

HUMAN TRAFFICKING PREVENTION TRAINING

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the issuance and renewal of a commercial driver license.

Highlighted Provisions:

This bill:

- ▶ requires an individual to complete a human trafficking prevention course before the issuance or renewal of a commercial driver license;
- ▶ requires the Driver License Division to make rules:
 - authorizing a person to administer a human trafficking prevention course; and
 - requiring the issuance of a certificate to an individual who completes a human trafficking prevention course; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-204, as last amended by Laws of Utah 2015, Chapter 422

53-3-205, as last amended by Laws of Utah 2016, Chapter 175



28 53-3-407, as last amended by Laws of Utah 2015, Chapter 422

29 53-3-410, as last amended by Laws of Utah 2016, Chapter 175

30 53-3-413, as last amended by Laws of Utah 2012, Chapter 145

31 ENACTS:

32 53-3-421, Utah Code Annotated 1953



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

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

36 **53-3-204. Persons who may not be licensed.**

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

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

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

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

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

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

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

46 (v) is not a resident of the state, unless the person [~~(A) is issued a temporary CDL
47 under Subsection 53-3-407(2)(b) prior to July 1, 2015; or (B)]~~ qualifies for a non-domiciled
48 CDL as defined in 49 C.F.R. Part 383;

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

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

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

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

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

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

58 (a) whose license has been suspended, denied, cancelled, or disqualified during the

59 period of suspension, denial, cancellation, or disqualification;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
91 **Expiration dates of licenses and endorsements -- Information required -- Previous**
92 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
93 **Fee required -- License agreement.**

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

- 96 (a) made upon a form furnished by the division; and
- 97 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).

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

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

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

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

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

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

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

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

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

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

116 (b) both a commercial driver instruction permit and a temporary license permit for the
117 license class held before the applicant submits the application if needed after the knowledge
118 test is passed; and

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

- 121 (5) An application and fee for a CDL endorsement entitle the applicant to:
- 122 (a) not more than two attempts to pass a knowledge test and not more than two
123 attempts to pass a skills test within six months of the date of the application; and
- 124 (b) a CDL endorsement when all tests are passed.
- 125 (6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
126 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
127 two additional times within the six months for the fee provided in Section 53-3-105.
- 128 (b) (i) ~~[Beginning July 1, 2015, an]~~ An out-of-state resident who holds a valid CDIP
129 issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
130 administered by the division if the out-of-state resident pays the fee provided in Subsection
131 53-3-105(20)(b).
- 132 (ii) The division shall:
- 133 (A) electronically transmit skills test results for an out-of-state resident to the licensing
134 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and
- 135 (B) provide the out-of-state resident with documentary evidence upon successful
136 completion of the skills test.
- 137 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
138 expires on the birth date of the applicant in the fifth year following the year the license
139 certificate was issued.
- 140 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
141 to a license expires on the birth date of the licensee in the fifth year following the expiration
142 date of the license certificate renewed or extended.
- 143 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
144 the same date as the last license certificate issued.
- 145 (d) An endorsement to a license expires on the same date as the license certificate
146 regardless of the date the endorsement was granted.
- 147 (e) (i) A regular license certificate and any endorsement to the regular license
148 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time
149 period the person is stationed outside of the state, is valid until 90 days after the person's orders
150 have been terminated, the person has been discharged, or the person's assignment has been
151 changed or terminated, unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 183 (i) provide:
- 184 (A) the applicant's full legal name;
- 185 (B) the applicant's birth date;
- 186 (C) the applicant's gender;
- 187 (D) (I) documentary evidence of the applicant's valid social security number;
- 188 (II) written proof that the applicant is ineligible to receive a social security number;
- 189 (III) the applicant's temporary identification number (ITIN) issued by the Internal
- 190 Revenue Service for a person who:
- 191 (Aa) does not qualify for a social security number; and
- 192 (Bb) is applying for a driving privilege card; or
- 193 (IV) other documentary evidence approved by the division;
- 194 (E) the applicant's Utah residence address as documented by a form or forms
- 195 acceptable under rules made by the division under Section 53-3-104[, unless the application is
- 196 for a temporary CDL issued under Subsection 53-3-407(2)(b)]; and
- 197 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
- 198 is applying for a driving privilege card;
- 199 (ii) provide evidence of the applicant's lawful presence in the United States by
- 200 providing documentary evidence:
- 201 (A) that a person is:
- 202 (I) a United States citizen;
- 203 (II) a United States national; or
- 204 (III) a legal permanent resident alien; or
- 205 (B) of the applicant's:
- 206 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
- 207 States;
- 208 (II) pending or approved application for asylum in the United States;
- 209 (III) admission into the United States as a refugee;
- 210 (IV) pending or approved application for temporary protected status in the United
- 211 States;
- 212 (V) approved deferred action status;
- 213 (VI) pending application for adjustment of status to legal permanent resident or

- 214 conditional resident; or
- 215 (VII) conditional permanent resident alien status;
- 216 (iii) provide a description of the applicant;
- 217 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
- 218 and, if so, when and by what state or country;
- 219 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
- 220 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
- 221 application refused, and if so, the date of and reason for the suspension, cancellation,
- 222 revocation, disqualification, denial, or refusal;
- 223 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
- 224 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 225 (vii) state whether the applicant is required to register as a sex offender in accordance
- 226 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 227 (viii) state whether the applicant is a veteran of the United States military, provide
- 228 verification that the applicant was granted an honorable or general discharge from the United
- 229 States Armed Forces, and state whether the applicant does or does not authorize sharing the
- 230 information with the state Department of Veterans' and Military Affairs;
- 231 (ix) provide all other information the division requires; and
- 232 (x) sign the application which signature may include an electronic signature as defined
- 233 in Section [46-4-102](#).
- 234 (b) Each applicant shall have a Utah residence address~~[- unless the application is for a~~
- 235 ~~temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#)].~~
- 236 (c) Each applicant shall provide evidence of lawful presence in the United States in
- 237 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 238 (d) The division shall maintain on its computerized records an applicant's:
- 239 (i) (A) social security number;
- 240 (B) temporary identification number (ITIN); or
- 241 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 242 (ii) indication whether the applicant is required to register as a sex offender in
- 243 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- 244 (9) The division shall require proof of every applicant's name, birthdate, and birthplace

245 by at least one of the following means:

246 (a) current license certificate;

247 (b) birth certificate;

248 (c) Selective Service registration; or

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

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

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

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

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

257 (i) may be issued a duplicate license with a lower license classification for the
258 remainder of the existing license cycle; and

259 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
260 duplicate license is issued under Subsection (10)(b)(i).

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

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

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

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

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

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

275 (13) A person who has an appointment with the division for testing and fails to keep

276 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
277 under Section 53-3-105.

278 (14) A person who applies for an original license or renewal of a license agrees that the
279 person's license is subject to any suspension or revocation authorized under this title or Title
280 41, Motor Vehicles.

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

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

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

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

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

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

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

296 (a) loss;

297 (b) detriment; or

298 (c) injury.

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

301 ~~[(19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may~~
302 ~~hold both an unexpired Utah license certificate and an unexpired Utah identification card.]~~

303 ~~[(b) On or after December 1, 2014, a person born on or after December 1, 1964:]~~

304 ~~[(i) may not hold both an unexpired Utah license certificate and an unexpired~~
305 ~~identification card; and]~~

306 ~~[(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah~~

307 identification card in the person's possession, shall be required to surrender either the unexpired
308 Utah license certificate or the unexpired Utah identification card.]

309 [~~(c) If a person has not surrendered either the Utah license certificate or the Utah~~
310 ~~identification card as required under this Subsection (19), the division shall cancel the Utah~~
311 ~~identification card on December 1, 2014.]~~

312 [~~(20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold~~
313 ~~both an unexpired Utah license certificate and an unexpired Utah identification card.]~~

314 [~~(b) On or after December 1, 2017, a person born prior to December 1, 1964:]~~

315 [~~(i) may not hold both an unexpired Utah license certificate and an unexpired~~
316 ~~identification card; and]~~

317 [~~(ii) if the person has both an unexpired Utah license certificate and an unexpired Utah~~
318 ~~identification card in the person's possession, shall be required to surrender either the unexpired~~
319 ~~Utah license certificate or the unexpired Utah identification card.]~~

320 [~~(c) If a person has not surrendered either the Utah license certificate or the Utah~~
321 ~~identification card as required under this Subsection (20), the division shall cancel the Utah~~
322 ~~identification card on December 1, 2017.]~~

323 [~~(21)~~] (19) (a) A person who applies for an original motorcycle endorsement to a
324 regular license certificate is exempt from the requirement to pass the knowledge and skills test
325 to be eligible for the motorcycle endorsement if the person:

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

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

329 (B) is an immediate family member or dependent of a person described in Subsection
330 [~~(21)~~] (19)(a)(ii)(A) and is residing outside of Utah;

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

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

334 (v) provides the necessary information and documentary evidence required under
335 Subsection (8).

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

338 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
339 this Subsection [~~(21)~~] (19); and

340 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
341 this Subsection [~~(21)~~] (19).

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

343 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
344 **administer skills test.**

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

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

349 (ii) prepares an applicant for an examination under Subsection (2)(a)(iii) or
350 (2)(c)(i)(B).

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

353 (2) (a) Except as provided in [~~Subsections~~] Subsection (2)(c) [~~and (d)~~], a CDL may be
354 issued only to a person who:

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

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

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

363 (iv) has complied with all requirements of 49 C.F.R. Part 383 and other applicable
364 state laws and federal regulations[-]; and

365 (v) beginning December 1, 2018, completes a human trafficking prevention course
366 described in Section 53-3-421.

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

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

370 (ii) has successfully completed a skills test administered by a state or a party authorized

371 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383; and

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

373 ~~[(c) (i) Until June 30, 2015, a temporary CDL may be issued to an out-of-state resident~~

374 ~~who:]~~

375 ~~[(A) is enrolled in a CDL driver training school located in Utah;]~~

376 ~~[(B) has passed a test of knowledge and skills for driving a commercial motor vehicle;~~

377 ~~that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383;~~

378 ~~Subparts G and H; and]~~

379 ~~[(C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H;]~~

380 ~~[(ii) A temporary CDL issued under this Subsection (2)(c):]~~

381 ~~[(A) is valid for 60 days; and]~~

382 ~~[(B) may not be renewed or extended;]~~

383 ~~[(iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v);~~

384 ~~53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes;~~

385 ~~endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL~~

386 ~~issued under this Subsection (2)(c) in the same way as a commercial driver license issued under~~

387 ~~this part.]~~

388 ~~[(d)]~~ (c) The department shall waive the skills test specified in this section for a

389 commercial driver license applicant who, subject to the limitations and requirements of 49

390 C.F.R. Sec. 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77

391 and certifies that the applicant:

392 (i) is a member of the active or reserve components of any branch or unit of the armed

393 forces or a veteran who received an honorable or general discharge from any branch or unit of

394 the active or reserve components of the United States Armed Forces;

395 (ii) is or was regularly employed in a position in the armed forces requiring operation

396 of a commercial motor vehicle; and

397 (iii) has legally operated, while on active duty for at least two years immediately

398 preceding application for a commercial driver license, a vehicle representative of the

399 commercial motor vehicle the driver applicant operates or expects to operate.

400 ~~[(e)]~~ (d) An applicant who requests a waiver under Subsection (2)~~[(d)]~~(c) shall present
401 a completed application for a military skills test waiver at the time of the request.

402 (3) Tests required under this section shall be prescribed and administered by the
403 division.

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

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

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

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

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

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

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

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

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

424 (7) A person authorized under this section to administer the skills test is not criminally
425 or civilly liable for the administration of the test unless he administers the test in a grossly
426 negligent manner.

427 (8) The division may waive the skills test required under this section if it determines
428 that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

429 Section 4. Section 53-3-410 is amended to read:

430 **53-3-410. Applicant information required for CDIP and CDL -- State resident to**

431 **have state CDL.**

432 (1) The application for a CDL, limited-term CDL, or CDIP shall include the following
433 information regarding the applicant:

434 (a) full legal name;

435 (b) current mailing address;

436 (c) Utah residential address~~[, unless the application is for a temporary CDL issued~~
437 ~~under Subsection 53-3-407(2)(b)]~~;

438 (d) physical description, including sex, height, weight, and eye color;

439 (e) date of birth;

440 (f) documentary evidence of the applicant's valid social security number;

441 (g) a complete list of all states in which the applicant was issued a driver license in the
442 previous 10 years upon:

443 (i) initial issuance of a Utah license;

444 (ii) renewal of a CDL for the first time after September 30, 2002; or

445 (iii) transfer of a CDL from another state;

446 (h) the applicant's signature;

447 (i) evidence of the applicant's lawful presence in the United States by providing
448 documentary evidence:

449 (i) that a person is:

450 (A) a United States Citizen;

451 (B) a United States national; or

452 (C) a legal permanent resident alien; or

453 (ii) of the applicant's:

454 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
455 States;

456 (B) pending or approved application for asylum in the United States;

457 (C) admission into the United States as a refugee;

458 (D) pending or approved application for temporary protected status in the United
459 States;

460 (E) approved deferred action status;

461 (F) pending application for adjustment of status to legal permanent resident or

462 conditional resident; or

463 (G) conditional permanent resident alien status; [~~and~~]

464 (j) [~~beginning on January 30, 2012,~~] a medical certification status[-]; and

465 (k) beginning December 1, 2018, a certificate of completion of a human trafficking

466 prevention course described in Section [53-3-421](#).

467 (2) An application under this section shall also include all certifications required by 49

468 C.F.R., Part 383.71.

469 (3) When the holder of a license under this part changes the holder's name, mailing
470 address, or residence, the holder shall make application for a duplicate license within 30 days
471 of the change.

472 (4) A person who has been a resident of this state for 30 consecutive days may not
473 drive a commercial motor vehicle under the authority of a commercial driver license issued by
474 another jurisdiction.

475 Section 5. Section **53-3-413** is amended to read:

476 **53-3-413. Issuance of CDL by division -- Driving record -- Expiration date --**
477 **Renewal -- Hazardous materials provision.**

478 (1) Before the division may grant a CDL, the division shall obtain the driving record
479 information regarding the applicant through the CDLIS, the NDR, and from each state where
480 the applicant has been licensed.

481 (2) The division shall notify the CDLIS and provide all information required to ensure
482 identification of the CDL holder within 10 days after:

483 (a) issuing a CDL following application for an original, renewal, transfer, or upgrade of
484 the CDL; or

485 (b) any change is made to the identifying information of a CDL holder.

486 (3) (a) The expiration date for a CDL is the birth date of the holder in the fifth year
487 following the year of issuance of the CDL.

488 (b) A limited-term CDL expires on:

489 (i) the expiration date of the period of time of the individual's authorized stay in the
490 United States or on the date provided in Subsection (3)(a), whichever is sooner; or

491 (ii) on the birth date of the applicant in the first year following the year that the
492 limited-term CDL was issued if there is no definite end to the individual's period of authorized

493 stay.

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

498 (d) A CDL held by a person ordered to active duty and stationed outside Utah in any of
499 the armed forces of the United States, which expires during the time period the person is
500 stationed outside of the state, is valid until 90 days after the person has been discharged or has
501 left the service, unless:

502 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
503 the division; or

504 (ii) the licensee updates the information or photograph on the license certificate.

505 (4) (a) The applicant for a renewal of a CDL shall:

506 (i) complete the application form required by Section 53-3-410 ~~[and]~~;

507 (ii) provide updated information and required certification[-]; and

508 (iii) beginning December 1, 2018, complete a human trafficking prevention course
509 described in Section 53-3-421.

510 (b) In addition to the requirements under Subsection (4)(a), the applicant for a renewal
511 of a limited-term CDL shall present documentary evidence that the status by which the
512 individual originally qualified for the limited-term CDL has been extended by the United States
513 Citizenship and Immigration Services or other authorized agency of the United States
514 Department of Homeland Security.

515 (5) The division shall distinguish a limited-term CDL by clearly indicating on the
516 document:

517 (a) that it is temporary; and

518 (b) its expiration date.

519 (6) (a) The division may not issue a hazardous materials endorsement on a CDL unless
520 the applicant meets the security threat assessment standards of the federal Transportation
521 Security Administration.

522 (b) The division shall revoke the hazardous materials endorsement on a CDL upon
523 receiving notice from the federal Transportation Security Administration that the person

524 holding a hazardous materials endorsement does not meet Transportation Security
525 Administration security threat assessment standards.

526 (c) To obtain an original hazardous materials endorsement or retain a hazardous
527 materials endorsement upon CDL renewal or transfer, the applicant must take and pass the
528 knowledge test for hazardous materials endorsement in addition to any other testing required
529 by the division.

530 (7) Unless otherwise provided, the provisions, requirements, classes, endorsements,
531 fees, restrictions, and sanctions under this code apply to a limited-term CDL in the same way as
532 a CDL issued under this chapter.

533 Section 6. Section **53-3-421** is enacted to read:

534 **53-3-421. Human trafficking prevention course.**

535 The division shall make rules in accordance with Title 63G, Chapter 3, Utah

536 Administrative Rulemaking Act:

537 (1) authorizing one or more persons to administer a human trafficking prevention
538 course that includes:

539 (a) a description of the activities that constitute human trafficking;

540 (b) human trafficking statistics;

541 (c) how to recognize the signs of human trafficking; and

542 (d) what an individual should do when the individual suspects human trafficking is in
543 progress; and

544 (2) requiring an authorized administrator of the human trafficking prevention course
545 described in Subsection (1) to issue a certificate of completion to each individual who
546 successfully completes the course.

Legislative Review Note
Office of Legislative Research and General Counsel