250 verification that the applicant was granted an honorable or general discharge from the United
251 States Armed Forces, and state whether the applicant does or does not authorize sharing the
252 information with the state Department of Veterans' and Military Affairs;

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

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

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

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

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

261 (i) (A) Social Security number;

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

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

264 (ii) indication whether the applicant is required to register as a sex offender in
265 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

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

268 (a) current license certificate;

269 (b) birth certificate;

270 (c) Selective Service registration; or

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

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

275 (i) the license application shall be treated as an original application; and

276 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

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

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

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

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

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

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

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

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

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

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

300 (14) A person who applies for an original license or renewal of a license agrees that the
301 person's license is subject to any suspension or revocation authorized under this title or Title
302 41, Motor Vehicles.

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

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

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

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

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

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

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

318 (a) loss;

319 (b) detriment; or

320 (c) injury.

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

323 (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may
324 hold both an unexpired Utah license certificate and an unexpired Utah identification card.

325 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

326 (i) may not hold both an unexpired Utah license certificate and an unexpired
327 identification card; and

328 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
329 identification card in the person's possession, shall be required to surrender either the unexpired
330 Utah license certificate or the unexpired Utah identification card.

331 (c) If a person has not surrendered either the Utah license certificate or the Utah
332 identification card as required under this Subsection (19), the division shall cancel the Utah
333 identification card on December 1, 2014.

334 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
335 both an unexpired Utah license certificate and an unexpired Utah identification card.

336 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

337 (i) may not hold both an unexpired Utah license certificate and an unexpired
338 identification card; and

339 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
340 identification card in the person's possession, shall be required to surrender either the unexpired
341 Utah license certificate or the unexpired Utah identification card.

342 (c) If a person has not surrendered either the Utah license certificate or the Utah

343 identification card as required under this Subsection (20), the division shall cancel the Utah
344 identification card on December 1, 2017.

345 (21) (a) A person who applies for an original motorcycle endorsement to a regular
346 license certificate is exempt from the requirement to pass the knowledge and skills test to be
347 eligible for the motorcycle endorsement if the person:

348 (i) is a resident of the state of Utah;

349 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
350 forces of the United States; or

351 (B) is an immediate family member or dependent of a person described in Subsection
352 (21)(a)(ii)(A) and is residing outside of Utah;

353 (iii) has a digitized driver license photo on file with the division;

354 (iv) provides proof to the division of the successful completion of a certified
355 Motorcycle Safety Foundation rider training course; and

356 (v) provides the necessary information and documentary evidence required under
357 Subsection (8).

358 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
359 division shall make rules:

360 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
361 this Subsection (21); and

362 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
363 this Subsection (21).

364 Section 3. Section **53-3-402** is amended to read:

365 **53-3-402. Definitions.**

366 As used in this part:

367 (1) "Alcohol" means any substance containing any form of alcohol, including ethanol,
368 methanol, propanol, and isopropanol.

369 (2) "Alcohol concentration" means the number of grams of alcohol per:

370 (a) 100 milliliters of blood;

371 (b) 210 liters of breath; or

372 (c) 67 milliliters of urine.

373 (3) "Commercial driver instruction permit" or "CDIP" means a commercial leaner

374 permit;

375 (a) issued under Section 53-3-408[-]; or

376 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
377 contained in 49 C.F.R. Part 383.

378 (4) "Commercial driver license information system" or "CDLIS" means the
379 information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle
380 Safety Act of 1986, as a clearinghouse for information related to the licensing and
381 identification of commercial motor vehicle drivers.

382 (5) "Controlled substance" means any substance so classified under Section 102(6) of
383 the Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on the
384 current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to
385 time.

386 (6) "Employee" means any driver of a commercial motor vehicle, including:

387 (a) full-time, regularly employed drivers;

388 (b) casual, intermittent, or occasional drivers;

389 (c) leased drivers; and

390 (d) independent, owner-operator contractors while in the course of driving a
391 commercial motor vehicle who are either directly employed by or under lease to an employer.

392 (7) "Employer" means any individual or person including the United States, a state, or
393 a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns an
394 individual to drive a commercial motor vehicle.

395 (8) "Felony" means any offense under state or federal law that is punishable by death or
396 imprisonment for a term of more than one year.

397 (9) "Foreign jurisdiction" means any jurisdiction other than the United States or a state
398 of the United States.

399 (10) "Gross vehicle weight rating" or "GVWR" means the value specified by the
400 manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or
401 articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed
402 units and the loads on those units.

403 (11) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec.
404 383.5.

405 (12) "Imminent hazard" means the existence of a condition, practice, or violation that
406 presents a substantial likelihood that death, serious illness, severe personal injury, or a
407 substantial endangerment to health, property, or the environment is expected to occur
408 immediately, or before the condition, practice, or violation can be abated.

409 (13) "Medical certification status" means the medical certification of a commercial
410 driver license holder or commercial motor vehicle operator in any of the following categories:

411 (a) Non-excepted interstate. A person shall certify that the person:

412 (i) operates or expects to operate in interstate commerce;

413 (ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part
414 391; and

415 (iii) is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45.

416 (b) Excepted interstate. A person shall certify that the person:

417 (i) operates or expects to operate in interstate commerce, but engages exclusively in
418 transportation or operations excepted under 49 C.F.R. Sec. 390.3(f), 391.2, 391.68, or 398.3
419 from all or parts of the qualification requirements of 49 C.F.R. Part 391; and

420 (ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec.
421 391.45.

422 (c) Non-excepted intrastate. A person shall certify that the person:

423 (i) operates only in intrastate commerce; and

424 (ii) is subject to state driver qualification requirements under Sections 53-3-303.5,
425 53-3-304, and 53-3-414.

426 (d) Excepted intrastate. A person shall certify that the person:

427 (i) operates in intrastate commerce; and

428 (ii) engages exclusively in transportation or operations excepted from all parts of the
429 state driver qualification requirements.

430 (14) "NDR" means the National Driver Register.

431 (15) "Nonresident CDL" means a commercial driver license issued by a state to an
432 individual who resides in a foreign jurisdiction.

433 (16) "Out-of-service order" means a temporary prohibition against driving a
434 commercial motor vehicle.

435 (17) "Port-of-entry agent" has the same meaning as provided in Section 72-1-102.

- 436 (18) "Serious traffic violation" means a conviction of any of the following:
- 437 (a) speeding 15 or more miles per hour above the posted speed limit;
- 438 (b) reckless driving as defined by state or local law;
- 439 (c) improper or erratic traffic lane changes;
- 440 (d) following the vehicle ahead too closely;
- 441 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic
- 442 accident;
- 443 (f) operating a commercial motor vehicle without a CDL or a CDIP;
- 444 (g) operating a commercial motor vehicle without the proper class of CDL or CDL
- 445 endorsement for the type of vehicle group being operated or for the passengers or cargo being
- 446 transported;
- 447 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in
- 448 the driver's possession in violation of Section 53-3-404;
- 449 (i) using a handheld wireless communication device in violation of Section 41-6a-1716
- 450 while operating a commercial motor vehicle; or
- 451 (j) using a hand-held mobile telephone while operating a commercial motor vehicle in
- 452 violation of 49 C.F.R. Sec. 392.82.
- 453 (19) "State" means a state of the United States, the District of Columbia, any province
- 454 or territory of Canada, or Mexico.
- 455 (20) "United States" means the 50 states and the District of Columbia.
- 456 Section 4. Section **53-3-407** is amended to read:
- 457 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
- 458 **administer skills test.**
- 459 (1) (a) As used in this section, "CDL driver training school" means a business
- 460 enterprise conducted by an individual, association, partnership, or corporation that:
- 461 (i) educates and trains persons, either practically or theoretically, or both, to drive
- 462 commercial motor vehicles; and
- 463 (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).
- 464 (b) A CDL driver training school may charge a consideration or tuition for the services
- 465 provided under Subsection (1)(a).
- 466 (2) (a) Except as provided in Subsection (2)(b) and (c), a CDL may be issued only to a

467 person who:

468 (i) is a resident of this state or is an out-of-state resident if the person qualifies for a
469 non-domiciled CDL as defined in 49 C.F.R. Part 383;

470 (ii) beginning July 1, 2015, has held a CDIP for a minimum of 14 days prior to taking
471 the skills test under 49 C.F.R. Part 383, including a person who is upgrading a CDL class or
472 endorsement requiring a skills test under 49 C.F.R. Part 383;

473 ~~[(iii)]~~ (iii) has passed a test of knowledge and skills for driving a commercial motor
474 vehicle, that complies with minimum standards established by federal regulation in 49 C.F.R.
475 Part 383, Subparts G and H; and

476 ~~[(iii)]~~ (iv) has complied with all requirements of 49 C.F.R. Part 383 and other
477 applicable state laws and federal regulations.

478 (b) a person who applies for a CDL is exempt from the requirement to pass a skills test
479 to be eligible for the license if the person:

480 (i) is a resident of the state of Utah;

481 (ii) has successfully completed a skills test administered by a state or a party authorized
482 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383; and

483 (iii) held a valid Utah CDIP at the time the test was administered.

484 ~~[(b)]~~ (c) (i) ~~[A]~~ Until June 30, 2015, a temporary CDL may be issued to [a person] an
485 out-of-state resident who:

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

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

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

491 (ii) A temporary CDL issued under this Subsection (2)~~[(b)]~~(c):

492 (A) is valid for 60 days; and

493 (B) may not be renewed or extended.

494 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v),
495 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
496 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL
497 issued under this Subsection (2)~~[(b)]~~(c) in the same way as a commercial driver license issued

498 under this part.

499 ~~[(e)]~~ (d) The department shall waive the skills test specified in this section for a
500 commercial driver license applicant who, subject to the limitations and requirements of 49
501 C.F.R. Sec. 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77
502 and certifies that the applicant:

503 (i) is a member of the active or reserve components of any branch or unit of the armed
504 forces or a veteran who received an honorable or general discharge from any branch or unit of
505 the active or reserve components of the United States Armed Forces;

506 (ii) is or was regularly employed in a position in the armed forces requiring operation
507 of a commercial motor vehicle; and

508 (iii) has legally operated, while on active duty for at least two years immediately
509 preceding application for a commercial driver license, a vehicle representative of the
510 commercial motor vehicle the driver applicant operates or expects to operate.

511 ~~[(d)]~~ (e) An applicant who requests a waiver under Subsection (2)~~[(e)]~~(d) shall present
512 a completed application for a military skills test waiver at the time of the request.

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

515 (4) The division shall authorize a person, an agency of this state, an employer, a private
516 driver training facility or other private institution, or a department, agency, or entity of local
517 government to administer the skills test required under this section if:

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

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

522 (5) (a) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
523 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
524 administered by a party authorized under this section.

525 (b) A person authorized under this section to administer the skills test may charge a fee
526 for administration of the skills test.

527 (c) A person authorized under this section to administer the skills test shall:

528 (i) electronically transmit skills test results for an out-of-state resident to the licensing

529 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

530 (ii) provide the out-of-state resident with documentary evidence upon successful

531 completion of the skills test.

532 ~~[(5)]~~ (6) A person who has an appointment with the division for testing and fails to
533 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the
534 fee under Section 53-3-105.

535 ~~[(6)]~~ (7) A person authorized under this section to administer the skills test is not
536 criminally or civilly liable for the administration of the test unless he administers the test in a
537 grossly negligent manner.

538 ~~[(7)]~~ (8) The division may waive the skills test required under this section if it
539 determines that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

540 Section 5. Section **53-3-408** is amended to read:

541 **53-3-408. Qualifications for commercial driver instruction permit.**

542 (1) The division may issue a CDIP to a person who:

543 (a) is 18 years of age or older;

544 ~~[(a)]~~ (b) holds a valid license;

545 ~~[(b)]~~ (c) has at least one year of driving experience; and

546 ~~[(c)]~~ (d) has passed the vision and knowledge test for the class of license for which ~~[he]~~
547 the person is applying.

548 (2) A CDIP may be:

549 (a) issued only for a period not to exceed six months; and

550 (b) renewed or issued again only once within a two-year period.

551 (3) The holder of a CDIP may drive a commercial motor vehicle on a highway only
552 when accompanied by a person who:

553 (a) (i) holds a CDL valid for the ~~[type]~~ class and endorsements of commercial motor
554 vehicle driven; or

555 (ii) is certified by the division to administer driver licensing examinations to CDL
556 applicants; and

557 (b) occupies a seat beside the individual for the purpose of:

558 (i) giving the driver instruction regarding the driving of the commercial motor vehicle;

559 or

- 560 (ii) administering a driver licensing examination to a CDL applicant.
- 561 (4) A CDL or CDIP may not be issued to a person:
- 562 (a) subject to disqualification from driving a commercial motor vehicle; or
- 563 (b) whose license is suspended, revoked, or canceled in any state.
- 564 (5) A CDL or CDIP may not be issued to a person until the person has surrendered all
- 565 license certificates the person holds to the division for cancellation.