

Effective 5/4/2022

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