

Commercial Driver License Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill addresses procedures relating to commercial driver licenses.

Highlighted Provisions:

This bill:

- amends provisions relating to disqualification of a commercial driver license;
- requires the Driver License Division to utilize the Drug and Alcohol Clearinghouse as required by federal law; and
- amends definitions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-221, as last amended by Laws of Utah 2021, Chapter 120 and last amended by Coordination Clause, Laws of Utah 2021, Chapters 83, 157

53-3-223, as last amended by Laws of Utah 2024, Chapter 106

53-3-402, as last amended by Laws of Utah 2022, Chapter 426

53-3-414, as last amended by Laws of Utah 2024, Chapters 153, 194

ENACTS:

53-3-409, Utah Code Annotated 1953

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

Section 1. Section **53-3-221** is amended to read:

53-3-221 . Offenses that may result in denial, suspension, disqualification, or

revocation of license -- Additional grounds for suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.

(1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may deny, suspend, disqualify, or revoke the license or permit of any ~~[person]~~ individual without receiving a record of the ~~[person's]~~ individual's conviction of crime when the division has been notified or has reason to believe the ~~[person]~~ individual:

- (a) has committed any offenses for which mandatory suspension or revocation of a license is required upon conviction under Section 53-3-220;
- (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other ~~[person]~~ individual, or serious property damage;
- (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or physical disability rendering it unsafe for the ~~[person]~~ individual to drive a motor vehicle or mobility vehicle upon the highways;
- (d) has committed a serious violation of the motor vehicle laws of this state;
- (e) has knowingly committed a violation of Section 53-3-229; or
- (f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other ~~[persons]~~ individuals on the highways.

(2)(a)(i) Except as provided in Subsection 53-3-218(3), and subject to Subsection (2)(a)(ii), the division may suspend a license of ~~[a person]~~ an individual under Subsection (1):

(A) when the ~~[person]~~ individual has failed to comply with the terms stated on a traffic citation issued in this state; or

(B) if the division receives a notification from a court as described in Subsection 41-6a-509(11)(d) or 41-6a-517(13)(b).

(ii) This Subsection (2) does not apply to highway weight limit violations or violations of law governing the transportation of hazardous materials.

(b)(i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 30 days previously to the ~~[person]~~ individual at the address provided to the division.

(ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation.

- (3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny, suspend, or disqualify an individual's driver license based solely on:
- (a) the individual's failure to appear;
 - (b) the individual's failure to pay an outstanding penalty accounts receivable; or
 - (c) the issuance of a bench warrant as a result of an event described in Subsection (3)(a) or (b).
- (4)(a) The division shall make rules establishing a point system as provided for in this Subsection (4).
- (b)(i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.
- (ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents.
- (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points against ~~[a person's]~~ an individual's driving record for a conviction of a traffic violation:
- (A) that occurred in another state; and
 - (B) that was committed on or after July 1, 2011.
- (iv) The provisions of Subsection (4)(b)(iii) do not apply to:
- (A) a reckless or impaired driving violation or a speeding violation for exceeding the posted speed limit by 21 or more miles per hour; or
 - (B) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53-3-220.
- (c) Every ~~[person]~~ individual convicted of a traffic violation shall have assessed against the ~~[person's]~~ individual's driving record the number of points that the division has assigned to the type of violation of which the ~~[person]~~ individual has been convicted, except that the number of points assessed shall be decreased by 10% if on the abstract of the court record of the conviction the court has graded the severity of violation as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of violation as maximum.
- (d)(i) A separate procedure for assessing points for speeding offenses shall be established by the division based upon the severity of the offense.
- (ii) The severity of a speeding violation shall be graded as:
- (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

- 97 (B) "intermediate" for exceeding the posted speed limit by ~~[from]~~ 11 to 20 miles
98 per hour; and
- 99 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.
- 100 (iii) Consideration shall be made for assessment of no points on minimum speeding
101 violations, except for speeding violations in school zones.
- 102 (e)(i) Points assessed against ~~[a person's]~~ an individual's driving record shall be
103 deleted for violations occurring before a time limit set by the division.
- 104 (ii) The time limit may not exceed three years.
- 105 (iii) The division may also delete points to reward violation-free driving for periods
106 of time set by the division.
- 107 (f)(i) By publication in two newspapers having general circulation throughout the
108 state, the division shall give notice of the number of points it has assigned to each
109 type of traffic violation, the time limit set by the division for the deletion of
110 points, and the point level at which the division will generally take action to deny
111 or suspend under this section.
- 112 (ii) The division may not change any of the information provided above regarding
113 points without first giving new notice in the same manner.
- 114 (5)(a)(i) If the division finds that the license of ~~[a person]~~ an individual should be
115 denied, suspended, disqualified, or revoked under this section, the division shall
116 immediately notify the licensee in a manner specified by the division and afford
117 the ~~[person]~~ individual an opportunity for a hearing in the county where the
118 licensee resides.
- 119 (ii) The hearing shall be documented, and the division or its authorized agent may
120 administer oaths, may issue subpoenas for the attendance of witnesses and the
121 production of relevant books and papers, and may require a reexamination of the
122 licensee.
- 123 (iii) One or more members of the division may conduct the hearing, and any decision
124 made after a hearing before any number of the members of the division is as valid
125 as if made after a hearing before the full membership of the division.
- 126 (iv) After the hearing the division shall either rescind or affirm its decision to deny,
127 suspend, disqualify, or revoke the license.
- 128 (b) The denial, suspension, disqualification, or revocation of the license remains in
129 effect pending qualifications determined by the division regarding ~~[a person]~~ an
130 individual:

- (i) whose license has been denied or suspended following reexamination;
- (ii) who is incompetent to drive a motor vehicle;
- (iii) who is afflicted with mental or physical infirmities that might make ~~[him]~~ the individual dangerous on the highways; or
- (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

(6)(a) Subject to Subsection (6)(d), the division shall suspend ~~[a person's]~~ an individual's license when the division receives notice from the Office of Recovery Services that the Office of Recovery Services has ordered the suspension of the ~~[person's]~~ individual's license.

(b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from the Office of Recovery Services that the Office of Recovery Services has rescinded the order of suspension.

(c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension.

(d)(i) If the division suspends ~~[a person's]~~ an individual's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the ~~[person]~~ individual if that ~~[person]~~ individual needs a driver license for employment, education, or child visitation.

(ii) The temporary limited driver license described in this section:

(A) shall provide that the ~~[person]~~ individual may operate a motor vehicle only for the purpose of driving to or from the ~~[person's]~~ individual's place of employment, education, or child visitation;

(B) shall prohibit the ~~[person]~~ individual from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and

(C) shall expire 90 days after the day on which the temporary limited driver license is issued.

(iii)(A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the ~~[person]~~ individual who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.

(B) Upon expiration of a temporary limited driver license described in this

Subsection (6)(d):

(I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

(II) ~~[a person]~~ an individual suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.

(iv) The division is not required to issue a limited driver license to ~~[a person]~~ an individual under this Subsection (6)(d) if there are other legal grounds for the suspension of the ~~[person's]~~ individual's driver license.

(v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.

(7)(a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that ~~[person]~~ individual in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.

(b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the ~~[person]~~ individual convicted is a resident.

(8)(a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.

(b) Any nonresident who drives a motor vehicle upon a highway when the ~~[person's]~~ individual's license has been suspended or revoked by the division is guilty of a class C misdemeanor.

(9)(a) The division may not deny or suspend the license of any ~~[person]~~ individual for a period of more than one year except:

(i) for failure to comply with the terms of a traffic citation under Subsection (2);

(ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219;

(iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2);

(iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411;

(v) when the division suspends the license under Subsection (6); or

(vi) when the division denies the license under Subsection (14).

(b) The division may suspend the license of [~~a person~~] an individual under Subsection (2) until the [~~person~~] individual shows satisfactory evidence of compliance with the terms of the traffic citation.

(10)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of any [~~person~~] individual without receiving a record of the [~~person's~~] individual's conviction for a crime when the division has reason to believe that the [~~person's~~] individual's license was granted by the division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated.

(b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the division shall either rescind its order of suspension or cancel the license.

(11)(a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require [~~him~~] the licensee to submit to an examination.

(b) Upon the conclusion of the examination the division may suspend or revoke the [~~person's~~] individual's license, permit [~~him~~] the individual to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208.

(c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license.

(12)(a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested.

(b) The provisions of Subsection (12)(a) do not apply for:

(i) a CDIP or CDL license holder; or

(ii) a violation that occurred in a commercial motor vehicle.

(13)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of [~~a person~~] an individual if it has reason to believe that the [~~person~~] individual is the owner of a motor vehicle for which security

is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect.

(b) The division may suspend a driving privilege card holder's driving privilege card if the division receives notification from the Motor Vehicle Division that:

(i) the driving privilege card holder is the registered owner of a vehicle; and

(ii) the driving privilege card holder's vehicle registration has been revoked under Subsection 41-1a-110(2)(a)(ii)(A).

(c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's security applies to ~~[persons]~~ individuals whose driving privileges are suspended under this Subsection (13).

(14) The division may deny an individual's license if the ~~[person]~~ individual fails to comply with the requirement to downgrade the ~~[person's]~~ individual's CDL to a class D license under Section 53-3-409 or 53-3-410.1.

(15) The division may deny ~~[a person's]~~ an individual's class A, B, C, or D license if the ~~[person]~~ individual fails to comply with the requirement to have a K restriction removed from the ~~[person's]~~ individual's license.

(16) Any suspension or revocation of ~~[a person's]~~ an individual's license under this section also disqualifies any license issued to that ~~[person]~~ individual under Part 4, Uniform Commercial Driver License Act.

Section 2. Section 53-3-223 is amended to read:

53-3-223 . Chemical test for driving under the influence -- Temporary license -- Hearing and decision -- Suspension and fee -- Judicial review.

(1)(a) If a peace officer has reasonable grounds to believe that ~~[a person]~~ an individual may be violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, the peace officer may, in connection with arresting the ~~[person]~~ individual, request that the ~~[person]~~ individual submit to a chemical test or tests to be administered in compliance with the standards under Section 41-6a-520.

(b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance adopted in compliance with Subsection 41-6a-510(1).

(2) The peace officer shall advise ~~[a person]~~ an individual prior to the ~~[person's]~~ individual's submission to a chemical test that a test result indicating a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207 shall, and the existence of a blood alcohol content sufficient to render the ~~[person]~~ individual incapable of safely driving a motor vehicle

may, result in suspension or revocation of the [person's] individual's license to drive a motor vehicle.

(3) If the [person] individual submits to a chemical test and the test results indicate a blood or breath alcohol content in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, or if a peace officer makes a determination, based on reasonable grounds, that the [person] individual is otherwise in violation of Section 41-6a-502, 76-5-102.1, or 76-5-207, a peace officer shall, on behalf of the division and within 24 hours of arrest, give notice of the division's intention to suspend the [person's] individual's license to drive a motor vehicle.

(4) When a peace officer gives notice on behalf of the division, the peace officer shall supply to the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.

(5) As a matter of procedure, a peace officer shall send to the division within 10 calendar days after the day on which notice is provided:

(a) a copy of the citation issued for the offense;

(b) a signed report in a manner specified by the division indicating the chemical test results, if any; and

(c) any other basis for the peace officer's determination that the [person] individual has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207.

(6)(a) Upon request in a manner specified by the division, the division shall grant to the [person] individual an opportunity to be heard within 29 days after the date of arrest. The request to be heard shall be made within 10 calendar days of the day on which notice is provided under Subsection (5).

(b)(i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the division in:

(A) the county in which the arrest occurred; or

(B) a county that is adjacent to the county in which the arrest occurred.

(ii) The division may hold a hearing in some other county if the division and the [person] individual both agree.

(c) The hearing shall be documented and shall cover the issues of:

(i) whether a peace officer had reasonable grounds to believe the [person] individual was driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207;

(ii) whether the [person] individual refused to submit to the test; and

(iii) the test results, if any.

(d)(i) In connection with a hearing the division or its authorized agent:

(A) may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers; or

(B) may issue subpoenas for the attendance of necessary peace officers.

(ii) The division shall pay witness fees and mileage from the Transportation Fund in accordance with the rates established in Section 78B-1-119.

(e) The division may designate one or more employees to conduct the hearing.

(f) Any decision made after a hearing before any designated employee is as valid as if made by the division.

(7)(a) If, after a hearing, the division determines that a peace officer had reasonable grounds to believe that the [person] individual was driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the [person] individual failed to appear before the division as required in the notice, or if a hearing is not requested under this section, the division shall:

(i) if the [person] individual is 21 years old or older at the time of arrest, suspend the [person's] individual's license or permit to operate a motor vehicle for a period of:

(A) 120 days beginning on the 45th day after the date of arrest for a first suspension; or

(B) two years beginning on the 45th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or

(ii) if the [person] individual is under 21 years old at the time of arrest:

(A) suspend the [person's] individual's license or permit to operate a motor vehicle:

(I) for a period of six months, beginning on the 45th day after the date of arrest for a first suspension; or

(II) until the [person] individual is 21 years old or for a period of two years, whichever is longer, beginning on the 45th day after the date of arrest for a second or subsequent suspension for an offense that occurred within the previous 10 years; or

(B) deny the [person's] individual's application for a license or learner's permit:

(I) for a period of six months beginning on the 45th day after the date of the arrest for a first suspension, if the [person] individual has not been issued an operator license; or

- 335 (II) until the [person] individual is 21 years old or for a period of two years,
336 whichever is longer, beginning on the 45th day after the date of arrest for a
337 second or subsequent suspension for an offense that occurred within the
338 previous 10 years.
- 339 (b)(i) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
340 reinstate [a person's] an individual's license prior to completion of the 120 day
341 suspension period imposed under Subsection (7)(a)(i)(A):
- 342 (A) immediately upon receiving written verification of the [person's] individual's
343 dismissal of a charge for a violation of Section 41-6a-502, 41-6a-517,
344 76-5-102.1, or 76-5-207, if the written verification is received prior to
345 completion of the suspension period; or
- 346 (B) no sooner than 60 days beginning on the 45th day after the date of arrest upon
347 receiving written verification of the [person's] individual's reduction of a charge
348 for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the
349 written verification is received prior to completion of the suspension period.
- 350 (ii) Notwithstanding the provisions in Subsection (7)(a)(i)(A), the division shall
351 reinstate [a person's] an individual's license prior to completion of the 120-day
352 suspension period imposed under Subsection (7)(a)(i)(A) immediately upon
353 receiving written verification of the [person's] individual's conviction of impaired
354 driving under Section 41-6a-502.5 if:
- 355 (A) the written verification is received prior to completion of the suspension
356 period; and
- 357 (B) the reporting court notifies the Driver License Division that the defendant is
358 participating in or has successfully completed the program of a driving under
359 the influence court as defined in Section 41-6a-501.
- 360 (iii) If [a person's] an individual's license is reinstated under this Subsection (7)(b), the [
361 person] individual is required to pay the license reinstatement application fees
362 under Subsections 53-3-105(26) and (27).
- 363 (iv) The driver license reinstatements authorized under this Subsection (7)(b) only
364 apply to a 120-day suspension period imposed under Subsection (7)(a)(i)(A).
- 365 (v) A driver license reinstatement authorized under this Subsection (7)(b) does not
366 apply to a CDL disqualification imposed under Section 53-3-414.
- 367 (8)(a) The division shall assess against [a person] an individual, in addition to any fee
368 imposed under Subsection 53-3-205(12) for driving under the influence, a fee under

Section 53-3-105 to cover administrative costs, which shall be paid before the [person's] individual's driving privilege is reinstated. This fee shall be cancelled if the [person] individual obtains an unappealed division hearing or court decision that the suspension was not proper.

(b) [~~A person~~] An individual whose license has been suspended by the division under this section following an administrative hearing may file a petition within 30 days after the suspension for a hearing on the matter which, if held, is governed by Section 53-3-224.

(9)(a) Notwithstanding the provisions in Subsection (7)(a)(i), the division shall reinstate [~~a person's~~] an individual's license before completion of the suspension period imposed under Subsection (7)(a)(i) if:

(i)(A) the reporting court notifies the Driver License Division that the [person] individual is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5; or

(B) the reporting court notifies the Driver License Division that the [person] individual is participating in or has successfully completed a problem solving court program approved by the Judicial Council, including a driving under the influence court program or a drug court program, and has elected to become an interlock restricted driver as a condition of probation during the remainder of the [person's] individual's suspension period in accordance with Section 41-6a-518; and

(ii) the [person] individual has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i).

(b) If [~~a person's~~] an individual's license is reinstated under Subsection (9)(a), the [person] individual is required to pay the license reinstatement application fees under Subsections 53-3-105(26) and (27).

(10)(a) If the division suspends [~~a person's~~] an individual's license for an alcohol related offense under Subsection (7)(a)(i)(A), the [person] individual may petition the division and elect to become an ignition interlock restricted driver if the [person] individual:

(i) has a valid driving privilege, with the exception of the suspension under Subsection (7)(a)(i)(A);

(ii) installs an ignition interlock device in any vehicle owned or driven by the [person] individual in accordance with Section 53-3-1007; and

- 403 (iii) pays the license reinstatement application fees described in Subsections 53-3-105
404 (26) and (27).
- 405 (b)(i) The [person] individual shall remain an ignition interlock restricted driver for a
406 period of 120 days from the original effective date of the suspension under
407 Subsection (7)(a)(i)(A).
- 408 (ii) If the [person] individual removes an ignition interlock device from a vehicle
409 owned or driven by the [person] individual prior to the expiration of the 120-day
410 ignition interlock restriction period and does not install a new ignition interlock
411 device from the same or a different provider within 24 hours:
- 412 (A) the [person's] individual's driver license shall be suspended under Subsection
413 (7)(a)(i)(A) for the remainder of the 120-day ignition interlock restriction
414 period;
- 415 (B) the [person] individual is required to pay the license reinstatement application
416 fee under Subsection 53-3-105(26); and
- 417 (C) the [person] individual may not elect to become an ignition interlock restricted
418 driver under this section.
- 419 (c) If [a person] an individual elects to become an ignition interlock restricted driver
420 under Subsection (10)(a), the provisions under Subsection (7)(b) do not apply.
- 421 (11)(a) If the division suspends [a person's] an individual's license for an alcohol related
422 offense under Subsection (7)(a)(i)(B), the [person] individual may petition the
423 division and elect to become an ignition interlock restricted driver after the driver
424 serves at least 90 days of the suspension if the [person] individual:
- 425 (i) was charged with a violation of Section 41-6a-502 that is a misdemeanor;
- 426 (ii) has a valid driving privilege, with the exception of the suspension under
427 Subsection (7)(a)(i)(B);
- 428 (iii) installs an ignition interlock device in any vehicle owned or driven by the [person]
429 individual in accordance with Section 53-3-1007; and
- 430 (iv) pays the license reinstatement application fees described in Subsections 53-3-105
431 (26) and (27);
- 432 (b)(i) The [person] individual shall remain an ignition interlock restricted driver for a
433 period of two years from the original effective date of the suspension under
434 Subsection (7)(a)(i)(B).
- 435 (ii) If the [person] individual removes an ignition interlock device from a vehicle
436 owned or driven by the [person] individual prior to the expiration of the two-year

ignition interlock restriction period and does not install a new ignition interlock device from the same or a different provider within 24 hours:

(A) the [person's] individual's driver license shall be suspended under Subsection (7)(a)(i)(B) for the remainder of the two-year ignition interlock restriction period;

(B) the [person] individual is required to pay the license reinstatement application fee under Subsection 53-3-105(26); and

(C) the [person] individual may not elect to become an ignition interlock restricted driver under this section.

(c) Notwithstanding Subsections (11)(a) and (b), if the [person] individual is subsequently convicted of the violation of Section 41-6a-502 that gave rise to the suspension under Subsection (7)(a)(i)(B), the division shall revoke the [person's] individual's license under Subsection 41-6a-509(1)(a)(ii), and the [person] individual is no longer an ignition interlock restricted driver under this Subsection (11).

(12)(a) Notwithstanding the provisions in Subsection (7)(a)(i)(B), the division shall reinstate [a person's] an individual's license prior to completion of the two-year suspension period imposed under Subsection (7)(a)(i)(B) immediately upon receiving written verification of the [person's] individual's dismissal of a charge for a violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the written verification is received prior to completion of the suspension period.

(b) If the [person] individual elected to become an ignition interlock restricted driver under Subsection (11), and the division receives written verification of the [person's] individual's dismissal of a charge for violation of Section 41-6a-502, the driver is no longer an ignition interlock restricted driver under Subsection (11)(b)(i), and the division shall reinstate the [person's] individual's license prior to the completion of the two-year ignition interlock restriction period under Subsection (11)(b)(i).

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

53-3-402 . Definitions.

As used in this part:

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

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

(a) 100 milliliters of blood;

(b) 210 liters of breath; or

(c) 67 milliliters of urine.

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

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

(5) "Drug and Alcohol Clearinghouse" means the database established under 49 C.F.R. Sec. 382, that requires an employer and service agent to report information to and to query regarding a driver who is subject to the United States Department of Transportation controlled substance and alcohol testing regulations.

~~[(5)]~~ (6) "Employee" means any driver of a commercial motor vehicle, including:

(a) full-time, regularly employed drivers;

(b) casual, intermittent, or occasional drivers;

(c) leased drivers; and

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

~~[(6)]~~ (7) "Employer" means any individual or person including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns an individual to drive a commercial motor vehicle.

~~[(7)]~~ (8) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term of more than one year.

~~[(8)]~~ (9) "Foreign jurisdiction" means any jurisdiction other than the United States or a state of the United States.

~~[(9)]~~ (10) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed units and the loads on those units.

~~[(10)]~~ (11) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec. 383.5.

~~[(11)]~~ (12) "Imminent hazard" means the existence of a condition, practice, or violation that presents a substantial likelihood that death, serious illness, severe personal injury, or a

substantial endangerment to health, property, or the environment is expected to occur immediately, or before the condition, practice, or violation can be abated.

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

(a) Non-excepted interstate. [A person] An individual shall certify that the [person] individual:

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

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

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

(b) Excepted interstate. [A person] An individual shall certify that the [person] individual:

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

(ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45.

(c) Non-excepted intrastate. [A person] An individual shall certify that the [person] individual:

(i) operates only in intrastate commerce; and

(ii) is subject to state driver qualification requirements under Sections 53-3-303.5, 53-3-304, and 53-3-414.

(d) Excepted intrastate. [A person] An individual shall certify that the [person] individual:

(i) operates in intrastate commerce; and

(ii) engages exclusively in transportation or operations excepted from all parts of the state driver qualification requirements.

[(13)] (14) "NDR" means the National Driver Register.

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

[(15)] (16) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.

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

[(17)] (18) "Serious traffic violation" means a conviction of any of the following:

- (a) speeding 15 or more miles per hour above the posted speed limit;
- (b) reckless driving as defined by state or local law;
- (c) improper or erratic traffic lane changes;
- (d) following the vehicle ahead too closely;
- (e) any other motor vehicle traffic law which arises in connection with a fatal traffic accident;
- (f) operating a commercial motor vehicle without a CDL or a CDIP;
- (g) operating a commercial motor vehicle without the proper class of CDL or CDL endorsement for the type of vehicle group being operated or for the passengers or cargo being transported;
- (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in the driver's possession in violation of Section 53-3-404;
- (i) using a wireless communication device in violation of Section 41-6a-1716 while operating a commercial motor vehicle; or
- (j) using a hand-held mobile telephone while operating a commercial motor vehicle in violation of 49 C.F.R. Sec. 392.82.

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

[(19)] (20) "United States" means the 50 states and the District of Columbia.

Section 4. Section **53-3-409** is enacted to read:

53-3-409 . Drug and Alcohol Clearinghouse.

(1) The division shall query the Drug and Alcohol Clearinghouse before:

- (a) issuing an original CDL or CDIP;
- (b) renewing a CDL or CDIP;
- (c) issuing a duplicate CDL or CDIP;
- (d) upgrading a CDL or CDIP; or
- (e) transferring a CDL or CDIP from another jurisdiction.

(2) Upon receipt of information from the Drug and Alcohol Clearinghouse that an applicant is prohibited from operating a commercial motor vehicle, the division shall deny the:

- (a) issuance of an original CDL or CDIP;
- (b) renewal of a CDL or CDIP;
- (c) issuance of a duplicate CDL or CDIP;
- (d) upgrade of a CDL or CDIP; or
- (e) transfer of a CDL or CDIP.

- (3) If the division determines that an individual who holds a CDL or CDIP is prohibited from operating a commercial motor vehicle under this part or 49 C.F.R. Sec. 382.501, the individual shall be required to downgrade the CDL or CDIP to a class D license.
- (4) If the division receives notification pursuant to 49 C.F.R. Sec. 382.503 that the individual is no longer prohibited from operating a commercial motor vehicle, the division may terminate the downgrade process.
- (5) A reinstatement to a CDL or CDIP after downgrade to a class D license may be completed if:
- (a) the division receives notification pursuant to 49 C.F.R. Sec. 382.503 that the individual is no longer prohibited from operating a commercial motor vehicle; or
- (b) the division receives notification that the individual was erroneously identified as prohibited from operating a commercial motor vehicle.
- (6) If the division receives a notification described in Subsection (5)(b), the division shall:
- (a) reinstate the CDL or CDIP privilege as expeditiously as possible; and
- (b) remove any reference to the prohibited status from the CDLIS record and motor vehicle record.
- (7) Failure to comply with the requirements of this section shall result in the denial of the license under Section 53-3-221.
- Section 5. Section **53-3-414** is amended to read:
- 53-3-414 . CDL disqualification or suspension -- Grounds and duration --**
- Procedure.**
- (1)(a) An individual who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle for a period of not less than one year effective seven days from the date of notice to the driver if convicted of a first offense of:
- (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a controlled substance, or more than one of these;
- (ii) driving a commercial motor vehicle while the concentration of alcohol in the [~~person's~~] individual's blood, breath, or urine is .04 grams or more;
- (iii) leaving the scene of an accident involving a motor vehicle the [~~person~~] individual was driving;
- (iv) failing to provide reasonable assistance or identification when involved in an accident resulting in:
- (A) personal injury in accordance with Section 41-6a-401.3; or
- (B) death in accordance with Section 41-6a-401.5;[~~or~~]

- (v) using a motor vehicle in the commission of a felony;
- (vi) refusal to submit to a test to determine the concentration of alcohol in the [person's] individual's blood, breath, or urine;
- (vii) driving a commercial motor vehicle while the [person's] individual's commercial driver license is disqualified in accordance with the provisions of this section for violating an offense described in this section; or
- (viii) operating a commercial motor vehicle in a negligent manner causing the death of another including the offenses of manslaughter under Section 76-5-205, negligent homicide under Section 76-5-206, or automobile homicide under Section 76-5-207.
- (b) The division shall subtract from any disqualification period under Subsection (1)(a)(i) the number of days for which a license was previously disqualified under Subsection (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which the record of conviction is based.
- (2) If any of the violations under Subsection (1) occur while the driver is transporting a hazardous material required to be placarded, the driver is disqualified for not less than three years.
- (3)(a) Except as provided under Subsection (4), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if convicted of or administrative action is taken for two or more of any of the offenses under Subsection (1)[, (5),] or (14) arising from two or more separate incidents.
- (b) An individual who is convicted of or administrative action is taken for an offense under Subsection (5):
- (i) is disqualified for life from driving a commercial motor vehicle; and
- (ii) may not be reinstated under Subsection (4).
- ~~(b)~~ (c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- (4)(a) Any driver disqualified for life from driving a commercial motor vehicle under this section may apply to the division for reinstatement of the driver's CDL if the driver:
- (i) has both voluntarily enrolled in and successfully completed an appropriate rehabilitation program that:
- (A) meets the standards of the division; and
- (B) complies with 49 C.F.R. Sec. 383.51;

- (ii) has served a minimum disqualification period of 10 years; and
- (iii) has fully met the standards for reinstatement of commercial motor vehicle driving privileges established by rule of the division.

(b) If a reinstated driver is subsequently convicted of another disqualifying offense under this section, the driver is permanently disqualified for life and is ineligible to again apply for a reduction of the lifetime disqualification.

(5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the commission of any felony involving:

(a) the manufacturing, distributing, or dispensing of a controlled substance~~[-or possession with intent to manufacture, distribute, or dispense a controlled substance and is ineligible to apply for a reduction of the lifetime disqualification under Subsection (4);]~~; or

(b) an act or practice of severe forms of trafficking in persons as defined and described in 22 U.S.C. Sec. 7102(11).

(6)(a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than:

(i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic violations; and

(ii) 120 days if the driver is convicted of three or more serious traffic violations.

(b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic violations:

(i) occur within three years of each other;

(ii) arise from separate incidents; and

(iii) involve the use or operation of a commercial motor vehicle.

(c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle and the division receives notice of a subsequent conviction for a serious traffic violation that results in an additional disqualification period under this Subsection (6), the subsequent disqualification period is effective beginning on the ending date of the current serious traffic violation disqualification period.

(7)(a) A driver of a commercial motor vehicle who is convicted of violating an out-of-service order while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:

- 675 (i) 180 days if the driver is convicted of a first violation;
676 (ii) two years if, during any 10 year period, the driver is convicted of two violations
677 of out-of-service orders in separate incidents;
678 (iii) three years but not more than five years if, during any 10 year period, the driver
679 is convicted of three or more violations of out-of-service orders in separate
680 incidents;
681 (iv) 180 days but not more than two years if the driver is convicted of a first violation
682 of an out-of-service order while transporting hazardous materials required to be
683 placarded or while operating a motor vehicle designed to transport 16 or more
684 passengers, including the driver; or
685 (v) three years but not more than five years if, during any 10 year period, the driver is
686 convicted of two or more violations, in separate incidents, of an out-of-service
687 order while transporting hazardous materials required to be placarded or while
688 operating a motor vehicle designed to transport 16 or more passengers, including
689 the driver.
- 690 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
691 out-of-service order is subject to a civil penalty of not less than \$2,500.
- 692 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
693 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.
- 694 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
695 disqualified for not less than 60 days if the division determines, in its check of the
696 driver's driver license status, application, and record prior to issuing a CDL or at any
697 time after the CDL is issued, that the driver has falsified information required to apply
698 for a CDL in this state.
- 699 (9) A driver of a commercial motor vehicle who is convicted of violating a
700 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a
701 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a
702 period not less than:
- 703 (a) 60 days if the driver is convicted of a first violation;
704 (b) 120 days if, during any three-year period, the driver is convicted of a second
705 violation in separate incidents; or
706 (c) one year if, during any three-year period, the driver is convicted of three or more
707 violations in separate incidents.
- 708 (10)(a) The division shall update its records and notify the CDLIS within 10 days of

suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

(b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the division shall notify the licensing authority of the issuing state or other jurisdiction and the CDLIS within 10 days after the action is taken.

(c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this state, the division shall notify the CDLIS within 10 days after the action is taken.

(11)(a) The division may immediately suspend or disqualify the CDL of a driver without a hearing or receiving a record of the driver's conviction when the division has reason to believe that the:

(i) CDL was issued by the division through error or fraud;

(ii) applicant provided incorrect or incomplete information to the division;

(iii) applicant cheated on any part of a CDL examination;

(iv) driver no longer meets the fitness standards required to obtain a CDL; or

(v) driver poses an imminent hazard.

(b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section 53-3-221.

(c) If a hearing is held under Section 53-3-221, the division shall then rescind the suspension order or cancel the CDL.

(12)(a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is required to hold a CDL is disqualified for not less than:

(i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic violations; and

(ii) 120 days if the driver is convicted of three or more serious traffic violations.

(b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic violations:

(i) occur within three years of each other;

(ii) arise from separate incidents; and

(iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving privilege from at least one of the violations.

(c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified from driving a commercial motor vehicle and the division receives notice of a subsequent conviction for a serious traffic violation that results in an additional disqualification period under this Subsection (12), the subsequent disqualification

period is effective beginning on the ending date of the current serious traffic violation disqualification period.

(13)(a) Upon receiving a notice that [~~a person~~] an individual has entered into a plea of guilty or no contest to a violation of a disqualifying offense described in this section which plea is held in abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend, cancel, or revoke the [~~person's~~] individual's CDL for the period required under this section for a conviction of that disqualifying offense, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) The division shall report the plea in abeyance to the CDLIS within 10 days of taking the action under Subsection (13)(a).

(c) A plea which is held in abeyance may not be removed from [~~a person's~~] an individual's driving record for 10 years from the date of the plea in abeyance agreement, even if the charge is:

- (i) reduced or dismissed in accordance with the plea in abeyance agreement; or
- (ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.

(14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section 41-6a-502 when administrative action is taken against the operator's driving privilege pursuant to Section 53-3-223 for a period of:

- (a) one year; or
- (b) three years if the violation occurred while transporting hazardous materials.

(15) The division may concurrently impose any disqualification periods that arise under this section while a driver is disqualified by the Secretary of the United States Department of Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.

Section 6. Effective Date.

This bill takes effect on May 7, 2025.