

1 **COMMERCIAL DRIVER LICENSE**

2 **AMENDMENTS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Calvin G. Bird**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Public Safety Code to amend certain definitions for driver license
10 provisions.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ amends the definition of school bus to define it as a commercial motor vehicle used
14 to transport school students to and from home and school or to and from school
15 sponsored events;

16 ▶ amends the definition of commercial motor vehicle to include a combination of
17 motor vehicles; and

18 ▶ makes technical changes.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **53-3-102**, as last amended by Chapter 200, Laws of Utah 2002

27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **53-3-102** is amended to read:

29 **53-3-102. Definitions.**

30 As used in this chapter:

31 (1) "Cancellation" means the termination by the division of a license issued through
32 error or fraud or for which consent under Section 53-3-211 has been withdrawn.

33 (2) "Class D license" means the class of license issued to drive motor vehicles not
34 defined as commercial motor vehicles or motorcycles under this chapter.

35 (3) "Class M license" means the class of license issued to drive a motorcycle as defined
36 under this chapter.

37 (4) "Commercial driver license" or "CDL" means a license issued substantially in
38 accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle
39 Safety Act of 1986, and in accordance with Part 4, Uniform Commercial Driver License Act,
40 which authorizes the holder to drive a class of commercial motor vehicle.

41 (5) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
42 vehicles designed or used to transport passengers or property if the motor vehicle:

43 (i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as
44 determined by federal regulation;

45 (ii) is designed to transport [~~more than 15~~] 16 or more passengers, including the driver;
46 or

47 (iii) is transporting hazardous materials and is required to be placarded in accordance
48 with 49 C.F.R. Part 172, Subpart F.

49 (b) The following vehicles are not considered a commercial motor vehicle for purposes
50 of Part 4:

51 (i) equipment owned and operated by the United States Department of Defense when
52 driven by any active duty military personnel and members of the reserves and national guard on
53 active duty including personnel on full-time national guard duty, personnel on part-time
54 training, and national guard military technicians and civilians who are required to wear military
55 uniforms and are subject to the code of military justice;

56 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
57 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation
58 as a motor carrier for hire;

59 (iii) firefighting and emergency vehicles; and
60 (iv) recreational vehicles that are not used in commerce and are driven solely as family
61 or personal conveyances for recreational purposes.

62 (6) "Conviction" means any of the following:

63 (a) an unvacated adjudication of guilt or a determination that a person has violated or
64 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

65 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
66 appearance in court;

67 (c) a plea of guilty or nolo contendere accepted by the court;

68 (d) the payment of a fine or court costs; or

69 (e) violation of a condition of release without bail, regardless of whether the penalty is
70 rebated, suspended, or probated.

71 (7) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
72 which the provisions of Title 41, Chapter 12a, Part IV, Proof of Owner's or Operator's Security,
73 do not apply.

74 (8) "Director" means the division director appointed under Section 53-3-103.

75 (9) "Disqualification" means either:

76 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
77 of a person's privileges to drive a commercial motor vehicle;

78 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
79 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
80 391; or

81 (c) the loss of qualification that automatically follows conviction of an offense listed in
82 49 C.F.R. Part 383.51.

83 (10) "Division" means the Driver License Division of the department created in
84 Section 53-3-103.

85 (11) "Drive" means:

86 (a) to operate or be in physical control of a motor vehicle upon a highway; and

87 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
88 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
89 the state.

90 (12) (a) "Driver" means any person who drives, or is in actual physical control of a
91 motor vehicle in any location open to the general public for purposes of vehicular traffic.

92 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
93 who is required to hold a CDL under Part 4 or federal law.

94 (13) "Extension" means a renewal completed exclusively by mail.

95 (14) "Farm tractor" means every motor vehicle designed and used primarily as a farm
96 implement for drawing plows, mowing machines, and other implements of husbandry.

97 (15) "Highway" means the entire width between property lines of every way or place of
98 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

99 (16) "License" means the privilege to drive a motor vehicle.

100 (17) "License certificate" means the evidence of the privilege issued under this chapter
101 to drive a motor vehicle.

102 (18) "Motorboat" has the same meaning as provided under Section 73-18-2.

103 (19) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
104 saddle for the use of the rider and designed to travel with not more than three wheels in contact
105 with the ground.

106 (20) "Nonresident" means a person who:

107 (a) is not a resident of this state; and

108 (b) (i) has not engaged in any gainful occupation in this state for an aggregate period of
109 60 days in the preceding 12 months; or

110 (ii) is temporarily assigned by his employer to work in Utah.

111 (21) (a) "Owner" means a person other than a lienholder having an interest in the
112 property or title to a vehicle.

113 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
114 a security interest in another person but excludes a lessee under a lease not intended as security.

115 (22) "Renewal" means to validate a license certificate so that it expires at a later date.

116 (23) "Reportable violation" means an offense required to be reported to the division as
117 determined by the division and includes those offenses against which points are assessed under
118 Section 53-3-221.

119 (24) "Revocation" means the termination by action of the division of a licensee's
120 privilege to drive a motor vehicle.

121 (25) (a) "School bus" means [~~every publicly or privately owned motor vehicle designed~~
122 ~~for transporting ten or more passengers and operated for the transportation of children to or~~
123 ~~from school or school activities]~~ a commercial motor vehicle used to transport pre-primary,
124 primary, or secondary school students to and from home and school, or to and from school
125 sponsored events.

126 (b) "School bus" does not include a bus used as a common carrier as defined in Section
127 59-12-102.

128 (26) "Suspension" means the temporary withdrawal by action of the division of a
129 licensee's privilege to drive a motor vehicle.

130 (27) "Taxicab" means any class D motor vehicle transporting any number of
131 passengers for hire and that is subject to state or federal regulation as a taxi.

Legislative Review Note
as of 2-3-04 3:03 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0153

Commercial Driver License Amendments

12-Feb-04

10:07 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst