

1 **COMMERCIAL DRIVERS LICENSE MEDICAL**

2 **WAIVERS**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Ed P. Mayne**

6 **This act modifies the Public Safety Code by amending provisions related to person applying**  
7 **for a medical waiver related to an intrastate commercial driving privilege.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **53-3-303.5**, as last amended by Chapter 74, Laws of Utah 1999

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

12 Section 1. Section **53-3-303.5** is amended to read:

13 **53-3-303.5. Driver License Medical Advisory Board -- Medical waivers.**

14 (1) The Driver License Medical Advisory Board shall:

15 (a) advise the director of the division; and

16 (b) establish and recommend written functional ability profile guidelines and standards for  
17 determining the physical, mental, and emotional capabilities of applicants for specific types of  
18 licenses, appropriate to various driving abilities.

19 (2) (a) The Driver License Medical Advisory Board shall establish fitness standards,  
20 including provisions for a waiver of specified federal driver's physical qualifications under 49 CFR  
21 391.41, for intrastate commercial [~~driver licenses under Title 53, Chapter 3, Part 4, Uniform~~  
22 ~~Commercial Driver License Act~~] driving privileges.

23 (b) The standards under this Subsection (2) may only be implemented if the United States  
24 Department of Transportation (USDOT) will not impose any sanctions, including funding  
25 sanctions, against the state of Utah.

26 (3) In case of uncertainty of interpretation of these guidelines and standards, or in special  
27 circumstances, applicants may request a review of any division decision by a panel of board

28 members. All of the actions of the director and board are subject to judicial review.

29 (4) (a) If [~~the applicant for an intrastate commercial driver license under Subsection (2)~~  
30 ~~applies for the license under a waiver program]~~ a person applies for a waiver established under  
31 Subsection (2), the applicant shall bear any costs directly associated with the cost of administration  
32 of the waiver program, with respect to the applicant's application, in addition to any fees required  
33 under Section 53-3-105.

34 (b) The division shall establish any additional fee necessary to administer the license under  
35 this Subsection (4) in accordance with Section 63-38-3.2.

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**Legislative Review Note**  
**as of 1-2-01 12:15 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**