

SB0012S01 compared with SB0012

~~{deleted text}~~ shows text that was in SB0012 but was deleted in SB0012S01.

inserted text shows text that was not in SB0012 but was inserted into SB0012S01.

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Senator Karen Mayne proposes the following substitute bill:

PASSENGER CARRIER REQUIREMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~_____The Business and Labor Interim Committee recommended this bill.~~

~~{General Description:~~

This bill modifies the Uniform Driver License Act by amending provisions relating to class D motor vehicles.

Highlighted Provisions:

This bill:

- ▶ defines "private passenger carrier";
- ▶ prohibits a person from driving a motor vehicle as a private passenger carrier unless the person has a valid taxicab endorsement or a commercial driver license; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

SB0012S01 compared with SB0012

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-2-202, as enacted by Laws of Utah 2014, Chapter 295

53-3-102, as last amended by Laws of Utah 2015, Chapters 52, 461 and last amended by Coordination Clause, Laws of Utah 2015, Chapter 52

53-3-202, as last amended by Laws of Utah 2015, Chapters 331 and 412

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

Section 1. Section **19-2-202** is amended to read:

19-2-202. Definitions.

As used in this part:

- (1) "Board" means the Air Quality Board.
- (2) "Certified" means certified by the United States Environmental Protection Agency or the California Air Resources Board to meet appropriate emission standards.
- (3) "Cost" means the total reasonable cost of a project eligible for a grant under the fund, including the cost of labor.
- (4) "Director" means the director of the Division of Air Quality.
- (5) "Division" means the Division of Air Quality, created in Subsection 19-1-105(1)(a).
- (6) "Eligible equipment" means equipment with engines, including stationary generators and pumps, operated and, if applicable, permitted in Utah.
- (7) "Eligible vehicle" means a vehicle operated and, if applicable, registered in Utah that is:
 - (a) a medium-duty or heavy-duty transit bus;
 - (b) a school bus as defined in [Subsection] Section 53-3-102[(33)];
 - (c) a medium-duty or heavy-duty truck with a gross vehicle weight rating of at least 16,001 GVWR;
 - (d) a locomotive; or
 - (e) another type of vehicle identified by the board in rule as being a significant

SB0012S01 compared with SB0012

potential source of air pollution, as defined in [~~Subsection~~] Section 19-2-102[~~(3)~~].

(8) "Verified" means verified by the United States Environmental Protection Agency or the California Air Resources Board to reduce air emissions and meet durability requirements.

Section 2. Section **53-3-102** is amended to read:

53-3-102. Definitions.

As used in this chapter:

(1) "Cancellation" means the termination by the division of a license issued through error or fraud or for which consent under Section 53-3-211 has been withdrawn.

(2) "Class D license" means the class of license issued to drive motor vehicles not defined as commercial motor vehicles or motorcycles under this chapter.

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

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

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

(4) "Commercial driver license" or "CDL" means a license:

(a) issued substantially in accordance with the requirements of Title XII, Pub. L. No. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and

(b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

(5) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a driving record that:

(i) applies to a person who holds or is required to hold a commercial driver instruction permit or a CDL license; and

(ii) contains the following:

(A) information contained in the driver history, including convictions, pleas held in abeyance, disqualifications, and other licensing actions for violations of any state or local law relating to motor vehicle traffic control, committed in any type of vehicle;

(B) driver self-certification status information under Section 53-3-410.1; and

SB0012S01 compared with SB0012

(C) information from medical certification record keeping in accordance with 49 C.F.R. Sec. 383.73(o).

(b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a motor vehicle record described in Subsection 53-3-102(28).

(6) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle:

(i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as determined by federal regulation;

(ii) is designed to transport 16 or more passengers, including the driver; or

(iii) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

(b) The following vehicles are not considered a commercial motor vehicle for purposes of Part 4, Uniform Commercial Driver License Act:

(i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

(ii) vehicles controlled and driven by a farmer to transport agricultural products, farm machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation as a motor carrier for hire;

(iii) firefighting and emergency vehicles;

(iv) recreational vehicles that are not used in commerce and are driven solely as family or personal conveyances for recreational purposes; and

(v) vehicles used to provide transportation network services, as defined in Section 13-51-102.

(7) "Conviction" means any of the following:

(a) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

(b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

SB0012S01 compared with SB0012

(c) a plea of guilty or nolo contendere accepted by the court;
(d) the payment of a fine or court costs; or
(e) violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

(8) "Denial" or "denied" means the withdrawal of a driving privilege by the division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security, do not apply.

(9) "Director" means the division director appointed under Section 53-3-103.

(10) "Disqualification" means either:

(a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of a person's privileges to drive a commercial motor vehicle;

(b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386, that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part 391; or

(c) the loss of qualification that automatically follows conviction of an offense listed in 49 C.F.R. Part 383.51.

(11) "Division" means the Driver License Division of the department created in Section 53-3-103.

(12) "Downgrade" means to obtain a lower license class than what was originally issued during an existing license cycle.

(13) "Drive" means:

(a) to operate or be in physical control of a motor vehicle upon a highway; and

(b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within the state.

(14) (a) "Driver" means any person who drives, or is in actual physical control of a motor vehicle in any location open to the general public for purposes of vehicular traffic.

(b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or federal law.

(15) "Driving privilege card" means the evidence of the privilege granted and issued

SB0012S01 compared with SB0012

under this chapter to drive a motor vehicle to a person whose privilege was obtained without providing evidence of lawful presence in the United States.

(16) "Extension" means a renewal completed in a manner specified by the division.

(17) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(18) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

(19) "Identification card" means a card issued under Part 8, Identification Card Act, to a person for identification purposes.

(20) "Indigent" means that a person's income falls below the federal poverty guideline issued annually by the U.S. Department of Health and Human Services in the Federal Register.

(21) "License" means the privilege to drive a motor vehicle.

(22) (a) "License certificate" means the evidence of the privilege issued under this chapter to drive a motor vehicle.

(b) "License certificate" evidence includes a:

- (i) regular license certificate;
- (ii) limited-term license certificate;
- (iii) driving privilege card;
- (iv) CDL license certificate;
- (v) limited-term CDL license certificate;
- (vi) temporary regular license certificate; and
- (vii) temporary limited-term license certificate.

(23) "Limited-term commercial driver license" or "limited-term CDL" means a license:

(a) issued substantially in accordance with the requirements of Title XII, Pub. L. No. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle; and

(b) that was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

(24) "Limited-term identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the

SB0012S01 compared with SB0012

United States with one of the document requirements described in Subsection 53-3-804(2)(i)(ii).

(25) "Limited-term license certificate" means the evidence of the privilege granted and issued under this chapter to drive a motor vehicle to a person whose privilege was obtained providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(B).

(26) "Motorboat" [~~has the same meaning as provided under~~] means the same as that term is defined in Section 73-18-2.

(27) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

(28) "Motor vehicle record" or "MVR" means a driving record under Subsection 53-3-109(6)(a).

(29) "Office of Recovery Services" means the Office of Recovery Services, created in Section 62A-11-102.

(30) (a) "Owner" means a person other than a lien holder having an interest in the property or title to a vehicle.

(b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

(31) (a) "Private passenger carrier" means any motor vehicle for hire that is:
(~~f~~a)i) designed to transport 15 or fewer passengers, including the driver; and
(~~f~~b)ii) operated to transport an employee of the person that hires the motor vehicle.

(b) "Private passenger carrier" does not include a motor vehicle driven:
(i) by a transportation network driver as defined in Section 13-51-102;
(ii) for transportation network services as defined in Section 13-51-102; and
(iii) for a transportation network company as defined in Section 13-51-102 and
registered with the Division of Consumer Protection as described in Section 13-51-104.

~~(31)~~ (32) "Regular identification card" means an identification card issued under this chapter to a person whose card was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

~~(32)~~ (33) "Regular license certificate" means the evidence of the privilege issued

SB0012S01 compared with SB0012

under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8)(a)(ii)(A).

~~[(33)]~~ (34) "Renewal" means to validate a license certificate so that it expires at a later date.

~~[(34)]~~ (35) "Reportable violation" means an offense required to be reported to the division as determined by the division and includes those offenses against which points are assessed under Section 53-3-221.

~~[(35)]~~ (36) (a) "Resident" means an individual who:

(i) has established a domicile in this state, as defined in Section 41-1a-202, or regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

(ii) engages in a trade, profession, or occupation in this state, or who accepts employment in other than seasonal work in this state, and who does not commute into the state;

(iii) declares himself to be a resident of this state by obtaining a valid Utah driver license certificate or motor vehicle registration; or

(iv) declares himself a resident of this state to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees.

(b) "Resident" does not include any of the following:

(i) a member of the military, temporarily stationed in this state;

(ii) an out-of-state student, as classified by an institution of higher education, regardless of whether the student engages in any type of employment in this state;

(iii) a person domiciled in another state or country, who is temporarily assigned in this state, assigned by or representing an employer, religious or private organization, or a governmental entity; or

(iv) an immediate family member who resides with or a household member of a person listed in Subsections ~~[(35)]~~ (36)(b)(i) through (iii).

~~[(36)]~~ (37) "Revocation" means the termination by action of the division of a licensee's privilege to drive a motor vehicle.

~~[(37)]~~ (38) (a) "School bus" means a commercial motor vehicle used to transport

SB0012S01 compared with SB0012

pre-primary, primary, or secondary school students to and from home and school, or to and from school sponsored events.

(b) "School bus" does not include a bus used as a common carrier as defined in Section 59-12-102.

~~[(38)]~~ (39) "Suspension" means the temporary withdrawal by action of the division of a licensee's privilege to drive a motor vehicle.

~~[(39)]~~ (40) "Taxicab" means any class D motor vehicle transporting any number of passengers for hire and that is subject to state or federal regulation as a taxi.

Section 3. Section **53-3-202** is amended to read:

53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.

(1) A person may not drive a motor vehicle on a highway in this state unless the person is:

(a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under this chapter;

(b) driving an official United States Government class D motor vehicle with a valid United States Government driver permit or license for that type of vehicle;

(c) (i) driving a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways; and

(ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a construction or agricultural activity;

(d) a nonresident who is at least 16 years of age and younger than 18 years of age who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(e) a nonresident who is at least 18 years of age and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

(f) driving under a learner permit in accordance with Section 53-3-210.5;

(g) driving with a temporary license certificate issued in accordance with Section

SB0012S01 compared with SB0012

53-3-207; or

(h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

(2) A person may not drive or, while within the passenger compartment of a motor vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a motor vehicle upon a highway unless the person:

(a) holds a valid license issued under this chapter for the type or class of motor vehicle being towed; or

(b) is exempted under either Subsection (1)(b) or (1)(c).

(3) (a) A person may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a taxicab endorsement issued by the division on [his] the person's license certificate.

(b) A person may not drive a motor vehicle as a private passenger carrier on a highway of this state unless the person has:

(i) a taxicab endorsement issued by the division on the person's license certificate; or

(ii) a commercial driver license with:

(A) a taxicab endorsement;

(B) a passenger endorsement; or

(C) a school bus endorsement.

(c) Nothing in Subsection (3)(b) is intended to exempt a person driving a motor vehicle as a private passenger carrier from regulation under other statutory and regulatory schemes, including:

(i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;

(ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) (a) Except as provided in Subsections (4)(b) and (c), a person may not operate:

(i) a motorcycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter;

SB0012S01 compared with SB0012

(ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;

or

(iii) a motor-driven cycle unless the person has a valid class D driver license and a motorcycle endorsement issued under this chapter.

(b) A person operating a moped, as defined in Section 41-6a-102, or an electric assisted bicycle, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement issued under this chapter.

(c) A person is not required to have a valid class D driver license if the person is:

(i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section 41-6a-1115; or

(ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in accordance with Section 41-6a-1116.

(5) A person who violates this section is guilty of an infraction.

†

Legislative Review Note

Office of Legislative Research and General Counsel