

**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