

**53-3-407.1 Commercial driver license third party tester or third party examiner license --  
Fingerprint background check required.**

- (1) A commercial driver license third party tester or commercial driver license third party examiner shall be licensed by the division to be eligible to administer the commercial driver license skills tests.
- (2)
  - (a) An applicant for a commercial driver license third party tester or third party examiner license shall submit fingerprints in a form acceptable to the division at the time the license application is filed and shall consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
  - (b) The division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check for each commercial driver license third party tester or third party examiner applicant through the national criminal history system or any successor system.
  - (c) The Utah Bureau of Criminal Identification shall release to the division all information received in response to the division's request under this Subsection (2).
  - (d) A commercial driver license third party tester or third party examiner license may not be issued under this section until the criminal background check required under this Subsection (2) has been completed and reviewed by the division.
  - (e) In addition to any fees imposed under this chapter, the division shall:
    - (i) impose on individuals submitting fingerprints in accordance with this Subsection (2) the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under this section; and
    - (ii) remit the fees collected under this Subsection (2)(e) to the Bureau of Criminal Identification.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
  - (a) minimum standards for a commercial driver license third party tester or third party examiner license;
  - (b) procedures for an applicant to apply for a commercial driver license third party tester or third party examiner license;
  - (c) minimum standards for the commercial driver license skills test; and
  - (d) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer or process a commercial driver license skills test for an applicant to receive a commercial driver license.

Enacted by Chapter 411, 2013 General Session