

1 **UNIFORM DRIVER LICENSE ACT AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kevin T. Van Tassell**

5 House Sponsor: Don L. Ipson

7 **LONG TITLE**

8 **Committee Note:**

9 The Transportation Interim Committee recommended this bill.

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ amends definitions;
- 16 ▶ prohibits the Driver License Division from issuing a CDL to a person who is
17 younger than 18 years of age at the time of application;
- 18 ▶ provides that a CDL may be issued to an individual who is an out-of-state resident if
19 the person qualifies for a non-domiciled CDL;
- 20 ▶ provides that a temporary CDL may only be issued until June 30, 2015, to a person
21 who is enrolled in a CDL driving training school located in Utah;
- 22 ▶ adds a requirement to the CDL application that, beginning July 1, 2015, a person
23 must hold a commercial driver instruction permit for a minimum of 14 days prior to
24 taking the skills test, including a person who is upgrading a CDL class or
25 endorsement requiring a skills test;
- 26 ▶ adds a requirement to the commercial driver instruction permit application that a
27 person must be 18 years of age or older to be eligible for a commercial driver



28 instruction permit;

29 ▶ authorizes the Driver License Division, beginning July 1, 2015, to accept a skills
30 test result from another state or a party authorized by another state or jurisdiction
31 that is compliant with certain federal requirements for issuance of a Utah CDL if the
32 applicant holds a valid Utah commercial driver instruction permit at the time the
33 test is administered;

34 ▶ authorizes the Driver License Division or an authorized third party, beginning July
35 1, 2015, to administer a skills test to an out-of-state resident that holds a valid
36 commercial driver instruction permit issued by a state or jurisdiction that is
37 compliant with certain federal requirements;

38 ▶ requires the Driver License Division or an authorized third party who administers a
39 skills test to:

40 • electronically transmit the skills test results for an out-of-state resident to the
41 state or jurisdiction in which the out-of-state resident holds a valid commercial
42 driver instruction permit; and

43 • provide an out-of-state resident with documentary evidence upon successful
44 completion of the test;

45 ▶ authorizes the Driver License Division or an authorized third party to collect a fee
46 when a skills test is administered to an out-of-state resident; and

47 ▶ makes technical corrections.

48 **Money Appropriated in this Bill:**

49 None

50 **Other Special Clauses:**

51 None

52 **Utah Code Sections Affected:**

53 AMENDS:

54 **53-3-204**, as last amended by Laws of Utah 2014, Chapter 58

55 **53-3-205**, as last amended by Laws of Utah 2014, Chapter 85

56 **53-3-402**, as last amended by Laws of Utah 2013, Chapter 411

57 **53-3-407**, as last amended by Laws of Utah 2014, Chapter 85

58 **53-3-408**, as last amended by Laws of Utah 2006, Chapter 201

59 ENACTS:

60 **53-3-401.1**, Utah Code Annotated 1953

61

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

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

64 **53-3-204. Persons who may not be licensed.**

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

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

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

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

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

71 (B) the requirements under Subsection **53-3-210.5(6)(c)**;

72 (iv) if the person is a minor as defined in Section **53-3-211**, has not completed the
73 driving requirement under Section **53-3-211**;

74 (v) is not a resident of the state, unless the person:

75 (A) is issued a temporary CDL under Subsection **53-3-407(2)(b)**~~[-or]~~ prior to July 1,
76 2015; or

77 (B) qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;

78 (vi) if the person is 17 years of age or younger, has not held a learner permit issued
79 under Section **53-3-210.5** or an equivalent by another state or branch of the United States
80 Armed Forces for six months~~[-]; or~~

81 (vii) is younger than 18 years of age and applying for a CDL under 49 C.F.R. Part 383.

82 (b) Subsections (1)(a)(i), (ii), (iii), (iv), and (vi) do not apply to a person:

83 (i) who has been licensed before July 1, 1967; or

84 (ii) who is 16 years of age or older making application for a license who has been
85 licensed in another state or country.

86 (2) The division may not issue a license certificate to a person:

87 (a) whose license has been suspended, denied, cancelled, or disqualified during the
88 period of suspension, denial, cancellation, or disqualification;

89 (b) whose privilege has been revoked, except as provided in Section **53-3-225**;

90 (c) who has previously been adjudged mentally incompetent and who has not at the
91 time of application been restored to competency as provided by law;

92 (d) who is required by this chapter to take an examination unless the person
93 successfully passes the examination;

94 (e) whose driving privileges have been denied or suspended under:

95 (i) Section 78A-6-606 by an order of the juvenile court; or

96 (ii) Section 53-3-231; or

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

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

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

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

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

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

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

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

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

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

119 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
120 **Expiration dates of licenses and endorsements -- Information required -- Previous**

121 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
122 **Fee required -- License agreement.**

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

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

126 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).

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

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

131 (b) a learner permit if needed pending completion of the application and testing
132 process; and

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

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

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

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

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

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

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

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

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

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

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

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

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

156 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
157 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
158 administered by the division if the out-of-state resident pays the fee provided in Subsection
159 53-3-105(20)(b).

160 (ii) The division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 (i) provide:

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

213 (B) the applicant's birth date;

- 214 (C) the applicant's gender;
- 215 (D) (I) documentary evidence of the applicant's valid Social Security number;
- 216 (II) written proof that the applicant is ineligible to receive a Social Security number;
- 217 (III) the applicant's temporary identification number (ITIN) issued by the Internal
- 218 Revenue Service for a person who:
 - 219 (Aa) does not qualify for a Social Security number; and
 - 220 (Bb) is applying for a driving privilege card; or
 - 221 (IV) other documentary evidence approved by the division;
 - 222 (E) the applicant's Utah residence address as documented by a form or forms
 - 223 acceptable under rules made by the division under Section 53-3-104, unless the application is
 - 224 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
 - 225 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
 - 226 is applying for a driving privilege card;
 - 227 (ii) provide evidence of the applicant's lawful presence in the United States by
 - 228 providing documentary evidence:
 - 229 (A) that a person is:
 - 230 (I) a United States citizen;
 - 231 (II) a United States national; or
 - 232 (III) a legal permanent resident alien; or
 - 233 (B) of the applicant's:
 - 234 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
 - 235 States;
 - 236 (II) pending or approved application for asylum in the United States;
 - 237 (III) admission into the United States as a refugee;
 - 238 (IV) pending or approved application for temporary protected status in the United
 - 239 States;
 - 240 (V) approved deferred action status;
 - 241 (VI) pending application for adjustment of status to legal permanent resident or
 - 242 conditional resident; or
 - 243 (VII) conditional permanent resident alien status;
 - 244 (iii) provide a description of the applicant;

245 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
246 and, if so, when and by what state or country;

247 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
248 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
249 application refused, and if so, the date of and reason for the suspension, cancellation,
250 revocation, disqualification, denial, or refusal;

251 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
252 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

253 (vii) state whether the applicant is required to register as a sex offender in accordance
254 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

255 (viii) state whether the applicant is a veteran of the United States military, provide
256 verification that the applicant was granted an honorable or general discharge from the United
257 States Armed Forces, and state whether the applicant does or does not authorize sharing the
258 information with the state Department of Veterans' and Military Affairs;

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

260 (x) sign the application which signature may include an electronic signature as defined
261 in Section [46-4-102](#).

262 (b) Each applicant shall have a Utah residence address, unless the application is for a
263 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).

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

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

267 (i) (A) Social Security number;

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

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

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

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

274 (a) current license certificate;

275 (b) birth certificate;

276 (c) Selective Service registration; or

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

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

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

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

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

285 (i) may be issued a duplicate license with a lower license classification for the
286 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)(b)(i).

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

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

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

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

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

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

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

306 (14) A person who applies for an original license or renewal of a license agrees that the

307 person's license is subject to any suspension or revocation authorized under this title or Title
308 41, Motor Vehicles.

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

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

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

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

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

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

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

324 (a) loss;

325 (b) detriment; or

326 (c) injury.

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

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

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

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

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

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

338 identification card as required under this Subsection (19), the division shall cancel the Utah
339 identification card on December 1, 2014.

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

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

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

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

348 (c) If a person has not surrendered either the Utah license certificate or the Utah
349 identification card as required under this Subsection (20), the division shall cancel the Utah
350 identification card on December 1, 2017.

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

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

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

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

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

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

362 (v) provides the necessary information and documentary evidence required under
363 Subsection (8).

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

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

368 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under

369 this Subsection (21).

370 Section 3. Section **53-3-401.1** is enacted to read:

371 **53-3-401.1. Conflict with Federal Motor Carrier Safety Regulations.**

372 Federal Motor Carrier Safety Regulations supercede any conflicting provisions of this
373 chapter pertaining to licensing of commercial motor vehicle operators.

374 Section 4. Section **53-3-402** is amended to read:

375 **53-3-402. Definitions.**

376 As used in this part:

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

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

380 (a) 100 milliliters of blood;

381 (b) 210 liters of breath; or

382 (c) 67 milliliters of urine.

383 (3) "Commercial driver instruction permit" or "CDIP" means a commercial learner
384 permit:

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

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

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

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

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

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

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

399 (c) leased drivers; and

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

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

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

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

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

413 (11) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec.
414 383.5.

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

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

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

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

423 (ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part
424 391; and

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

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

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

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

431 391.45.

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

433 (i) operates only in intrastate commerce; and

434 (ii) is subject to state driver qualification requirements under Sections [53-3-303.5](#),

435 [53-3-304](#), and [53-3-414](#).

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

437 (i) operates in intrastate commerce; and

438 (ii) engages exclusively in transportation or operations excepted from all parts of the

439 state driver qualification requirements.

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

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

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

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

446 (18) "Serious traffic violation" means a conviction of any of the following:

447 (a) speeding 15 or more miles per hour above the posted speed limit;

448 (b) reckless driving as defined by state or local law;

449 (c) improper or erratic traffic lane changes;

450 (d) following the vehicle ahead too closely;

451 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic
452 accident;

453 (f) operating a commercial motor vehicle without a CDL or a CDIP;

454 (g) operating a commercial motor vehicle without the proper class of CDL or CDL
455 endorsement for the type of vehicle group being operated or for the passengers or cargo being
456 transported;

457 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in
458 the driver's possession in violation of Section [53-3-404](#);

459 (i) using a handheld wireless communication device in violation of Section [41-6a-1716](#)
460 while operating a commercial motor vehicle; or

461 (j) using a hand-held mobile telephone while operating a commercial motor vehicle in

462 violation of 49 C.F.R. Sec. 392.82.

463 (19) "State" means a state of the United States, the District of Columbia, any province
464 or territory of Canada, or Mexico.

465 (20) "United States" means the 50 states and the District of Columbia.

466 Section 5. Section **53-3-407** is amended to read:

467 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
468 **administer skills test.**

469 (1) (a) As used in this section, "CDL driver training school" means a business
470 enterprise conducted by an individual, association, partnership, or corporation that:

471 (i) educates and trains persons, either practically or theoretically, or both, to drive
472 commercial motor vehicles; and

473 (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).

474 (b) A CDL driver training school may charge a consideration or tuition for the services
475 provided under Subsection (1)(a).

476 (2) (a) Except as provided in Subsection (2)(b) and (c), a CDL may be issued only to a
477 person who:

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

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

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

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

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

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

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

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

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

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

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

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

501 (ii) A temporary CDL issued under this Subsection (2)~~(b)~~(c):

502 (A) is valid for 60 days; and

503 (B) may not be renewed or extended.

504 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v),
505 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
506 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL
507 issued under this Subsection (2)~~(b)~~(c) in the same way as a commercial driver license issued
508 under this part.

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

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

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

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

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

523 (3) Tests required under this section shall be prescribed and administered by the

524 division.

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

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

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

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

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

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

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

540 (ii) provide the out-of-state resident with documentary evidence upon successful
541 completion of the skills test.

542 [~~5~~] (6) A person who has an appointment with the division for testing and fails to
543 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the
544 fee under Section 53-3-105.

545 [~~6~~] (7) A person authorized under this section to administer the skills test is not
546 criminally or civilly liable for the administration of the test unless he administers the test in a
547 grossly negligent manner.

548 [~~7~~] (8) The division may waive the skills test required under this section if it
549 determines that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

550 Section 6. Section 53-3-408 is amended to read:

551 **53-3-408. Qualifications for commercial driver instruction permit.**

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

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

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

555 ~~[(b)]~~ (c) has at least one year of driving experience; and
556 ~~[(c)]~~ (d) has passed the vision and knowledge test for the class of license for which ~~[(he)]~~
557 the person is applying.

558 (2) A CDIP may be:

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

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

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

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

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

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

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

569 or

570 (ii) administering a driver licensing examination to a CDL applicant.

571 (4) A CDL or CDIP may not be issued to a person:

572 (a) subject to disqualification from driving a commercial motor vehicle; or

573 (b) whose license is suspended, revoked, or canceled in any state.

574 (5) A CDL or CDIP may not be issued to a person until the person has surrendered all
575 license certificates the person holds to the division for cancellation.

Legislative Review Note

as of 11-20-14 3:12 PM

Office of Legislative Research and General Counsel