

1                                   **AMENDMENTS TO COMMERCIAL DRIVER**

2   **LICENSE PROVISIONS**

3   2006 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Jeff Alexander**

6   Senate Sponsor: Curtis S. Bramble

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies the Uniform Driver License Act by amending provisions relating to  
11                   qualifications for a commercial driver license.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ defines CDL driver training school;
- 15                   ▶ provides that a temporary CDL may be issued to a person who:
  - 16                   • is enrolled in a CDL driver training school located in Utah;
  - 17                   • has passed a test of knowledge and skills for driving a commercial motor
  - 18                   vehicle; and
  - 19                   • has complied with certain federal regulations;
- 20                   ▶ provides that a temporary CDL is valid for 60 days and may not be renewed or
- 21                   extended;
- 22                   ▶ provides that an applicant for a temporary CDL is not required to be a Utah resident
- 23                   or provide a Utah residential address; and
- 24                   ▶ makes technical changes.

25                   **Monies Appropriated in this Bill:**

26                   None

27                   **Other Special Clauses:**

28                   None

29                   **Utah Code Sections Affected:**

30 AMENDS:

31 **53-3-204**, as last amended by Chapter 20, Laws of Utah 2005

32 **53-3-205**, as last amended by Chapters 20 and 34, Laws of Utah 2005

33 **53-3-407**, as renumbered and amended by Chapter 234, Laws of Utah 1993

34 **53-3-410**, as last amended by Chapter 220, Laws of Utah 2005

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

37 Section 1. Section **53-3-204** is amended to read:

38 **53-3-204. Persons who may not be licensed.**

39 (1) (a) The division may not license a person who:

40 (i) is younger than 16 years of age;

41 (ii) has not completed a course in driver training approved by the commissioner; or

42 (iii) if the person is a minor, has not completed the driving requirement under Section

43 53-3-211; or

44 (iv) is not a resident of the state of Utah, unless the person is issued a temporary CDL  
45 under Subsection 53-3-407(2)(b).

46 (b) Subsections (1)(a)(i), (ii), and (iii) do not apply to a person:

47 (i) who has been licensed before July 1, 1967;

48 (ii) who is 16 years of age or older making application for a license who has been  
49 licensed in another state or country; or

50 (iii) who is applying for a permit under Section 53-3-210 or 53A-13-208.

51 (2) The division may not issue a license certificate to a person:

52 (a) whose license has been suspended, denied, cancelled, or disqualified during the  
53 period of suspension, denial, cancellation, or disqualification;

54 (b) whose privilege has been revoked, except as provided in Section 53-3-225;

55 (c) who has previously been adjudged mentally incompetent and who has not at the  
56 time of application been restored to competency as provided by law;

57 (d) who is required by this chapter to take an examination unless the person

58 successfully passes the examination; or

59 (e) whose driving privileges have been denied or suspended under:

60 (i) Section 78-3a-506 by an order of the juvenile court; or

61 (ii) Section 53-3-231.

62 (3) The division may grant a class D or M license to a person whose commercial  
63 license is disqualified under Part 4, Uniform Commercial Driver License Act, of this chapter if  
64 the person is not otherwise sanctioned under this chapter.

65 Section 2. Section **53-3-205** is amended to read:

66 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**  
67 **Expiration dates of licenses and endorsements -- Information required -- Previous**  
68 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**  
69 **Fee required -- License agreement.**

70 (1) An application for any original license, provisional license, or endorsement shall  
71 be:

72 (a) made upon a form furnished by the division; and

73 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

74 (2) An application and fee for an original provisional class D license or an original  
75 class D license entitle the applicant to:

76 (a) not more than three attempts to pass both the knowledge and skills tests for a class  
77 D license within six months of the date of the application;

78 (b) a learner permit if needed after the knowledge test is passed; and

79 (c) an original class D license and license certificate after all tests are passed.

80 (3) An application and fee for an original class M license entitle the applicant to:

81 (a) not more than three attempts to pass both the knowledge and skills tests for a class  
82 M license within six months of the date of the application;

83 (b) a learner permit if needed after the knowledge test is passed; and

84 (c) an original class M license and license certificate after all tests are passed.

85 (4) An application and fee for a motorcycle or taxicab endorsement entitle the

86 applicant to:

87 (a) not more than three attempts to pass both the knowledge and skills tests within six  
88 months of the date of the application;

89 (b) a motorcycle learner permit if needed after the motorcycle knowledge test is  
90 passed; and

91 (c) a motorcycle or taxicab endorsement when all tests are passed.

92 (5) An application and fees for a commercial class A, B, or C license entitle the  
93 applicant to:

94 (a) not more than two attempts to pass a knowledge test and not more than two  
95 attempts to pass a skills test within six months of the date of the application;

96 (b) a commercial driver instruction permit if needed after the knowledge test is passed;  
97 and

98 (c) an original commercial class A, B, or C license and license certificate when all  
99 applicable tests are passed.

100 (6) An application and fee for a CDL endorsement entitle the applicant to:

101 (a) not more than two attempts to pass a knowledge test and not more than two  
102 attempts to pass a skills test within six months of the date of the application; and

103 (b) a CDL endorsement when all tests are passed.

104 (7) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement  
105 test within the number of attempts provided in Subsection (5) or (6), each test may be taken  
106 two additional times within the six months for the fee provided in Section 53-3-105.

107 (8) (a) Except as provided under Subsections (8)(f) and (g), an original license expires  
108 on the birth date of the applicant in the fifth year following the year the license certificate was  
109 issued.

110 (b) Except as provided under Subsections (8)(f) and (g), a renewal or an extension to a  
111 license expires on the birth date of the licensee in the fifth year following the expiration date of  
112 the license certificate renewed or extended.

113 (c) Except as provided under Subsections (8)(f) and (g), a duplicate license expires on

114 the same date as the last license certificate issued.

115 (d) An endorsement to a license expires on the same date as the license certificate  
116 regardless of the date the endorsement was granted.

117 (e) A license and any endorsement to the license held by a person ordered to active  
118 duty and stationed outside Utah in any of the armed forces of the United States, which expires  
119 during the time period the person is stationed outside of the state, is valid until 90 days after the  
120 person has been discharged or has left the service, unless the license is suspended, disqualified,  
121 denied, or has been cancelled or revoked by the division, or the licensee updates the  
122 information or photograph on the license certificate.

123 (f) An original license or a renewal to an original license obtained using proof under  
124 Subsection (9)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign visa,  
125 permit, or other document granting legal presence in the United States or on the date provided  
126 under this Subsection (8), whichever is sooner.

127 (g) (i) An original license or a renewal or a duplicate to an original license expires on  
128 the next birth date of the applicant or licensee beginning on July 1, 2005 if:

129 (A) the license was obtained without using a Social Security number as required under  
130 Subsection (9); and

131 (B) the license certificate or driving privilege card is not clearly distinguished as  
132 required under Subsection 53-3-207(6).

133 (ii) A driving privilege card issued or renewed under Section 53-3-207 expires on the  
134 birth date of the applicant in the first year following the year that the driving privilege card was  
135 issued or renewed.

136 (iii) The expiration dates provided under Subsections (8)(g)(i) and (ii) do not apply to  
137 an original license or driving privilege card or to the renewal of an original license or driving  
138 privilege card with an expiration date provided under Subsection (8)(f).

139 (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative  
140 Procedures Act, for requests for agency action, each applicant shall ~~have a Utah residence~~  
141 ~~address and each applicant shall~~]:

- 142 (i) provide the applicant's:
- 143 (A) full legal name;
- 144 (B) birth date;
- 145 (C) gender;
- 146 (D) between July 1, 2002 and July 1, 2007, race in accordance with the categories
- 147 established by the United States Census Bureau;
- 148 (E) (I) Social Security number;
- 149 (II) temporary identification number (ITIN) issued by the Internal Revenue Service for
- 150 a person who does not qualify for a Social Security number; or
- 151 (III) (Aa) proof that the applicant is a citizen of a country other than the United States;
- 152 (Bb) proof that the applicant does not qualify for a Social Security number; and
- 153 (Cc) proof of legal presence in the United States, as authorized under federal law; and
- 154 (F) Utah residence address as documented by a form acceptable under rules made by
- 155 the division under Section 53-3-104, unless the application is for a temporary CDL issued
- 156 under Subsection 53-3-407(2)(b);
- 157 (ii) provide a description of the applicant;
- 158 (iii) state whether the applicant has previously been licensed to drive a motor vehicle
- 159 and, if so, when and by what state or country;
- 160 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
- 161 disqualified, or denied in the last six years, or whether the applicant has ever had any license
- 162 application refused, and if so, the date of and reason for the suspension, cancellation,
- 163 revocation, disqualification, denial, or refusal;
- 164 (v) state whether the applicant intends to make an anatomical gift under Title 26,
- 165 Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);
- 166 (vi) provide all other information the division requires; and
- 167 (vii) sign the application which signature may include an electronic signature as
- 168 defined in Section 46-4-102.
- 169 (b) Each applicant shall have a Utah residence address, unless the application is for a

170 temporary CDL issued under Subsection 53-3-407(2)(b).

171 [~~(b)~~] (c) The division shall maintain on its computerized records an applicant's:

172 (i) Social Security number;

173 (ii) temporary identification number (ITIN); or

174 (iii) other number assigned by the division if Subsection (9)(a)(i)(E)(III) applies.

175 [~~(c)~~] (d) An applicant may not be denied a license for refusing to provide race

176 information required under Subsection (9)(a)(i)(D).

177 (10) The division shall require proof of every applicant's name, birthdate, and

178 birthplace by at least one of the following means:

179 (a) current license certificate;

180 (b) birth certificate;

181 (c) Selective Service registration; or

182 (d) other proof, including church records, family Bible notations, school records, or

183 other evidence considered acceptable by the division.

184 (11) When an applicant receives a license in another class, all previous license

185 certificates shall be surrendered and canceled. However, a disqualified commercial license may

186 not be canceled unless it expires before the new license certificate is issued.

187 (12) (a) When an application is received from a person previously licensed in another

188 state to drive a motor vehicle, the division shall request a copy of the driver's record from the

189 other state.

190 (b) When received, the driver's record becomes part of the driver's record in this state

191 with the same effect as though entered originally on the driver's record in this state.

192 (13) An application for reinstatement of a license after the suspension, cancellation,

193 disqualification, denial, or revocation of a previous license shall be accompanied by the

194 additional fee or fees specified in Section 53-3-105.

195 (14) A person who has an appointment with the division for testing and fails to keep

196 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee

197 under Section 53-3-105.

198 (15) A person who applies for an original license or renewal of a license agrees that the  
199 person's license is subject to any suspension or revocation authorized under this title or Title  
200 41, Motor Vehicles.

201 (16) (a) The indication of intent under Subsection (9)(a)(v) shall be authenticated by  
202 the licensee in accordance with division rule.

203 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and  
204 Management Act, the division may, upon request, release to an organ procurement  
205 organization, as defined in Section 26-28-2, the names and addresses of all persons who under  
206 Subsection (9)(a)(v) indicate that they intend to make an anatomical gift.

207 (ii) An organ procurement organization may use released information only to:

208 (A) obtain additional information for an anatomical gift registry; and

209 (B) inform licensees of anatomical gift options, procedures, and benefits.

210 (17) The division and its employees are not liable, as a result of false or inaccurate  
211 information provided under Subsection (9)(a)(v), for direct or indirect:

212 (a) loss;

213 (b) detriment; or

214 (c) injury.

215 Section 3. Section **53-3-407** is amended to read:

216 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**  
217 **administer skills test.**

218 (1) (a) As used in this section, "CDL driver training school" means a business  
219 enterprise conducted by an individual, association, partnership, or corporation that:

220 (i) educates and trains persons, either practically or theoretically, or both, to drive  
221 commercial motor vehicles; and

222 (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).

223 (b) A CDL driver training school may charge a consideration or tuition for the services  
224 provided under Subsection (1)(a).

225 [~~(1) A~~] (2) (a) Except as provided in Subsection (2)(b), a CDL may be issued only to a



226 person who:

227 ~~[(a)]~~ (i) is a resident of this state or qualifies as a nonresident under Section 53-3-409;

228 ~~[(b)]~~ (ii) has passed a test of knowledge and skills for driving a commercial motor  
229 vehicle, that complies with minimum standards established by federal regulation in 49 C.F.R.,  
230 Part 383, Subparts G and H; and

231 ~~[(c)]~~ (iii) has complied with all requirements of 49 C.F.R., Part 383 and other  
232 applicable state laws and federal regulations.

233 (b) (i) A temporary CDL may be issued to a person who:

234 (A) is enrolled in a CDL driver training school located in Utah;

235 (B) has passed a test of knowledge and skills for driving a commercial motor vehicle,  
236 that complies with minimum standards established by federal regulation in 49 C.F.R. Part 383,  
237 Subparts G and H; and

238 (C) has complied with all requirements of 49 C.F.R. Part 383, Subparts G and H.

239 (ii) A temporary CDL issued under this Subsection (2)(b):

240 (A) is valid for 60 days; and

241 (B) may not be renewed or extended.

242 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(iv),  
243 53-3-205(9)(a)(i)(F) and (9)(b), and 53-3-410(1)(c), the provisions, requirements, classes,  
244 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL  
245 issued under this Subsection (2)(b) in the same way as a commercial driver license issued  
246 under this part.

247 ~~[(2)]~~ (3) Tests required under this section shall be prescribed and administered by the  
248 division.

249 ~~[(3)]~~ (4) The division shall authorize a person, an agency of this or another state, an  
250 employer, a private driver training facility or other private institution, or a department, agency,  
251 or entity of local government to administer the skills test required under this section if:

252 (a) the test is the same test as prescribed by the division, and is administered in the  
253 same manner; and

254 (b) the party authorized under this section to administer the test has entered into an  
255 agreement with the state that complies with the requirements of 49 C.F.R., Part 383.75.

256 [~~(4)~~] (5) A person who has an appointment with the division for testing and fails to  
257 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the  
258 fee under Section 53-3-105.

259 [~~(5)~~] (6) A person authorized under this section to administer the skills test is not  
260 criminally or civilly liable for the administration of the test unless he administers the test in a  
261 grossly negligent manner.

262 [~~(6)~~] (7) The division shall waive the skills test required under this section if it  
263 determines that the applicant meets the requirements of 49 C.F.R., Part 383.77.

264 Section 4. Section **53-3-410** is amended to read:

265 **53-3-410. Applicant information required for CDIP and CDL -- State resident to**  
266 **have state CDL.**

267 (1) The application for a CDL or CDIP shall include the following information  
268 regarding the applicant:

269 (a) full legal name [~~and~~];

270 (b) current mailing [~~and~~] address;

271 (c) Utah residential address, unless the application is for a temporary CDL issued under  
272 Subsection 53-3-407(2)(b);

273 [~~(b)~~] (d) physical description, including sex, height, weight, and eye color;

274 [~~(c)~~] (e) date of birth;

275 [~~(d)~~] (f) Social Security number, unless the application is for a nonresident license;

276 [~~(e)~~] (g) a complete list of all states in which the applicant was issued a driver license  
277 in the previous ten years; and

278 [~~(f)~~] (h) the applicant's signature.

279 (2) An application under this section shall also include all certifications required by 49  
280 C.F.R., Part 383.71.

281 (3) When the holder of a license under this part changes the holder's name, mailing

282 address, or residence, the holder shall make application for a duplicate license within 30 days  
283 of the change.

284 (4) A person who has been a resident of this state for 30 consecutive days may not  
285 drive a commercial motor vehicle under the authority of a commercial driver license issued by  
286 another jurisdiction.