

## Part 5 Commercial Driver Training Schools Act

### 53-3-501 Short title.

This part is known as the "Commercial Driver Training Schools Act."

Enacted by Chapter 234, 1993 General Session

### 53-3-502 Definitions.

As used in this part:

- (1)
  - (a) "Commercial driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons, either practically or theoretically, or both, to:
    - (i) drive motor vehicles, including motorcycles; and
    - (ii) prepare an applicant for an examination given by the state for a license or learner permit.
  - (b) A commercial driver training school may charge a consideration or tuition for the services described under Subsection (1)(a).
- (2)
  - (a) "Commercial testing only school" means a business enterprise conducted by an individual, association, partnership, or corporation that:
    - (i) is designated by the division as a commercial testing only school;
    - (ii) employs instructors who are certified by the division; and
    - (iii) engages only in testing students for the purpose of obtaining a driver license.
  - (b) A commercial testing only school may conduct behind-the-wheel or observation instruction if approved by the division.
  - (c) A commercial testing only school may not engage in education or training of persons, either practically or theoretically, or both to drive motor vehicles, except when:
    - (i) counseling the driver following a test in reference to errors made during the administration of the test; or
    - (ii) conducting behind-the-wheel or observation instruction if approved by the division.
  - (d) A commercial testing only school may not test an individual who has completed any behind-the-wheel or observation instruction through the school with which the tester is employed.
- (3) "Instructor" means a person, whether acting as an operator of a commercial driver training school or for a school for compensation, who:
  - (a) teaches, conducts classes of, gives demonstrations to, or supervises practice of persons learning to drive motor vehicles, including motorcycles;
  - (b) prepares persons to take an examination for a license or learner permit; or
  - (c) supervises the work of any other instructor.
- (4) "School operator" means a person who:
  - (a) is certified as an instructor;
  - (b) has met the requirements for school operator status as established by the division;
  - (c) is authorized or certified to operate or manage a driver training school; and
  - (d) may supervise the work of another instructor.

Amended by Chapter 266, 2006 General Session

**53-3-503 Exemption for college, university, and high school programs.**

This part does not apply to any person giving driver training lessons to schools or classes conducted by colleges, universities, and high schools for regularly enrolled full-time students as a part of the normal program for the institutions.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-504 Licenses required -- Inspections.**

- (1) A commercial driver training school or a commercial testing only school may be established only if the school applies for and obtains a license from the division.
- (2) A person may act as an instructor or school operator only if the person applies for and obtains a license from the division.
- (3) The division shall inspect the school facilities and equipment of applicants and licensees and examine applicants for instructor's licenses.
- (4) The division shall administer and enforce this part.

Amended by Chapter 266, 2006 General Session

**53-3-505 School license -- Contents of rules.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall make rules regarding the requirements for:
  - (a) a school license, including requirements concerning:
    - (i) locations;
    - (ii) equipment;
    - (iii) courses of instruction;
    - (iv) instructors;
    - (v) previous records of the school and instructors;
    - (vi) financial statements;
    - (vii) schedule of fees and charges;
    - (viii) character and reputation of the operators and instructors;
    - (ix) insurance as the commissioner determines necessary to protect the interests of the public; and
    - (x) other provisions the commissioner may prescribe for the protection of the public; and
  - (b) an instructor's license, including requirements concerning:
    - (i) moral character;
    - (ii) physical condition;
    - (iii) knowledge of the courses of instruction;
    - (iv) motor vehicle laws and safety principles and practices;
    - (v) previous personnel and employment records; and
    - (vi) other provisions the commissioner may prescribe for the protection of the public;
  - (c) applications for licenses; and
  - (d) minimum standards for:
    - (i) driving simulation devices that are fully interactive under Subsection 53-3-505.5(2)(b); and
    - (ii) driving simulation devices that are not fully interactive under Subsection 53-3-505.5(2)(c).
- (2) Rules made by the commissioner shall require that a commercial driver training school offering motorcycle rider education meet or exceed the standards established by the Motorcycle Safety Foundation.

- (3) Rules made by the commissioner shall require that an instructor of motorcycle rider education meet or exceed the standards for certification established by the Motorcycle Safety Foundation.
- (4) The commissioner may call upon the state superintendent of public instruction for assistance in formulating appropriate rules.

Amended by Chapter 382, 2008 General Session

**53-3-505.5 Behind-the-wheel training requirements.**

- (1) Except as provided under Subsection (2), a driver education course under this part or Title 53A, Chapter 13, Part 2, Driver Education Classes, that is used to satisfy the driver training requirement under Section 53-3-204 shall require each student to complete at least six hours of behind-the-wheel driving a dual-control motor vehicle with a certified instructor seated in the front seat next to the student driver.
- (2) Up to three hours of the behind-the-wheel driving may be substituted as follows:
  - (a) two hours of range driving on an approved driving range under Section 53A-13-201 equals one hour of the behind-the-wheel driving required under Subsection (1);
  - (b) two hours of driving simulation practice on a driving simulation device that is fully interactive as set forth in rules made under Section 53-3-505, equals one hour of the behind-the-wheel driving required under Subsection (1); and
  - (c) four hours of driving simulation practice on a driving simulation device that is not fully interactive as set forth in rules made under Section 53-3-505, equals one hour of the behind-the-wheel driving required under Subsection (1), with a maximum of one hour of the behind-the-wheel driving required under Subsection (1) that may be substituted under this Subsection (2)(c).
- (3) The behind-the-wheel driving required under Subsection (1) shall include, if feasible, driving on interstate and other multilane highways.

Enacted by Chapter 121, 2003 General Session

**53-3-506 License expiration and renewal -- Fee required -- Disposition of revenue.**

- (1)
  - (a) All commercial driver training school licenses, commercial testing only school licenses, school operator licenses, and instructor licenses:
    - (i) expire one year from the date of issuance; and
    - (ii) may be renewed upon application to the commissioner as prescribed by rule.
  - (b) Each application for an original or renewal school license, school operator license, or instructor license shall be accompanied by a fee determined by the department under Section 63J-1-504.
  - (c) A license fee may not be refunded if the license is rejected, suspended, or revoked.
- (2) The license fees collected under this part shall be:
  - (a) placed in a fund designated as the "Commercial Driver Training Law Fund"; and
  - (b) used under the supervision and direction of the director of the Division of Finance for the administration of this part.

Amended by Chapter 183, 2009 General Session

**53-3-507 Licenses -- Cancellation, revocation, or refusal to issue or renew -- Ineligibility for license.**

- (1) The department may cancel, revoke, or refuse to issue or renew a commercial driver training school, commercial testing only school, school operator, or instructor license if it finds that the licensee or applicant has not complied with, or has violated this part or any rule made by the division.
- (2) A licensee:
  - (a) shall return a canceled or revoked license to the division; and
  - (b) is not eligible to apply for a license under this part until six months have elapsed since the date of a cancellation or revocation under this section.

Amended by Chapter 266, 2006 General Session

**53-3-508 Local boards of education may conduct class for adults.**

Local boards of education, with the consent of the division, may conduct classes in driver education for adult members of the district in those areas of the state where no commercial driver training course is available, and may charge a fee not to exceed the cost of the training.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-509 Violations -- Penalties.**

A violation of this part is a class C misdemeanor.

Renumbered and Amended by Chapter 234, 1993 General Session

**53-3-510 Instructors certified to administer skills tests.**

- (1)
  - (a) The division shall establish procedures and standards to certify licensed instructors of driver training courses under this part to administer skills tests.
  - (b) An instructor may not administer a skills test under this section to a student that took the course from the same school or the same instructor.
- (2) The division is the certifying authority.
- (3)
  - (a) Subject to Subsection (1), an instructor certified under this section may give skills tests designed for driver training courses authorized under this part.
  - (b) The division shall establish minimal standards for the test that is at least as difficult as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver License Act.
  - (c) A student who fails the skills test given by an instructor certified under this section may apply for a class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the skills test at a division office.
- (4) A student who successfully passes the test given by a certified driver training instructor under this section satisfies the driving parts of the test required for a class D operator's license.
- (5) The division shall establish procedures to enable licensed commercial driver training schools to administer or process the skills test authorized under this section for a class D operator's license.
- (6) The division shall establish the standards and procedures required under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 382, 2008 General Session

