

## Part 4 Uniform Commercial Driver License Act

### 53-3-401 Short title.

This part is known as the "Uniform Commercial Driver License Act."

Renumbered and Amended by Chapter 234, 1993 General Session

### 53-3-401.1 Conflict with Federal Motor Carrier Safety Regulations.

Federal Motor Carrier Safety Regulations supersede any conflicting provisions of this chapter pertaining to licensing of commercial motor vehicle operators.

Enacted by Chapter 422, 2015 General Session

### 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) "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) "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) "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) "Foreign jurisdiction" means any jurisdiction other than the United States or a state of the United States.
- (9) "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) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec. 383.5.

- (11) "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) "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 shall certify that the person:
    - (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 shall certify that the person:
    - (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 shall certify that the person:
    - (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 shall certify that the person:
    - (i) operates in intrastate commerce; and
    - (ii) engages exclusively in transportation or operations excepted from all parts of the state driver qualification requirements.
- (13) "NDR" means the National Driver Register.
- (14) "Nonresident CDL" means a commercial driver license issued by a state to an individual who resides in a foreign jurisdiction.
- (15) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.
- (16) "Port-of-entry agent" has the same meaning as provided in Section 72-1-102.
- (17) "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) "State" means a state of the United States, the District of Columbia, any province or territory of Canada, or Mexico.
- (19) "United States" means the 50 states and the District of Columbia.

Amended by Chapter 426, 2022 General Session

**53-3-403 Superseding clause.**

This part supersedes the general licensing provisions of state law contained in Part 1, Driver License Division Administration, and Part 2, Driver Licensing Act, of this chapter.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-404 Requirements to drive commercial motor vehicle.**

- (1) A person may not drive a commercial motor vehicle, unless the person has been issued and is in immediate possession of:
  - (a) a CDL license certificate valid for the commercial motor vehicle the person is driving; or
  - (b) a valid CDIP license certificate in accordance with Section 53-3-408.
- (2)
  - (a) A licensee shall display a CDL or CDIP license certificate upon demand of a justice court judge, a peace officer, a special function officer, a port-of-entry officer, or a designee of the division.
  - (b) It is a defense to a charge under this section that the person charged produces in court a CDL or CDIP license certificate that is issued to the person and valid at the time of the citation or arrest.
- (3) A person may not drive a commercial motor vehicle if the person's privilege to drive a commercial motor vehicle is:
  - (a) suspended, revoked, or canceled;
  - (b) subject to a disqualification;
  - (c) subject to an out-of-service order; or
  - (d) not medically certified as defined in Section 53-3-402.
- (4) A person may not drive a commercial motor vehicle if the commercial motor vehicle is subject to an out-of-service order.

Amended by Chapter 190, 2011 General Session

**53-3-405 Authority to drive commercial motor vehicle in Utah.**

- (1) A person who holds or is required to hold a CDL may drive a commercial motor vehicle in this state if:
  - (a) the person has a CDL issued by any state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses;
  - (b) the person's license is not denied, suspended, revoked, or canceled;
  - (c) the person is not disqualified from driving a commercial motor vehicle; and
  - (d) the person has a valid medical certification status.
- (2) This section supersedes any provision to the contrary.

Amended by Chapter 190, 2011 General Session

**53-3-406 Commercial motor vehicle driver -- Only one license.**

Any person who drives a commercial motor vehicle may only have one license.

Renumbered and Amended by Chapter 234, 1993 General Session

**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).
  - (b) A CDL driver training school may charge a consideration or tuition for the services provided under Subsection (1)(a).
- (2)
  - (a) Except as provided in Subsection (2)(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)(c) shall present a completed application for a military skills test waiver at the time of the request.
- (3) Tests required under this section shall be prescribed and administered by the division.
- (4) 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)
  - (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) 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.
- (7) A person authorized under this section to administer the skills test is not criminally or civilly liable for the administration of the test unless he administers the test in a grossly negligent manner.
- (8) The division may waive the skills test required under this section if it determines that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

Amended by Chapter 46, 2022 General Session

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

- (1) A commercial driver license third party tester or commercial driver license third party examiner shall be licensed by the division to be eligible to administer the commercial driver license skills tests.
- (2)
  - (a) An applicant for a commercial driver license third party tester or third party examiner license shall submit fingerprints in a form acceptable to the division at the time the license application is filed and shall consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
  - (b) The division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check for each commercial driver license third party tester or third party examiner applicant through the national criminal history system or any successor system.
  - (c) The Utah Bureau of Criminal Identification shall release to the division all information received in response to the division's request under this Subsection (2).
  - (d) A commercial driver license third party tester or third party examiner license may not be issued under this section until the criminal background check required under this Subsection (2) has been completed and reviewed by the division.
  - (e) In addition to any fees imposed under this chapter, the division shall:
    - (i) impose on individuals submitting fingerprints in accordance with this Subsection (2) the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under this section; and
    - (ii) remit the fees collected under this Subsection (2)(e) to the Bureau of Criminal Identification.

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

Enacted by Chapter 411, 2013 General Session

**53-3-408 Qualifications for commercial driver instruction permit.**

- (1) The division may issue a CDIP to a person who:
- (a) is 18 years of age or older;
  - (b) holds a valid license;
  - (c) has at least one year of driving experience; and
  - (d) has passed the vision and knowledge test for the class of license for which the person is applying.
- (2) The division may issue a CDIP only for a period not to exceed 180 days.
- (3) The holder of a CDIP may drive a commercial motor vehicle on a highway only when accompanied by a person who:
- (a)
    - (i) holds a CDL valid for the class and endorsements of commercial motor vehicle driven; or
    - (ii) is certified by the division to administer driver licensing examinations to CDL applicants; and
  - (b) occupies a seat beside the individual for the purpose of:
    - (i) giving the driver instruction regarding the driving of the commercial motor vehicle; or
    - (ii) administering a driver licensing examination to a CDL applicant.
- (4) A CDL or CDIP may not be issued to a person:
- (a) subject to disqualification from driving a commercial motor vehicle; or
  - (b) whose license is suspended, revoked, or canceled in any state.
- (5) A CDL or CDIP may not be issued to a person until the person has surrendered all license certificates the person holds to the division for cancellation.

Amended by Chapter 175, 2016 General Session

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

- (1) The application for a CDL, limited-term CDL, or CDIP shall include the following information regarding the applicant:
- (a) full legal name;
  - (b) current mailing address;
  - (c) Utah residential address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b);
  - (d) physical description, including sex, height, weight, and eye color;
  - (e) date of birth;
  - (f) documentary evidence of the applicant's valid Social Security number;

- (g) a complete list of all states in which the applicant was issued a driver license in the previous 10 years upon:
    - (i) initial issuance of a Utah license;
    - (ii) renewal of a CDL for the first time after September 30, 2002; or
    - (iii) transfer of a CDL from another state;
  - (h) the applicant's signature;
  - (i) evidence of the applicant's lawful presence in the United States by providing documentary evidence:
    - (i) that a person is:
      - (A) a United States Citizen;
      - (B) a United States national; or
      - (C) a legal permanent resident alien; or
    - (ii) of the applicant's:
      - (A) unexpired immigrant or nonimmigrant visa status for admission into the United States;
      - (B) pending or approved application for asylum in the United States;
      - (C) admission into the United States as a refugee;
      - (D) pending or approved application for temporary protected status in the United States;
      - (E) approved deferred action status;
      - (F) pending application for adjustment of status to legal permanent resident or conditional resident; or
      - (G) conditional permanent resident alien status; and
  - (j) beginning on January 30, 2012, a medical certification status.
- (2) An application under this section shall also include all certifications required by 49 C.F.R., Part 383.71.
- (3) When the holder of a license under this part changes the holder's name, mailing address, or residence, the holder shall make application for a duplicate license within 30 days of the change.
- (4) A person who has been a resident of this state for 30 consecutive days may not drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

Amended by Chapter 175, 2016 General Session

**53-3-410.1 Medical certification requirements.**

- (1) A person whose medical certification status is:
  - (a) "non-excepted interstate" under Subsection 53-3-402(12)(a) is required to provide the division a medical self-certification and an updated medical examiner's certificate under 49 C.F.R. Sec. 391.45 upon request by the division;
  - (b) "excepted interstate" under Subsection 53-3-402(12)(b) is required to provide to the division a medical self-certification upon request by the division;
  - (c) "non-excepted intrastate" under Subsection 53-3-402(12)(c) is required to, upon request by the division:
    - (i) provide to the division a medical self-certification; and
    - (ii) comply with the requirements of Section 53-3-303.5; or
  - (d) "excepted intrastate" under Subsection 53-3-402(12)(b) is required to, upon request by the division:
    - (i) provide to the division a medical self-certification; and
    - (ii)

- (A) provide to the division an updated medical examiner's certificate under 49 C.F.R. Sec. 391.45; or
  - (B) comply with the requirements of Section 53-3-303.5.
- (2) A request by the division for a person to comply with Subsection (1) to provide a:
- (a) medical examiner's certificate, shall correspond with:
    - (i) the initial application for a CDL or CDIP;
    - (ii) the transfer of a CDL from another jurisdiction to Utah;
    - (iii) the expiration of the previously submitted medical examiner's certificate; or
    - (iv) documentary evidence received by the division under Subsection (1) that indicates the driver may not be medically qualified to operate a CMV; or
  - (b) medical self-certification, shall correspond with:
    - (i) the initial application for a CDL or CDIP;
    - (ii) the transfer of a CDL from another jurisdiction to Utah;
    - (iii) the renewal of a CDL or CDIP;
    - (iv) the upgrade of a commercial license class; or
    - (v) documentary evidence received by the division under Subsection (1) that indicates the driver may not be medically qualified to operate a CMV.
- (3)
- (a) Except as provided in Subsection (3)(b), if the division determines that a person is no longer medically qualified to operate a CMV, the person shall be required to downgrade the person's CDL to a class D license.
  - (b) If the division determines that a person is incompetent to drive a motor vehicle or has a mental or physical disability rendering the person unable to safely drive a motor vehicle upon the highways, the division shall deny the person's driving privileges as described in Section 53-3-221.
- (4) If a person fails to comply with a request under this section, the person shall be required to downgrade the person's CDL to a class D license.
- (5) Failure to comply with the requirement of this section shall result in the denial of the license under Section 53-3-221.

Amended by Chapter 46, 2022 General Session

**53-3-411 Description of CDL -- Information to be included.**

- (1) The CDL certificate shall be printed with the identifying words "Commercial Driver License" or "CDL".
- (2) To the maximum extent practicable, the CDL certificate shall be resistant to alteration.
- (3) The CDL certificate shall include:
  - (a) the legal name and principal place of residence of the holder;
  - (b) the holder's photograph in color;
  - (c) a physical description of the holder, including sex and height;
  - (d) the holder's birth date;
  - (e) the holder's Utah license certificate number;
  - (f) the holder's signature;
  - (g) the class or type of commercial motor vehicle or vehicles the holder is authorized to drive;
  - (h) any endorsements or restrictions to which the holder is subject;
  - (i) the name of the issuing state; and
  - (j) the dates between which the CDL is valid.
- (4) The CDL may not include the holder's Social Security number.



Amended by Chapter 144, 2004 General Session

**53-3-412 CDL classifications, endorsements, and restrictions.**

(1) A CDL may be granted with the following classifications, endorsements, and restrictions:

(a) Classifications:

- (i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;
- (ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more, including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less; and
- (iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the vehicle is designed:

- (A) to carry 16 or more passengers, including the driver;
- (B) as a school bus, and weighing less than 26,001 pounds GVWR; or
- (C) to transport hazardous materials that requires the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F.

(b) Endorsements:

- (i) "H" authorizes the driver to drive a commercial motor vehicle transporting hazardous materials as defined in 49 C.F.R. Sec. 383.5.
- (ii) "N" authorizes the driver to drive a tank vehicle.
- (iii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more passengers including the driver.
- (iv) "S" authorizes the driver to transport preprimary, primary, or secondary school students from home to school, school to home, or to and from school-sponsored events.
- (v) "T" authorizes the driver to drive a commercial motor vehicle with a double or triple trailer.
- (vi) "X" authorizes the driver to drive a tank vehicle and transport hazardous materials.

(c) Restrictions:

- (i) "E" restricts the driver from driving a commercial motor vehicle with a manual transmission.
- (ii) "K" restricts the driver to driving intrastate only any commercial motor vehicle as defined by 49 C.F.R. Parts 383 and 390.
- (iii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air brakes.
- (iv) "J" provides for other CDL restrictions.
- (v) "M" restricts a driver from transporting passengers using a class A bus.
- (vi) "N" restricts a driver from transporting passengers using a class A or class B bus.
- (vii) "O" restricts a driver from driving a commercial motor vehicle equipped with a tractor trailer.
- (viii)

- (A) "V" indicates that the driver has been issued a variance by the Federal Motor Carrier Safety Administration in reference to the driver's medical certification status.
- (B) A driver with a "V" restriction shall have the letter outlining the specifications for the variance in the driver's possession along with the driver's commercial driver license when operating a commercial motor vehicle.

- (ix) "Z" restricts a driver from driving a commercial motor vehicle with non-fully equipped air brakes.

(2) A commercial driver instruction permit may be granted with the following classifications, endorsements, and restrictions:

(a) Classifications:

- (i) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;
  - (ii) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more, including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less; and
  - (iii) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the vehicle is designed:
    - (A) to carry 16 or more passengers, including the driver;
    - (B) as a school bus, and weighing less than 26,001 pounds GVWR; or
    - (C) to transport hazardous material that requires the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F.
- (b) Endorsements:
- (i) "N" authorizes the driver to drive a tank vehicle. An "N" endorsement may only be issued with an "X" restriction.
  - (ii) "P" authorizes the driver to drive a motor vehicle designed to carry 16 or more passengers including the driver. A "P" endorsement may only be issued with a "P" restriction.
  - (iii) "S" authorizes the driver to transport preprimary, primary, or secondary school students from home to school, school to home, or to and from school-sponsored events. An "S" endorsement may only be issued with a "P" restriction.
- (c) Restrictions:
- (i) "K" restricts the driver to driving intrastate only any commercial motor vehicle as defined by 49 C.F.R. Parts 383 and 390.
  - (ii) "L" restricts the driver to driving a commercial motor vehicle not equipped with air brakes.
  - (iii) "M" restricts a driver from transporting passengers using a class A bus.
  - (iv) "N" restricts a driver from transporting passengers using a class A or class B bus.
  - (v) "P" restricts a driver from having one or more passengers in the vehicle while driving a commercial motor vehicle bus unless the passenger is:
    - (A) a federal or state auditor or inspector;
    - (B) a test examiner;
    - (C) another trainee; or
    - (D) the CDL holder accompanying the CDIP holder as required in 49 C.F.R. Sec. 383.25.
  - (vi)
    - (A) "V" indicates that the driver has been issued a variance by the Federal Motor Carrier Safety Administration in reference to the driver's medical certification status.
    - (B) A driver with a "V" restriction shall have the letter outlining the specifications for the variance in the driver's possession along with the driver's commercial driver license when operating a commercial motor vehicle.
  - (vii) "X" restricts a driver from having cargo in a commercial motor vehicle tank vehicle.
- (3) A violation of this section is an infraction.

Amended by Chapter 303, 2016 General Session

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

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

- (2) The division shall notify the CDLIS and provide all information required to ensure identification of the CDL holder within 10 days after:
  - (a) issuing a CDL following application for an original, renewal, transfer, or upgrade of the CDL; or
  - (b) any change is made to the identifying information of a CDL holder.
- (3)
  - (a) The expiration date for a CDL is the birth date of the holder in the fifth year following the year of issuance of the CDL.
  - (b) A limited-term CDL expires on:
    - (i) the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided in Subsection (3)(a), whichever is sooner; or
    - (ii) on the birth date of the applicant in the first year following the year that the limited-term CDL was issued if there is no definite end to the individual's period of authorized stay.
  - (c) A CDL held by an individual ordered to active duty and stationed outside Utah in any of the armed forces of the United States, which expires during the time period the individual is stationed outside of the state, is valid until 90 days after the individual has been discharged or has left the service, unless:
    - (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or
    - (ii) the licensee updates the information or photograph on the license certificate.
- (4)
  - (a) The applicant for a renewal of a CDL shall complete the application form required by Section 53-3-410 and provide updated information and required certification.
  - (b) In addition to the requirements under Subsection (4)(a), the applicant for a renewal of a limited-term CDL shall present documentary evidence that the status by which the individual originally qualified for the limited-term CDL has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.
- (5) The division shall distinguish a limited-term CDL by clearly indicating on the document:
  - (a) that it is temporary; and
  - (b) its expiration date.
- (6)
  - (a) The division may not issue a hazardous materials endorsement on a CDL unless the applicant meets the security threat assessment standards of the federal Transportation Security Administration.
  - (b) The division shall revoke the hazardous materials endorsement on a CDL upon receiving notice from the federal Transportation Security Administration that the individual holding a hazardous materials endorsement does not meet Transportation Security Administration security threat assessment standards.
  - (c) To obtain an original hazardous materials endorsement or retain a hazardous materials endorsement upon CDL renewal or transfer, the applicant must take and pass the knowledge test for hazardous materials endorsement in addition to any other testing required by the division.
- (7) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a limited-term CDL in the same way as a CDL issued under this chapter.

Amended by Chapter 382, 2019 General Session

**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 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 blood, breath, or urine is .04 grams or more;
    - (iii) leaving the scene of an accident involving a motor vehicle the person 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;
      - (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 blood, breath, or urine;
    - (vii) driving a commercial motor vehicle while the person'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) 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:
    - (i) 180 days if the driver is convicted of a first violation;
    - (ii) two years if, during any 10 year period, the driver is convicted of two violations of out-of-service orders in separate incidents;
    - (iii) three years but not more than five years if, during any 10 year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents;
    - (iv) 180 days but not more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver; or
    - (v) three years but not more than five years if, during any 10 year period, the driver is convicted of two or more violations, in separate incidents, of an out-of-service order while transporting hazardous materials required to be placarded or while operating a motor vehicle designed to transport 16 or more passengers, including the driver.
  - (b) A driver of a commercial motor vehicle who is convicted of a first violation of an out-of-service order is subject to a civil penalty of not less than \$2,500.
  - (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

- (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than 60 days if the division determines, in its check of the driver's driver license status, application, and record prior to issuing a CDL or at any time after the CDL is issued, that the driver has falsified information required to apply for a CDL in this state.
- (9) A driver of a commercial motor vehicle who is convicted of violating a railroad-highway grade crossing provision under Section 41-6a-1205, while driving a commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period not less than:
  - (a) 60 days if the driver is convicted of a first violation;
  - (b) 120 days if, during any three-year period, the driver is convicted of a second violation in separate incidents; or
  - (c) one year if, during any three-year period, the driver is convicted of three or more violations in separate incidents.
- (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 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 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 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.

Amended by Chapter 153, 2024 General Session

Amended by Chapter 194, 2024 General Session

**53-3-415 Limitations on employment of commercial motor vehicle drivers.**

- (1) An employer shall require each applicant for employment as a commercial motor vehicle driver to provide the information required in Section 53-3-416 regarding the applicant's employment history.
  - (2) An employer may not knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period when the driver:
    - (a) has a CDL that is suspended, revoked, or canceled by any state;
    - (b) has lost the privilege to drive a commercial motor vehicle in a state;
    - (c) has been disqualified from driving a commercial motor vehicle;
    - (d) has more than one license;
    - (e) is subject to an out-of-service order; or
    - (f) is operating a commercial motor vehicle or employed by a motor carrier operation that is subject to an out-of-service order.
  - (3) An employer may not knowingly allow, permit, require, or authorize a person to violate a federal, state, or local law pertaining to railroad-highway grade crossings.
- (4)
- (a) An employer who violates Subsection (2)(a), (b), or (c) during the period the driver has been disqualified under Subsection 53-3-414(9) is subject to a civil penalty of not more than \$10,000.
  - (b) An employer who is convicted of violating Subsection (2)(e) or (f) is subject to a civil penalty of not less than \$2,750 nor more than \$25,000.

- (c) An employer who is convicted of violating Subsection (3) is subject to a civil penalty of \$10,000.

Amended by Chapter 196, 2010 General Session

**53-3-416 Driving record and other information to be provided to employer.**

- (1) Each person who drives a commercial motor vehicle who has a CDL issued by this state and who is convicted of violating, in any type of motor vehicle, a state or local law relating to motor vehicle traffic, other than a parking violation, in this or any other state or jurisdiction, shall notify both the division and his current employer of the conviction within 30 days of the date of conviction.
- (2) A driver shall notify his current employer before the end of the business day following the day he receives notice that:
  - (a) his CDL is suspended, revoked, or canceled by any state;
  - (b) he loses the privilege to drive a commercial motor vehicle in any state or other jurisdiction for any period; or
  - (c) he is disqualified from driving a commercial motor vehicle for any period.
- (3) A person who applies to be a commercial motor vehicle driver shall at the time of application provide to the employer the following information for the 10 years prior to the date of application:
  - (a) a list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle as any part of his employment;
  - (b) the dates between which the applicant drove for each employer listed under Subsection (3) (a); and
  - (c) the reason the applicant's employment with each employer listed was terminated.
- (4)
  - (a) An applicant shall certify that all information provided under this section is true and complete to the best of his knowledge.
  - (b) An employer receiving information under this section may require that an applicant provide additional information.

Amended by Chapter 324, 2010 General Session

**53-3-417 Measurable alcohol amount consumed -- Penalty -- Refusal to take test for alcohol.**

- (1) A person who holds or is required to hold a CDL may not drive a commercial motor vehicle while there is any measurable or detectable alcohol in his body.
- (2) The division, a port-of-entry agent, or a peace officer shall place a person out-of-service for 24 consecutive hours who:
  - (a) violates Subsection (1); or
  - (b) refuses a request to submit to a test to determine the alcohol concentration of his blood, breath, or urine.

Amended by Chapter 282, 1998 General Session

**53-3-418 Prohibited alcohol level for drivers -- Procedures, including hearing.**

- (1) A person who holds or is required to hold a CDL may not drive a commercial motor vehicle in this state if the person:



- (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .04 grams or greater at the time of the test after the alleged driving of the commercial motor vehicle;
  - (b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to degree that renders the person incapable of safely driving a commercial motor vehicle; or
  - (c) has a blood or breath alcohol concentration of .04 grams or greater at the time of driving the commercial motor vehicle.
- (2) A person who holds or is required to hold a CDL and who drives a commercial motor vehicle in this state is considered to have given the person's consent to a test or tests of the person's blood, breath, or urine to determine the concentration of alcohol or the presence of other drugs in the person's physical system.
- (3) If a peace officer or port-of-entry agent has reasonable cause to believe that a person may be violating this section, the peace officer or port-of-entry agent may request the person to submit to a chemical test to be administered in compliance with Section 41-6a-515.
- (4) When a peace officer or port-of-entry agent requests a person to submit to a test under this section, the peace officer or port-of-entry agent shall advise the person that test results indicating a violation of Subsection (1) or refusal to submit to any test requested will result in the person's disqualification under Section 53-3-414 from driving a commercial motor vehicle.
- (5) If test results under this section indicate a violation of Subsection (1) or the person refuses to submit to any test requested under this section, a peace officer or port-of-entry agent shall, on behalf of the division and within 24 hours of the arrest, give the person notice of the division's intention to disqualify the person's privilege to drive a commercial motor vehicle.
- (6) When a peace officer or port-of-entry agent gives notice under Subsection (5), the peace officer or port-of-entry agent shall:
- (a) provide the driver, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division; and
  - (b) issue a 24-hour out-of-service order.
- (7) As a matter of procedure, a peace officer or port-of-entry agent shall, within 10 calendar days after the day on which notice is provided, send to the division a copy of the notice, and a report signed by the peace officer or port-of-entry agent that indicates the results of any chemical test administered or that the person refused a test.
- (8)
- (a) A person disqualified under this section has the right to a hearing regarding the disqualification.
  - (b) The request for the hearing shall be submitted to the division in a manner specified by the division and shall be made within 10 calendar days of the date the notice was issued. If requested, the hearing shall be conducted within 29 days after the date of arrest.
- (9)
- (a)
    - (i) Except as provided in Subsection (9)(a)(ii), a hearing held under this section shall be held before the division and in:
      - (A) the county where the notice was issued; or
      - (B) a county that is adjacent to the county where the notice was issued.
    - (ii) The division may hold a hearing in some other county if the division and the person both agree.
  - (b) The hearing shall be documented and shall determine:
    - (i) whether the peace officer or port-of-entry agent had reasonable grounds to believe the person had been driving a motor vehicle in violation of this section;

- (ii) whether the person refused to submit to any requested test; and
- (iii) any test results obtained.
- (c) In connection with a hearing the division or its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and documents.
- (d) One or more members of the division may conduct the hearing.
- (e) A decision made after a hearing before any number of members of the division is as valid as if the hearing were held before the full membership of the division.
- (f) After a hearing under this section the division shall indicate by order if the person's CDL is disqualified.
- (g) If the person for whom the hearing is held fails to appear before the division as required in the notice, the division shall indicate by order if the person's CDL is disqualified.
- (10)
  - (a) If the division disqualifies a person under this section following an administrative hearing, the person may petition for a hearing under Section 53-3-224.
  - (b) The petition shall be filed within 30 days after the division issues the disqualification.
- (11)
  - (a) A person who violates this section shall be punished in accordance with Section 53-3-414.
  - (b)
    - (i) In accordance with Section 53-3-414, the first disqualification under this section shall be for one year, and a second disqualification shall be for life.
    - (ii) A disqualification under Section 53-3-414 begins on the 45th day after the date of arrest.
- (12)
  - (a) In addition to the fees imposed under Section 53-3-205 for reinstatement of a CDL, a fee under Section 53-3-105 to cover administrative costs shall be paid before the driving privilege is reinstated.
  - (b) The fees under Sections 53-3-105 and 53-3-205 shall be canceled if an unappealed hearing at the division or court level determines the disqualification was not proper.
- (13) Notwithstanding the provisions of this section, a blood test taken under this section is subject to Section 77-23-213.

Amended by Chapter 77, 2019 General Session

**53-3-419 Nonresident driver violations reported to resident state.**

- (1) When the division receives a report of the conviction or plea in abeyance of a nonresident holder of a CDL for a violation of a state law or local ordinance relating to traffic control, the division shall notify the driver licensing authority in the licensing state within five days of receipt of the report.
- (2) This section does not apply to parking violations.

Amended by Chapter 190, 2011 General Session

**53-3-420 Driver's driving record available for certain purposes.**

The division shall provide the CDL MVR of any holder of a CDIP or CDL within 10 days of a request to:

- (1) another state;
- (2) a motor carrier, prospective motor carrier, or authorized agent of a motor carrier or prospective motor carrier after notification to the driver and payment of a fee under Section 53-3-105;

- (3) the subject of the record upon request and payment of a fee under Section 53-3-105; and
- (4) the Secretary of the United States Department of Transportation.

Amended by Chapter 52, 2015 General Session