

1 **COMMERCIAL DRIVER TRAINING SCHOOL**

2 **ACT AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: James A. Dunnigan**

6 Senate Sponsor: Scott K. Jenkins

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Commercial Driver Training School Act by amending provisions
11 related to licensing commercial driver training schools, commercial testing only
12 schools, school operators, and instructors.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ provides definitions;
- 16 ▶ creates a school operator license for a person that is authorized to operate or manage
17 a driver training school;
- 18 ▶ creates a commercial testing only school license for a business that engages only in
19 testing students for the purpose of obtaining a driver license;
- 20 ▶ provides that commercial driver training school, commercial testing only school,
21 school operator, and instructor licenses expire one year from the date of issuance;
- 22 and
- 23 ▶ makes technical changes.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53-3-502**, as renumbered and amended by Chapter 234, Laws of Utah 1993

31 **53-3-504**, as renumbered and amended by Chapter 234, Laws of Utah 1993

32 **53-3-506**, as last amended by Chapter 28, Laws of Utah 1995

33 **53-3-507**, as renumbered and amended by Chapter 234, Laws of Utah 1993



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

36 Section 1. Section **53-3-502** is amended to read:

37 **53-3-502. Definitions.**

38 As used in this part:

39 (1) (a) "Commercial driver training school" or "school" means a business enterprise
40 conducted by an individual, association, partnership, or corporation for the education and
41 training of persons, either practically or theoretically, or both, to:

42 (i) drive motor vehicles, including motorcycles[;]; and [tø]

43 (ii) prepare an applicant for an examination given by the state for a license or learner
44 permit[~~, and charging~~].

45 (b) A commercial driver training school may charge a consideration or tuition for
46 [those] the services described under Subsection (1)(a).

47 (2) (a) "Commercial testing only school" means a business enterprise conducted by an
48 individual, association, partnership, or corporation that:

49 (i) is designated by the division as a commercial testing only school;

50 (ii) employs instructors who are certified by the division; and

51 (iii) engages only in testing students for the purpose of obtaining a driver license.

52 (b) A commercial testing only school may conduct behind-the-wheel or observation
53 instruction if approved by the division.

54 (c) A commercial testing only school may not engage in education or training of
55 persons, either practically or theoretically, or both to drive motor vehicles, except when:

56 (i) counseling the driver following a test in reference to errors made during the
57 administration of the test; or

58 (ii) conducting behind-the-wheel or observation instruction if approved by the division.

59 (d) A commercial testing only school may not test an individual who has completed
60 any behind-the-wheel observation instruction through the school with which the tester is
61 employed.

62 ~~[(2)]~~ (3) "Instructor" means ~~[any]~~ a person, whether acting ~~[for himself]~~ as an operator
63 of a commercial driver training school or for ~~[any]~~ a school for compensation, who:

64 (a) teaches, conducts classes of, gives demonstrations to, or supervises practice of
65 persons learning to drive motor vehicles, including motorcycles~~[, or preparing];~~

66 (b) prepares persons to take an examination for a license or learner permit~~[, and any~~
67 ~~person who]; or~~

68 (c) supervises the work of any other instructor.

69 (4) "School operator" means a person who:

70 (a) is certified as an instructor;

71 (b) has met the requirements for school operator status as established by the division;

72 (c) is authorized or certified to operate or manage a driver training school; and

73 (d) may supervise the work of another instructor.

74 Section 2. Section **53-3-504** is amended to read:

75 **53-3-504. Licenses required -- Inspections.**

76 (1) A commercial driver training school or a commercial testing only school may be
77 established only if the school applies for and obtains a license from the division.

78 (2) A person may act as an instructor or school operator only if the person applies for
79 and obtains a license from the division.

80 (3) The division shall inspect the school facilities and equipment of applicants and
81 licensees and examine applicants for instructor's licenses.

82 (4) The division shall administer and enforce this part.

83 Section 3. Section **53-3-506** is amended to read:

84 **53-3-506. License expiration and renewal -- Fee required -- Disposition of**
85 **revenue.**

86 (1) (a) All commercial driver training school licenses, commercial testing only school
87 licenses, school operator licenses, and instructor licenses;

88 (i) expire ~~[on the last day of the calendar year]~~ one year from the date of issuance; and

89 (ii) may be renewed upon application to the commissioner as prescribed by rule.

90 (b) Each application for an original or renewal school license [~~or original or renewal~~],
91 school operator license, or instructor license shall be accompanied by a fee determined by the
92 department under Section 63-38-3.2.

93 (c) A license fee may not be refunded if the license is rejected, suspended, or revoked.

94 (2) The license fees collected under this part shall be:

95 (a) placed in a fund designated as the "Commercial Driver Training Law Fund"; and
96 [~~shall be~~]

97 (b) used under the supervision and direction of the director of the Division of Finance
98 for the administration of this part.

99 Section 4. Section **53-3-507** is amended to read:

100 **53-3-507. Licenses -- Cancellation, revocation, or refusal to issue or renew --**
101 **Ineligibility for license.**

102 (1) The department may cancel, revoke, or refuse to issue or renew a commercial driver
103 training school, commercial testing only school, school operator, or instructor license if it finds
104 that the licensee or applicant has not complied with, or has violated this part or any rule made
105 by the division.

106 (2) [~~Any~~] A licensee:

107 (a) shall return a canceled or revoked license [~~shall be returned~~] to the division [~~by the~~
108 ~~licensee, who~~]; and

109 (b) is not eligible to apply for a license under this part until six months have elapsed
110 since the date of [~~the~~] a cancellation or revocation under this section.

Legislative Review Note
as of 10-20-05 9:18 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-16-05 10:50 AM

The Transportation Interim Committee recommended this bill.