

Effective 5/13/2014

Superseded 5/12/2015

53-3-407 Qualifications for commercial driver license -- Fee -- Third parties may administer skills test.

- (1)
 - (a) As used in this section, "CDL driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation that:
 - (i) educates and trains persons, either practically or theoretically, or both, to drive commercial motor vehicles; and
 - (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).
 - (b) A CDL driver training school may charge a consideration or tuition for the services provided under Subsection (1)(a).
- (2)
 - (a) Except as provided in Subsection (2)(b) and (c), a CDL may be issued only to a person who:
 - (i) is a resident of this state;
 - (ii) has passed a test of knowledge and skills for driving a commercial motor vehicle, that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383, Subparts G and H; and
 - (iii) has complied with all requirements of 49 C.F.R. Part 383 and other applicable state laws and federal regulations.
 - (b)
 - (i) A temporary CDL may be issued to a person who:
 - (A) is enrolled in a CDL driver training school located in Utah;
 - (B) has passed a test of knowledge and skills for driving a commercial motor vehicle, that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383, Subparts G and H; and
 - (C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.
 - (ii) A temporary CDL issued under this Subsection (2)(b):
 - (A) is valid for 60 days; and
 - (B) may not be renewed or extended.
 - (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v), 53-3-205(8)(a)(i) (E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL issued under this Subsection (2)(b) in the same way as a commercial driver license issued under this part.
 - (c) The department shall waive the skills test specified in this section for a commercial driver license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec. 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and certifies that the applicant:
 - (i) is a member of the active or reserve components of any branch or unit of the armed forces or a veteran who received an honorable or general discharge from any branch or unit of the active or reserve components of the United States Armed Forces;
 - (ii) is or was regularly employed in a position in the armed forces requiring operation of a commercial motor vehicle; and
 - (iii) has legally operated, while on active duty for at least two years immediately preceding application for a commercial driver license, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.
 - (d) An applicant who requests a waiver under Subsection (2)(c) shall present a completed application for a military skills test waiver at the time of the request.

- (3) Tests required under this section shall be prescribed and administered by the division.
- (4) The division shall authorize a person, an agency of this state, an employer, a private driver training facility or other private institution, or a department, agency, or entity of local government to administer the skills test required under this section if:
 - (a) the test is the same test as prescribed by the division, and is administered in the same manner; and
 - (b) the party authorized under this section to administer the test has entered into an agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75.
- (5) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.
- (6) A person authorized under this section to administer the skills test is not criminally or civilly liable for the administration of the test unless he administers the test in a grossly negligent manner.
- (7) The division may waive the skills test required under this section if it determines that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.