

Commercial Driver License Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

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,

32 the division may deny, suspend, disqualify, or revoke the license or permit of any [person]
33 individual without receiving a record of the [person's] individual's conviction of crime
34 when the division has been notified or has reason to believe the [person] individual:

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

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

- 51 (A) when the [person] individual has failed to comply with the terms stated on a
52 traffic citation issued in this state; or
53 (B) if the division receives a notification from a court as described in Subsection
54 41-6a-509(11)(d) or 41-6a-517(13)(b).

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

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

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

63 (3) Except as provided in Subsection 53-3-218(3), the division may not revoke, deny,
64 suspend, or disqualify an individual's driver license based solely on:

65 (a) the individual's failure to appear;

- 66 (b) the individual's failure to pay an outstanding penalty accounts receivable; or
67 (c) the issuance of a bench warrant as a result of an event described in Subsection (3)(a)
68 or (b).
- 69 (4)(a) The division shall make rules establishing a point system as provided for in this
70 Subsection (4).
- 71 (b)(i) The division shall assign a number of points to each type of moving traffic
72 violation as a measure of its seriousness.
- 73 (ii) The points shall be based upon actual relationships between types of traffic
74 violations and motor vehicle traffic accidents.
- 75 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points
76 against ~~[a person's]~~ an individual's driving record for a conviction of a traffic
77 violation:
- 78 (A) that occurred in another state; and
79 (B) that was committed on or after July 1, 2011.
- 80 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:
- 81 (A) a reckless or impaired driving violation or a speeding violation for exceeding
82 the posted speed limit by 21 or more miles per hour; or
83 (B) an offense committed in another state which, if committed within Utah, would
84 result in the mandatory suspension or revocation of a license upon conviction
85 under Section 53-3-220.
- 86 (c) Every ~~[person]~~ individual convicted of a traffic violation shall have assessed against
87 the ~~[person's]~~ individual's driving record the number of points that the division has
88 assigned to the type of violation of which the ~~[person]~~ individual has been convicted,
89 except that the number of points assessed shall be decreased by 10% if on the abstract
90 of the court record of the conviction the court has graded the severity of violation as
91 minimum, and shall be increased by 10% if on the abstract the court has graded the
92 severity of violation as maximum.
- 93 (d)(i) A separate procedure for assessing points for speeding offenses shall be
94 established by the division based upon the severity of the offense.
- 95 (ii) The severity of a speeding violation shall be graded as:
- 96 (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:
- 131 (i) whose license has been denied or suspended following reexamination;
132 (ii) who is incompetent to drive a motor vehicle;
133 (iii) who is afflicted with mental or physical infirmities that might make [~~him~~] the

- 134 individual dangerous on the highways; or
- 135 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle
- 136 safely.
- 137 (6)(a) Subject to Subsection (6)(d), the division shall suspend [~~a person's~~] an individual's
- 138 license when the division receives notice from the Office of Recovery Services that
- 139 the Office of Recovery Services has ordered the suspension of the [~~person's~~]
- 140 individual's license.
- 141 (b) A suspension under Subsection (6)(a) shall remain in effect until the division
- 142 receives notice from the Office of Recovery Services that the Office of Recovery
- 143 Services has rescinded the order of suspension.
- 144 (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized
- 145 by Section 53-3-104 may not contain any evidence of the suspension.
- 146 (d)(i) If the division suspends [~~a person's~~] an individual's license under this
- 147 Subsection (6), the division shall, upon application, issue a temporary limited
- 148 driver license to the [~~person~~] individual if that [~~person~~] individual needs a driver
- 149 license for employment, education, or child visitation.
- 150 (ii) The temporary limited driver license described in this section:
- 151 (A) shall provide that the [~~person~~] individual may operate a motor vehicle only for
- 152 the purpose of driving to or from the [~~person's~~] individual's place of
- 153 employment, education, or child visitation;
- 154 (B) shall prohibit the [~~person~~] individual from driving a motor vehicle for any
- 155 purpose other than a purpose described in Subsection (6)(d)(ii)(A); and
- 156 (C) shall expire 90 days after the day on which the temporary limited driver
- 157 license is issued.
- 158 (iii)(A) During the period beginning on the day on which a temporary limited
- 159 driver license is issued under this Subsection (6), and ending on the day that
- 160 the temporary limited driver license expires, the suspension described in this
- 161 Subsection (6) only applies if the [~~person~~] individual who is suspended operates
- 162 a motor vehicle for a purpose other than employment, education, or child
- 163 visitation.
- 164 (B) Upon expiration of a temporary limited driver license described in this
- 165 Subsection (6)(d):
- 166 (I) a suspension described in Subsection (6)(a) shall be in full effect until the
- 167 division receives notice, under Subsection (6)(b), that the order of

- 168 suspension is rescinded; and
- 169 (II) [~~a person~~] an individual suspended under Subsection (6)(a) may not drive a
- 170 motor vehicle for any reason.
- 171 (iv) The division is not required to issue a limited driver license to [~~a person~~] an
- 172 individual under this Subsection (6)(d) if there are other legal grounds for the
- 173 suspension of the [~~person's~~] individual's driver license.
- 174 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 175 Administrative Rulemaking Act, to implement the provisions of this part.
- 176 (7)(a) The division may suspend or revoke the license of any resident of this state upon
- 177 receiving notice of the conviction of that [~~person~~] individual in another state of an
- 178 offense committed there that, if committed in this state, would be grounds for the
- 179 suspension or revocation of a license.
- 180 (b) The division may, upon receiving a record of the conviction in this state of a
- 181 nonresident driver of a motor vehicle or motorboat of any offense under the motor
- 182 vehicle laws of this state, forward a certified copy of the record to the motor vehicle
- 183 administrator in the state where the [~~person~~] individual convicted is a resident.
- 184 (8)(a) The division may suspend or revoke the license of any nonresident to drive a
- 185 motor vehicle in this state for any cause for which the license of a resident driver may
- 186 be suspended or revoked.
- 187 (b) Any nonresident who drives a motor vehicle upon a highway when the [~~person's~~]
- 188 individual's license has been suspended or revoked by the division is guilty of a class
- 189 C misdemeanor.
- 190 (9)(a) The division may not deny or suspend the license of any [~~person~~] individual for a
- 191 period of more than one year except:
- 192 (i) for failure to comply with the terms of a traffic citation under Subsection (2);
- 193 (ii) upon receipt of a second or subsequent order suspending juvenile driving
- 194 privileges under Section 53-3-219;
- 195 (iii) when extending a denial or suspension upon receiving certain records or reports
- 196 under Subsection 53-3-220(2);
- 197 (iv) for failure to give and maintain owner's or operator's security under Section
- 198 41-12a-411;
- 199 (v) when the division suspends the license under Subsection (6); or
- 200 (vi) when the division denies the license under Subsection (14).
- 201 (b) The division may suspend the license of [~~a person~~] an individual under Subsection (2)

202 until the ~~[person]~~ individual shows satisfactory evidence of compliance with the
203 terms of the traffic citation.

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

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

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

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

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

222 (12)(a) Except as provided in Subsection (12)(b), a report authorized by Section
223 53-3-104 may not contain any evidence of a conviction for speeding on an interstate
224 system in this state if the conviction was for a speed of 10 miles per hour or less,
225 above the posted speed limit and did not result in an accident, unless authorized in a
226 manner specified by the division by the individual whose report is being requested.

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

228 (i) a CDIP or CDL license holder; or

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

230 (13)(a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
231 Act, the division may suspend the license of ~~[a person]~~ an individual if it has reason to
232 believe that the ~~[person]~~ individual is the owner of a motor vehicle for which security
233 is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle
234 Owners and Operators Act, and has driven the motor vehicle or permitted it to be
235 driven within this state without the security being in effect.

- 236 (b) The division may suspend a driving privilege card holder's driving privilege card if
237 the division receives notification from the Motor Vehicle Division that:
- 238 (i) the driving privilege card holder is the registered owner of a vehicle; and
239 (ii) the driving privilege card holder's vehicle registration has been revoked under
240 Subsection 41-1a-110(2)(a)(ii)(A).
- 241 (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
242 security applies to ~~[persons]~~ individuals whose driving privileges are suspended under
243 this Subsection (13).
- 244 (14) The division may deny an individual's license if the ~~[person]~~ individual fails to comply
245 with the requirement to downgrade the ~~[person's]~~ individual's CDL to a class D license
246 under Section 53-3-409 or 53-3-410.1.
- 247 (15) The division may deny ~~[a person's]~~ an individual's class A, B, C, or D license if the [
248 ~~person]~~ individual fails to comply with the requirement to have a K restriction removed
249 from the ~~[person's]~~ individual's license.
- 250 (16) Any suspension or revocation of ~~[a person's]~~ an individual's license under this section
251 also disqualifies any license issued to that ~~[person]~~ individual under Part 4, Uniform
252 Commercial Driver License Act.
- 253 Section 2. Section **53-3-223** is amended to read:
- 254 **53-3-223 . Chemical test for driving under the influence -- Temporary license --**
255 **Hearing and decision -- Suspension and fee -- Judicial review.**
- 256 (1)(a) If a peace officer has reasonable grounds to believe that ~~[a person]~~ an individual
257 may be violating or has violated Section 41-6a-502, 41-6a-517, 76-5-102.1, or
258 76-5-207, the peace officer may, in connection with arresting the ~~[person]~~ individual,
259 request that the ~~[person]~~ individual submit to a chemical test or tests to be
260 administered in compliance with the standards under Section 41-6a-520.
- 261 (b) In this section, a reference to Section 41-6a-502 includes any similar local ordinance
262 adopted in compliance with Subsection 41-6a-510(1).
- 263 (2) The peace officer shall advise ~~[a person]~~ an individual prior to the ~~[person's]~~ individual's
264 submission to a chemical test that a test result indicating a violation of Section
265 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207 shall, and the existence of a blood alcohol content
266 sufficient to render the ~~[person]~~ individual incapable of safely driving a motor vehicle
267 may, result in suspension or revocation of the ~~[person's]~~ individual's license to drive a
268 motor vehicle.
- 269 (3) If the ~~[person]~~ individual submits to a chemical test and the test results indicate a blood

270 or breath alcohol content in violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or
271 76-5-207, or if a peace officer makes a determination, based on reasonable grounds, that
272 the [person] individual is otherwise in violation of Section 41-6a-502, 76-5-102.1, or
273 76-5-207, a peace officer shall, on behalf of the division and within 24 hours of arrest,
274 give notice of the division's intention to suspend the [person's] individual's license to
275 drive a motor vehicle.

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

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

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

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

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

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

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

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

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

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

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

297 (i) whether a peace officer had reasonable grounds to believe the [person] individual
298 was driving a motor vehicle in violation of Section 41-6a-502, 41-6a-517,
299 76-5-102.1, or 76-5-207;

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

301 (iii) the test results, if any.

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

303 (A) may administer oaths and may issue subpoenas for the attendance of witnesses

- 304 and the production of relevant books and papers; or
- 305 (B) may issue subpoenas for the attendance of necessary peace officers.
- 306 (ii) The division shall pay witness fees and mileage from the Transportation Fund in
- 307 accordance with the rates established in Section 78B-1-119.
- 308 (e) The division may designate one or more employees to conduct the hearing.
- 309 (f) Any decision made after a hearing before any designated employee is as valid as if
- 310 made by the division.
- 311 (7)(a) If, after a hearing, the division determines that a peace officer had reasonable
- 312 grounds to believe that the [person] individual was driving a motor vehicle in
- 313 violation of Section 41-6a-502, 41-6a-517, 76-5-102.1, or 76-5-207, if the [person]
- 314 individual failed to appear before the division as required in the notice, or if a hearing
- 315 is not requested under this section, the division shall:
- 316 (i) if the [person] individual is 21 years old or older at the time of arrest, suspend the [
- 317 person's] individual's license or permit to operate a motor vehicle for a period of:
- 318 (A) 120 days beginning on the 45th day after the date of arrest for a first
- 319 suspension; or
- 320 (B) two years beginning on the 45th day after the date of arrest for a second or
- 321 subsequent suspension for an offense that occurred within the previous 10
- 322 years; or
- 323 (ii) if the [person] individual is under 21 years old at the time of arrest:
- 324 (A) suspend the [person's] individual's license or permit to operate a motor vehicle:
- 325 (I) for a period of six months, beginning on the 45th day after the date of arrest
- 326 for a first suspension; or
- 327 (II) until the [person] individual is 21 years old or for a period of two years,
- 328 whichever is longer, beginning on the 45th day after the date of arrest for a
- 329 second or subsequent suspension for an offense that occurred within the
- 330 previous 10 years; or
- 331 (B) deny the [person's] individual's application for a license or learner's permit:
- 332 (I) for a period of six months beginning on the 45th day after the date of the
- 333 arrest for a first suspension, if the [person] individual has not been issued an
- 334 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
369 Section 53-3-105 to cover administrative costs, which shall be paid before the [
370 ~~person's]~~ individual's driving privilege is reinstated. This fee shall be cancelled if the [
371 ~~person]~~ individual obtains an unappealed division hearing or court decision that the

372 suspension was not proper.

373 (b) [~~A person~~] An individual whose license has been suspended by the division under
374 this section following an administrative hearing may file a petition within 30 days
375 after the suspension for a hearing on the matter which, if held, is governed by Section
376 53-3-224.

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

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

383 (B) the reporting court notifies the Driver License Division that the [~~person~~]
384 individual is participating in or has successfully completed a problem solving
385 court program approved by the Judicial Council, including a driving under the
386 influence court program or a drug court program, and has elected to become an
387 interlock restricted driver as a condition of probation during the remainder of
388 the [~~person's~~] individual's suspension period in accordance with Section
389 41-6a-518; and

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

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

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

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

401 (ii) installs an ignition interlock device in any vehicle owned or driven by the [~~person~~]
402 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
437 ignition interlock restriction period and does not install a new ignition interlock
438 device from the same or a different provider within 24 hours:
- 439 (A) the [person's] individual's driver license shall be suspended under Subsection

440 (7)(a)(i)(B) for the remainder of the two-year ignition interlock restriction
 441 period;
 442 (B) the [person] individual is required to pay the license reinstatement application
 443 fee under Subsection 53-3-105(26); and
 444 (C) the [person] individual may not elect to become an ignition interlock restricted
 445 driver under this section.

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

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

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

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

464 **53-3-402 . Definitions.**

465 As used in this part:

- 466 (1) "Alcohol" means any substance containing any form of alcohol, including ethanol,
 467 methanol, propanol, and isopropanol.
 468 (2) "Alcohol concentration" means the number of grams of alcohol per:
 469 (a) 100 milliliters of blood;
 470 (b) 210 liters of breath; or
 471 (c) 67 milliliters of urine.
 472 (3) "Commercial driver license information system" or "CDLIS" means the information
 473 system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle

- 474 Safety Act of 1986, as a clearinghouse for information related to the licensing and
475 identification of commercial motor vehicle drivers.
- 476 (4) "Controlled substance" means any substance so classified under Section 102(6) of the
477 Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on the
478 current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time
479 to time.
- 480 (5) "Drug and Alcohol Clearinghouse" means the database established under 49 C.F.R. Sec.
481 382, that requires an employer and service agent to report information to and to query
482 regarding a driver who is subject to the United States Department of Transportation
483 controlled substance and alcohol testing regulations.
- 484 [(5)] (6) "Employee" means any driver of a commercial motor vehicle, including:
485 (a) full-time, regularly employed drivers;
486 (b) casual, intermittent, or occasional drivers;
487 (c) leased drivers; and
488 (d) independent, owner-operator contractors while in the course of driving a commercial
489 motor vehicle who are either directly employed by or under lease to an employer.
- 490 [(6)] (7) "Employer" means any individual or person including the United States, a state, or
491 a political subdivision of a state, who owns or leases a commercial motor vehicle, or
492 assigns an individual to drive a commercial motor vehicle.
- 493 [(7)] (8) "Felony" means any offense under state or federal law that is punishable by death
494 or imprisonment for a term of more than one year.
- 495 [(8)] (9) "Foreign jurisdiction" means any jurisdiction other than the United States or a state
496 of the United States.
- 497 [(9)] (10) "Gross vehicle weight rating" or "GVWR" means the value specified by the
498 manufacturer as the maximum loaded weight of a single vehicle or GVWR of a
499 combination or articulated vehicle, and includes the GVWR of the power unit plus the
500 total weight of all towed units and the loads on those units.
- 501 [(10)] (11) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec.
502 383.5.
- 503 [(11)] (12) "Imminent hazard" means the existence of a condition, practice, or violation that
504 presents a substantial likelihood that death, serious illness, severe personal injury, or a
505 substantial endangerment to health, property, or the environment is expected to occur
506 immediately, or before the condition, practice, or violation can be abated.
- 507 [(12)] (13) "Medical certification status" means the medical certification of a commercial

- 508 driver license holder or commercial motor vehicle operator in any of the following
509 categories:
- 510 (a) Non-excepted interstate. [~~A person~~] An individual shall certify that the [~~person~~]
511 individual:
- 512 (i) operates or expects to operate in interstate commerce;
- 513 (ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part
514 391; and
- 515 (iii) is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45.
- 516 (b) Excepted interstate. [~~A person~~] An individual shall certify that the [~~person~~] individual:
- 517 (i) operates or expects to operate in interstate commerce, but engages exclusively in
518 transportation or operations excepted under 49 C.F.R. Sec. 390.3(f), 391.2,
519 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R.
520 Part 391; and
- 521 (ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec.
522 391.45.
- 523 (c) Non-excepted intrastate. [~~A person~~] An individual shall certify that the [~~person~~]
524 individual:
- 525 (i) operates only in intrastate commerce; and
- 526 (ii) is subject to state driver qualification requirements under Sections 53-3-303.5,
527 53-3-304, and 53-3-414.
- 528 (d) Excepted intrastate. [~~A person~~] An individual shall certify that the [~~person~~] individual:
- 529 (i) operates in intrastate commerce; and
- 530 (ii) engages exclusively in transportation or operations excepted from all parts of the
531 state driver qualification requirements.
- 532 [~~(13)~~] (14) "NDR" means the National Driver Register.
- 533 [~~(14)~~] (15) "Nonresident CDL" means a commercial driver license issued by a state to an
534 individual who resides in a foreign jurisdiction.
- 535 [~~(15)~~] (16) "Out-of-service order" means a temporary prohibition against driving a
536 commercial motor vehicle.
- 537 [~~(16)~~] (17) "Port-of-entry agent" has the same meaning as provided in Section 72-1-102.
- 538 [~~(17)~~] (18) "Serious traffic violation" means a conviction of any of the following:
- 539 (a) speeding 15 or more miles per hour above the posted speed limit;
- 540 (b) reckless driving as defined by state or local law;
- 541 (c) improper or erratic traffic lane changes;

- 542 (d) following the vehicle ahead too closely;
- 543 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic
544 accident;
- 545 (f) operating a commercial motor vehicle without a CDL or a CDIP;
- 546 (g) operating a commercial motor vehicle without the proper class of CDL or CDL
547 endorsement for the type of vehicle group being operated or for the passengers or
548 cargo being transported;
- 549 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in
550 the driver's possession in violation of Section 53-3-404;
- 551 (i) using a wireless communication device in violation of Section 41-6a-1716 while
552 operating a commercial motor vehicle; or
- 553 (j) using a hand-held mobile telephone while operating a commercial motor vehicle in
554 violation of 49 C.F.R. Sec. 392.82.
- 555 ~~[(18)]~~ (19) "State" means a state of the United States, the District of Columbia, any province
556 or territory of Canada, or Mexico.
- 557 ~~[(19)]~~ (20) "United States" means the 50 states and the District of Columbia.
- 558 Section 4. Section **53-3-409** is enacted to read:
- 559 **53-3-409 . Drug and Alcohol Clearinghouse.**
- 560 (1) The division shall query the Drug and Alcohol Clearinghouse before:
- 561 (a) issuing an original CDL or CDIP;
- 562 (b) renewing a CDL or CDIP;
- 563 (c) issuing a duplicate CDL or CDIP;
- 564 (d) upgrading a CDL or CDIP; or
- 565 (e) transferring a CDL or CDIP from another jurisdiction.
- 566 (2) Upon receipt of information from the Drug and Alcohol Clearinghouse that an applicant
567 is prohibited from operating a commercial motor vehicle, the division shall deny the:
- 568 (a) issuance of an original CDL or CDIP;
- 569 (b) renewal of a CDL or CDIP;
- 570 (c) issuance of a duplicate CDL or CDIP;
- 571 (d) upgrade of a CDL or CDIP; or
- 572 (e) transfer of a CDL or CDIP.
- 573 (3) If the division determines that an individual who holds a CDL or CDIP is prohibited
574 from operating a commercial motor vehicle under this part or 49 C.F.R. Sec. 382.501,
575 the individual shall be required to downgrade the CDL or CDIP to a class D license.

- 576 (4) If the division receives notification pursuant to 49 C.F.R. Sec. 382.503 that the
 577 individual is no longer prohibited from operating a commercial motor vehicle, the
 578 division may terminate the downgrade process.
- 579 (5) A reinstatement to a CDL or CDIP after downgrade to a class D license may be
 580 completed if:
- 581 (a) the division receives notification pursuant to 49 C.F.R. Sec. 282.503 that the
 582 individual is no longer prohibited from operating a commercial motor vehicle; or
 583 (b) the division receives notification that the individual was erroneously identified as
 584 prohibited from operating a commercial motor vehicle.
- 585 (6) If the division receives a notification described in Subsection (5)(b), the division shall:
- 586 (a) reinstate the CDL or CDIP privilege as expeditiously as possible; and
 587 (b) remove any reference to the prohibited status from the CDLIS record and motor
 588 vehicle record.
- 589 (7) Failure to comply with the requirements of this section shall result in the denial of the
 590 license under Section 53-3-221.

591 Section 5. Section **53-3-414** is amended to read:

592 **53-3-414 . CDL disqualification or suspension -- Grounds and duration --**

593 **Procedure.**

- 594 (1)(a) An individual who holds or is required to hold a CDL is disqualified from driving
 595 a commercial motor vehicle for a period of not less than one year effective seven
 596 days from the date of notice to the driver if convicted of a first offense of:
- 597 (i) driving a motor vehicle while impaired or under the influence of alcohol, drugs, a
 598 controlled substance, or more than one of these;
- 599 (ii) driving a commercial motor vehicle while the concentration of alcohol in the [
 600 ~~person's~~] individual's blood, breath, or urine is .04 grams or more;
- 601 (iii) leaving the scene of an accident involving a motor vehicle the [~~person~~] individual
 602 was driving;
- 603 (iv) failing to provide reasonable assistance or identification when involved in an
 604 accident resulting in:
- 605 (A) personal injury in accordance with Section 41-6a-401.3; or
 606 (B) death in accordance with Section 41-6a-401.5; [~~or~~]
- 607 (v) using a motor vehicle in the commission of a felony;
- 608 (vi) refusal to submit to a test to determine the concentration of alcohol in the [
 609 ~~person's~~] individual's blood, breath, or urine;

- 610 (vii) driving a commercial motor vehicle while the [person's] individual's commercial
611 driver license is disqualified in accordance with the provisions of this section for
612 violating an offense described in this section; or
- 613 (viii) operating a commercial motor vehicle in a negligent manner causing the death
614 of another including the offenses of manslaughter under Section 76-5-205,
615 negligent homicide under Section 76-5-206, or automobile homicide under
616 Section 76-5-207.
- 617 (b) The division shall subtract from any disqualification period under Subsection (1)(a)(i)
618 the number of days for which a license was previously disqualified under Subsection
619 (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence
620 upon which the record of conviction is based.
- 621 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
622 hazardous material required to be placarded, the driver is disqualified for not less than
623 three years.
- 624 (3)(a) Except as provided under Subsection (4), a driver of a motor vehicle who holds
625 or is required to hold a CDL is disqualified for life from driving a commercial motor
626 vehicle if convicted of or administrative action is taken for two or more of any of the
627 offenses under Subsection (1)[~~, (5),~~] or (14) arising from two or more separate
628 incidents.
- 629 (b) An individual who is convicted of or administrative action is taken for an offense
630 under Subsection (5):
- 631 (i) is disqualified for life from driving a commercial motor vehicle; and
632 (ii) may not be reinstated under Subsection (4).
- 633 [~~(b)~~] (c) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.
- 634 (4)(a) Any driver disqualified for life from driving a commercial motor vehicle under
635 this section may apply to the division for reinstatement of the driver's CDL if the
636 driver:
- 637 (i) has both voluntarily enrolled in and successfully completed an appropriate
638 rehabilitation program that:
- 639 (A) meets the standards of the division; and
640 (B) complies with 49 C.F.R. Sec. 383.51;
- 641 (ii) has served a minimum disqualification period of 10 years; and
642 (iii) has fully met the standards for reinstatement of commercial motor vehicle
643 driving privileges established by rule of the division.

- 644 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
645 under this section, the driver is permanently disqualified for life and is ineligible to
646 again apply for a reduction of the lifetime disqualification.
- 647 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified for
648 life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
649 commission of any felony involving:
- 650 (a) the manufacturing, distributing, or dispensing of a controlled substance~~[-or~~
651 ~~possession with intent to manufacture, distribute, or dispense a controlled substance~~
652 ~~and is ineligible to apply for a reduction of the lifetime disqualification under~~
653 ~~Subsection (4);] ; or~~
- 654 (b) an act or practice of severe forms of trafficking in persons as defined and described
655 in 22 U.S.C. Sec. 7102(11).
- 656 (6)(a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or
657 is required to hold a CDL is disqualified for not less than:
- 658 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
659 serious traffic violations; and
- 660 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 661 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
662 violations:
- 663 (i) occur within three years of each other;
- 664 (ii) arise from separate incidents; and
- 665 (iii) involve the use or operation of a commercial motor vehicle.
- 666 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
667 disqualified from driving a commercial motor vehicle and the division receives notice
668 of a subsequent conviction for a serious traffic violation that results in an additional
669 disqualification period under this Subsection (6), the subsequent disqualification
670 period is effective beginning on the ending date of the current serious traffic violation
671 disqualification period.
- 672 (7)(a) A driver of a commercial motor vehicle who is convicted of violating an
673 out-of-service order while driving a commercial motor vehicle is disqualified from
674 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
709 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the
710 action taken.
- 711 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL, the

- 712 division shall notify the licensing authority of the issuing state or other jurisdiction
713 and the CDLIS within 10 days after the action is taken.
- 714 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
715 state, the division shall notify the CDLIS within 10 days after the action is taken.
- 716 (11)(a) The division may immediately suspend or disqualify the CDL of a driver
717 without a hearing or receiving a record of the driver's conviction when the division
718 has reason to believe that the:
- 719 (i) CDL was issued by the division through error or fraud;
 - 720 (ii) applicant provided incorrect or incomplete information to the division;
 - 721 (iii) applicant cheated on any part of a CDL examination;
 - 722 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
 - 723 (v) driver poses an imminent hazard.
- 724 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with Section
725 53-3-221.
- 726 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
727 suspension order or cancel the CDL.
- 728 (12)(a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
729 required to hold a CDL is disqualified for not less than:
- 730 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
731 serious traffic violations; and
 - 732 (ii) 120 days if the driver is convicted of three or more serious traffic violations.
- 733 (b) The disqualifications under Subsection (12)(a) are effective only if the serious traffic
734 violations:
- 735 (i) occur within three years of each other;
 - 736 (ii) arise from separate incidents; and
 - 737 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
738 privilege from at least one of the violations.
- 739 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
740 from driving a commercial motor vehicle and the division receives notice of a
741 subsequent conviction for a serious traffic violation that results in an additional
742 disqualification period under this Subsection (12), the subsequent disqualification
743 period is effective beginning on the ending date of the current serious traffic violation
744 disqualification period.
- 745 (13)(a) Upon receiving a notice that [~~a person~~] an individual has entered into a plea of

746 guilty or no contest to a violation of a disqualifying offense described in this section
747 which plea is held in abeyance pursuant to a plea in abeyance agreement, the division
748 shall disqualify, suspend, cancel, or revoke the [~~person's~~] individual's CDL for the
749 period required under this section for a conviction of that disqualifying offense, even
750 if the charge has been subsequently reduced or dismissed in accordance with the plea
751 in abeyance agreement.

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

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

757 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or

758 (ii) expunged under Title 77, Chapter 40a, Expungement of Criminal Records.

759 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of Section
760 41-6a-502 when administrative action is taken against the operator's driving privilege
761 pursuant to Section 53-3-223 for a period of:

762 (a) one year; or

763 (b) three years if the violation occurred while transporting hazardous materials.

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

767 **Section 6. Effective Date.**

768 This bill takes effect on May 7, 2025.