

Candice B. Pierucci proposes the following substitute bill:

Driver Training Schools for Commercial Driver License Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill addresses driver training schools for commercial driver license (CDL) applicants.

Highlighted Provisions:

This bill:

- requires a CDL applicant to sign a form attesting to the applicant's English language ability; and
- requires reporting regarding CDL driver training schools.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-407, as last amended by Laws of Utah 2022, Chapter 46

53-3-407.1, as enacted by Laws of Utah 2013, Chapter 411

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

Section 1. Section **53-3-407** is amended to read:

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

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

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

(ii) prepares an applicant for an examination under Subsection [(2)(a)(iii)] (3)(a)(iii).

(b) A CDL driver training school may charge a consideration or tuition for the services

provided under Subsection (1)(a).

(2)(a) Prior to enrolling an applicant, a CDL driver training school and the applicant shall sign a form, issued by the division, attesting that the applicant can read and speak the English language sufficiently to:

(i) converse with the general public;

(ii) understand highway traffic signs and signals;

(iii) respond to official inquiries; and

(iv) make entries on reports and records.

(b) An applicant shall present the form described in Subsection (2)(a) to a commercial driver license third party tester or third party examiner when the applicant begins testing.

[(2)] (3)(a) Except as provided in Subsection [(2)(e)] (3)(c), a CDL may be issued only to a person who:

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

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

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

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

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

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

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

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

(c) The department shall waive any tests specified in this section for a commercial driver license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec. 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and certifies that the applicant:

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

armed forces or a veteran who received an honorable or general discharge from any branch or unit of the active or reserve components of the United States Armed Forces;

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

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

(d) An applicant who requests a waiver under Subsection [~~(2)~~(e)] (3)(c) shall present a completed application for a military skills test waiver at the time of the request.

~~[(3)]~~ (4) Tests required under this section shall be prescribed and administered by the division.

~~[(4)]~~ (5) The division shall authorize a person, an agency of this state, an employer, a private driver training facility or other private institution, or a department, agency, or entity of local government to administer the skills test required under this section if:

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

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

~~[(5)]~~ (6)(a) An out-of-state resident who holds a valid CDIP issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by a party authorized under this section.

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

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

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

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

~~[(6)]~~ (7) A person who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.

98 [(7)] (8) A person authorized under this section to administer the skills test is not criminally
99 or civilly liable for the administration of the test unless he administers the test in a
100 grossly negligent manner.

101 [(8)] (9) The division may waive the skills test required under this section if it determines
102 that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

103 Section 2. Section **53-3-407.1** is amended to read:

104 **53-3-407.1 . Commercial driver license third party tester or third party examiner**
105 **license -- Fingerprint background check required.**

106 (1) A commercial driver license third party tester or commercial driver license third party
107 examiner shall be licensed by the division to be eligible to administer the commercial
108 driver license skills tests.

109 (2)(a) An applicant for a commercial driver license third party tester or third party
110 examiner license shall submit fingerprints in a form acceptable to the division at the
111 time the license application is filed and shall consent to a fingerprint background
112 check by the Utah Bureau of Criminal Identification and the Federal Bureau of
113 Investigation regarding the application.

114 (b) The division shall request the Department of Public Safety to complete a Federal
115 Bureau of Investigation criminal background check for each commercial driver
116 license third party tester or third party examiner applicant through the national
117 criminal history system or any successor system.

118 (c) The Utah Bureau of Criminal Identification shall release to the division all
119 information received in response to the division's request under this Subsection (2).

120 (d) A commercial driver license third party tester or third party examiner license may
121 not be issued under this section until the criminal background check required under
122 this Subsection (2) has been completed and reviewed by the division.

123 (e) In addition to any fees imposed under this chapter, the division shall:

- 124 (i) impose on individuals submitting fingerprints in accordance with this Subsection
125 (2) the fees that the Bureau of Criminal Identification is authorized to collect for
126 the services the Bureau of Criminal Identification provides under this section; and
127 (ii) remit the fees collected under this Subsection (2)(e) to the Bureau of Criminal
128 Identification.

129 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
130 division shall make rules establishing:

131 (a) minimum standards for a commercial driver license third party tester or third party

examiner license;

(b) procedures for an applicant to apply for a commercial driver license third party tester or third party examiner license;

(c) minimum standards for the commercial driver license skills test;[-and]

(d) procedures to enable a licensed commercial driver license third party tester or commercial driver license third party examiner to administer or process a commercial driver license skills test for an applicant to receive a commercial driver license[-] ; and

(e) procedures for a commercial driver license third party tester or third party examiner to:

(i) send the form described in Section 53-3-407 to the division if the CDL applicant does not speak and understand English;

(ii) collect and report the name of a CDL driver training school that a CDL applicant used, if applicable, to the division; and

(iii) report data regarding CDL applicant passage rates to the division.

Section 3. Effective Date.

This bill takes effect on May 7, 2025.