

Effective 5/12/2015

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) or (2)(c)(i)(B).
 - (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 Subsections (2)(c) and (d), 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) beginning July 1, 2015, 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)
 - (i) Until June 30, 2015, a temporary CDL may be issued to an out-of-state resident who:
 - (A) is enrolled in a CDL driver training school located in Utah;
 - (B) 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
 - (C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.
 - (ii) A temporary CDL issued under this Subsection (2)(c):
 - (A) is valid for 60 days; and
 - (B) may not be renewed or extended.
 - (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v), 53-3-205(8)(a)(i) (E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL issued under this Subsection (2)(c) in the same way as a commercial driver license issued under this part.
 - (d) The department shall waive the skills test 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.
- (e) An applicant who requests a waiver under Subsection (2)(d) 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) Beginning July 1, 2015, 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 422, 2015 General Session