

1 **COMMERCIAL DRIVER LICENSE**

2 **AMENDMENTS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Carlene M. Walker**

6 House Sponsor: John Dougall

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7  
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Public Safety Code by amending provisions relating to  
11 commercial driver licenses.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ increases certain commercial driver license fees;
- 15 ▶ provides that certain report exemptions for speeding violations do not apply for  
16 CDL holders or violations that occurred in a commercial motor vehicle;
- 17 ▶ amends certain definitions;
- 18 ▶ authorizes the Driver License Division to impose concurrent CDL disqualification  
19 periods while a driver is disqualified by the Secretary of the United States  
20 Department of Transportation;
- 21 ▶ provides that persons convicted of certain CDL or traffic violations are subject to  
22 civil penalties;
- 23 ▶ prohibits employers from knowingly allowing, requiring, permitting, or authorizing  
24 a person to violate certain CDL or traffic provisions and provides that employers are  
25 subject to civil penalties if convicted;
- 26 ▶ requires the Driver License Division to furnish CDL holder records to certain  
27 persons within ten days;



- 28           ▶ requires the Driver License Division to disqualify a person from driving a
- 29 commercial motor vehicle if convicted of certain violations;
- 30           ▶ clarifies the beginning effective date of certain CDL disqualification periods;
- 31           ▶ provides that a person must take and pass the knowledge test for hazardous
- 32 materials endorsement to obtain a hazardous materials endorsement or transfer a
- 33 hazardous materials endorsement;
- 34           ▶ requires the division to notify the CDLIS within ten days of any changes in the
- 35 identifying information of a CDL holder;
- 36           ▶ clarifies that the opportunity for reduction of a lifetime disqualification of a CDL
- 37 does not apply if a person is convicted of certain violations;
- 38           ▶ clarifies the CDL disqualification period for certain offenses; and
- 39           ▶ makes technical changes.

40 **Monies Appropriated in this Bill:**

41           None

42 **Other Special Clauses:**

43           None

44 **Utah Code Sections Affected:**

45 AMENDS:

- 46           **53-3-105**, as last amended by Chapter 201, Laws of Utah 2006
- 47           **53-3-221**, as last amended by Chapter 197, Laws of Utah 2005
- 48           **53-3-402**, as last amended by Chapter 220, Laws of Utah 2005
- 49           **53-3-413**, as last amended by Chapter 220, Laws of Utah 2005
- 50           **53-3-414**, as last amended by Chapter 18, Laws of Utah 2006
- 51           **53-3-415**, as last amended by Chapter 39, Laws of Utah 2001
- 52           **53-3-420**, as renumbered and amended by Chapter 234, Laws of Utah 1993



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

55           Section 1. Section **53-3-105** is amended to read:

56           **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**  
57 **and identification cards.**

58           The following fees apply under this chapter:

- 59 (1) An original class D license application under Section 53-3-205 is \$20.
- 60 (2) An original class M license application under Section 53-3-205 is \$22.50.
- 61 (3) An original provisional license application for a class D license under Section
- 62 53-3-205 is \$25.
- 63 (4) An original provisional license application for a class M license under Section
- 64 53-3-205 is \$27.50.
- 65 (5) An original application for a motorcycle endorsement under Section 53-3-205 is
- 66 \$7.50.
- 67 (6) An original application for a taxicab endorsement under Section 53-3-205 is \$5.
- 68 (7) A learner permit application under Section 53-3-210.5 is \$15.
- 69 (8) A renewal of a class D license under Section 53-3-214 is \$20 unless Subsection
- 70 (14) applies.
- 71 (9) A renewal of a class M license under Section 53-3-214 is \$22.50.
- 72 (10) A renewal of a provisional license application for a class D license under Section
- 73 53-3-214 is \$20.
- 74 (11) A renewal of a provisional license application for a class M license under Section
- 75 53-3-214 is \$22.50.
- 76 (12) A renewal of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- 77 (13) A renewal of a taxicab endorsement under Section 53-3-214 is \$5.
- 78 (14) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
- 79 \$8.
- 80 (15) An extension of a class D license under Section 53-3-214 is \$15 unless Subsection
- 81 (21) applies.
- 82 (16) An extension of a class M license under Section 53-3-214 is \$17.50.
- 83 (17) An extension of a provisional license application for a class D license under
- 84 Section 53-3-214 is \$15.
- 85 (18) An extension of a provisional license application for a class M license under
- 86 Section 53-3-214 is \$17.50.
- 87 (19) An extension of a motorcycle endorsement under Section 53-3-214 is \$7.50.
- 88 (20) An extension of a taxicab endorsement under Section 53-3-214 is \$5.
- 89 (21) An extension of a class D license for a person 65 and older under Section

90 53-3-214 is \$6.

91 (22) An original or renewal application for a commercial class A, B, or C license or an  
92 original or renewal of a provisional commercial class A or B license under Part 4, Uniform  
93 Commercial Driver License Act, is:

94 (a) [~~\$35~~] \$40 for the knowledge test; and

95 (b) [~~\$55~~] \$60 for the skills test.

96 (23) Each original CDL endorsement for passengers, hazardous material, double or  
97 triple trailers, or tankers is [~~\$5~~] \$7.

98 (24) An original CDL endorsement for a school bus under Part 4, Uniform Commercial  
99 Driver License Act, is [~~\$5~~] \$7.

100 (25) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver  
101 License Act, is [~~\$5~~] \$7.

102 (26) (a) A retake of a CDL knowledge [~~or a CDL skills~~] test provided for in Section  
103 53-3-205 is [~~\$15~~] \$20.

104 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$40.

105 (27) A retake of a CDL endorsement test provided for in Section 53-3-205 is [~~\$5~~] \$7.

106 (28) A duplicate class A, B, C, D, or M license certificate under Section 53-3-215 is  
107 \$13.

108 (29) (a) A license reinstatement application under Section 53-3-205 is \$25.

109 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or  
110 combination of alcohol and any drug-related offense is \$25 in addition to the fee under  
111 Subsection (29)(a).

112 (30) (a) An administrative fee for license reinstatement after an alcohol, drug, or  
113 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or  
114 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under  
115 Part 4, Uniform Commercial Driver License Act, is \$150.

116 (b) This administrative fee is in addition to the fees under Subsection (29).

117 (31) (a) An administrative fee for providing the driving record of a driver under  
118 Section 53-3-104 or 53-3-420 is \$4.

119 (b) The division may not charge for a report furnished under Section 53-3-104 to a  
120 municipal, county, state, or federal agency.

121 (32) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

122 (33) An identification card application under Section 53-3-808 is \$8.

123 Section 2. Section **53-3-221** is amended to read:

124 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**  
125 **revocation of license without hearing -- Additional grounds for suspension -- Point system**  
126 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

127 (1) By following the emergency procedures in Title 63, Chapter 46b, Administrative  
128 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license  
129 of any person without hearing and without receiving a record of the person's conviction of  
130 crime when the division has been notified or has reason to believe the person:

131 (a) has committed any offenses for which mandatory suspension or revocation of a  
132 license is required upon conviction under Section 53-3-220;

133 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an  
134 accident resulting in death or injury to any other person, or serious property damage;

135 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical  
136 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the  
137 highways;

138 (d) has committed a serious violation of the motor vehicle laws of this state;

139 (e) has knowingly acquired, used, displayed, or transferred an item that purports to be  
140 an authentic driver license certificate issued by a governmental entity if the item is not an  
141 authentic driver license certificate or has permitted an unlawful use of the license as prohibited  
142 under Section 53-3-229; or

143 (f) has been convicted of serious offenses against traffic laws governing the movement  
144 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard  
145 for the safety of other persons on the highways.

146 (2) (a) The division may suspend the license of a person under Subsection (1) when the  
147 person has failed to comply with the terms stated on a traffic citation issued in this state, except  
148 this Subsection (2) does not apply to highway weight limit violations or violations of law  
149 governing the transportation of hazardous materials.

150 (b) This Subsection (2) applies to parking and standing violations only if a court has  
151 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy

152 the terms of the citation.

153 (c) (i) This Subsection (2) may not be exercised unless notice of the pending  
154 suspension of the driving privilege has been sent at least ten days previously to the person at  
155 the address provided to the division.

156 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not  
157 contain any evidence of a suspension that occurred as a result of failure to comply with the  
158 terms stated on a traffic citation.

159 (3) (a) The division may suspend the license of a person under Subsection (1) when the  
160 division has been notified by a court that the person has an outstanding unpaid fine, an  
161 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a  
162 court.

163 (b) The suspension remains in effect until the division is notified by the court that the  
164 order has been satisfied.

165 (c) After clearance by the division, a report authorized by Section 53-3-104 may not  
166 contain any evidence of the suspension.

167 (4) The division shall make rules establishing a point system as provided for in this  
168 Subsection (4).

169 (a) (i) The division shall assign a number of points to each type of moving traffic  
170 violation as a measure of its seriousness.

171 (ii) The points shall be based upon actual relationships between types of traffic  
172 violations and motor vehicle traffic accidents.

173 (b) Every person convicted of a traffic violation shall have assessed against his driving  
174 record the number of points that the division has assigned to the type of violation of which the  
175 person has been convicted, except that the number of points assessed shall be decreased by  
176 10% if on the abstract of the court record of the conviction the court has graded the severity of  
177 violation as minimum, and shall be increased by 10% if on the abstract the court has graded the  
178 severity of violation as maximum.

179 (c) (i) A separate procedure for assessing points for speeding offenses shall be  
180 established by the division based upon the severity of the offense.

181 (ii) The severity of a speeding violation shall be graded as:

182 (A) "minimum" for exceeding the posted speed limit by up to ten miles per hour;

183 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per  
184 hour; and

185 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

186 (iii) Consideration shall be made for assessment of no points on minimum speeding  
187 violations, except for speeding violations in school zones.

188 (d) (i) Points assessed against a person's driving record shall be deleted for violations  
189 occurring before a time limit set by the division.

190 (ii) The time limit may not exceed three years.

191 (iii) The division may also delete points to reward violation-free driving for periods of  
192 time set by the division.

193 (e) (i) By publication in two newspapers having general circulation throughout the  
194 state, the division shall give notice of the number of points it has assigned to each type of  
195 traffic violation, the time limit set by the division for the deletion of points, and the point level  
196 at which the division will generally take action to deny or suspend under this section.

197 (ii) The division may not change any of the information provided above regarding  
198 points without first giving new notice in the same manner.

199 (5) (a) (i) Upon denying or suspending the license of a person under this section, the  
200 division shall immediately notify the licensee in a manner specified by the division and afford  
201 him an opportunity for a hearing in the county where the licensee resides.

202 (ii) The hearing shall be documented, and the division or its authorized agent may  
203 administer oaths, may issue subpoenas for the attendance of witnesses and the production of  
204 relevant books and papers, and may require a reexamination of the licensee.

205 (iii) One or more members of the division may conduct the hearing, and any decision  
206 made after a hearing before any number of the members of the division is as valid as if made  
207 after a hearing before the full membership of the division.

208 (iv) After the hearing the division shall either rescind its order of denial or suspension,  
209 extend the denial or suspension of the license, or revoke the license.

210 (b) The denial or suspension of the license remains in effect pending qualifications  
211 determined by the division regarding a person:

212 (i) whose license has been denied or suspended following reexamination;

213 (ii) who is incompetent to drive a motor vehicle;

214 (iii) who is afflicted with mental or physical infirmities that might make him dangerous  
215 on the highways; or

216 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

217 (6) (a) The division may suspend or revoke the license of any resident of this state  
218 upon receiving notice of the conviction of that person in another state of an offense committed  
219 there that, if committed in this state, would be grounds for the suspension or revocation of a  
220 license.

221 (b) The division may, upon receiving a record of the conviction in this state of a  
222 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws  
223 of this state, forward a certified copy of the record to the motor vehicle administrator in the  
224 state where the person convicted is a resident.

225 (7) (a) The division may suspend or revoke the license of any nonresident to drive a  
226 motor vehicle in this state for any cause for which the license of a resident driver may be  
227 suspended or revoked.

228 (b) Any nonresident who drives a motor vehicle upon a highway when his license has  
229 been suspended or revoked by the division is guilty of a class C misdemeanor.

230 (8) (a) The division may not deny or suspend the license of any person for a period of  
231 more than one year except:

232 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

233 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges  
234 under Section 53-3-219;

235 (iii) when extending a denial or suspension upon receiving certain records or reports  
236 under Subsection 53-3-220(2); and

237 (iv) for failure to give and maintain owner's or operator's security under Section  
238 41-12a-411.

239 (b) The division may suspend the license of a person under Subsection (2) until he  
240 shows satisfactory evidence of compliance with the terms of the traffic citation.

241 (9) (a) By following the emergency procedures in Title 63, Chapter 46b,  
242 Administrative Procedures Act, the division may immediately suspend the license of any  
243 person without hearing and without receiving a record of his conviction for a crime when the  
244 division has reason to believe that the person's license was granted by the division through



245 error or fraud or that the necessary consent for the license has been withdrawn or is terminated.

246 (b) The procedure upon suspension is the same as under Subsection (5), except that  
247 after the hearing the division shall either rescind its order of suspension or cancel the license.

248 (10) (a) The division, having good cause to believe that a licensed driver is  
249 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified  
250 by the division of at least five days to the licensee require him to submit to an examination.

251 (b) Upon the conclusion of the examination the division may suspend or revoke the  
252 person's license, permit him to retain the license, or grant a license subject to a restriction  
253 imposed in accordance with Section 53-3-208.

254 (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
255 suspension or revocation of his license.

256 (11) [~~A~~] (a) Except as provided in Subsection (11)(b), a report authorized by Section  
257 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in  
258 this state if the conviction was for a speed of ten miles per hour or less, above the posted speed  
259 limit and did not result in an accident, unless authorized in a manner specified by the division  
260 by the individual whose report is being requested.

261 (b) The provisions of Subsection (11)(a) do not apply for:

262 (i) a CDL license holder; or

263 (ii) a violation that occurred in a commercial motor vehicle.

264 (12) (a) By following the emergency procedures in Title 63, Chapter 46b,  
265 Administrative Procedures Act, the division may immediately suspend the license of a person  
266 if it has reason to believe that the person is the owner of a motor vehicle for which security is  
267 required under Title 41, Chapter 12a, Vehicle Financial Responsibility of Motor Vehicle  
268 Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within  
269 this state without the security being in effect.

270 (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's  
271 security applies to persons whose driving privileges are suspended under this Subsection (12).

272 (c) If the division exercises the right of immediate suspension granted under this  
273 Subsection (12), the notice and hearing provisions of Subsection (5) apply.

274 (d) A person whose license suspension has been sustained or whose license has been  
275 revoked by the division under this subsection may file a request for agency action requesting a

276 hearing.

277 (13) Any suspension or revocation of a person's license under this section also  
278 disqualifies any license issued to that person under Part 4 of this chapter.

279 Section 3. Section **53-3-402** is amended to read:

280 **53-3-402. Definitions.**

281 As used in this part:

282 (1) "Alcohol" means any substance containing any form of alcohol, including ethanol,  
283 methanol, propanol, and isopropanol.

284 (2) "Alcohol concentration" means the number of grams of alcohol per:

285 (a) 100 milliliters of blood;

286 (b) 210 liters of breath; or

287 (c) 67 milliliters of urine.

288 (3) "Commercial driver instruction permit" or "CDIP" means a permit issued under  
289 Section 53-3-408.

290 (4) "Commercial driver license information system" or "CDLIS" means the  
291 information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle  
292 Safety Act of 1986, as a clearinghouse for information related to the licensing and  
293 identification of commercial motor vehicle drivers.

294 (5) "Controlled substance" means any substance so classified under Section 102(6) of  
295 the Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on the  
296 current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to  
297 time.

298 (6) "Employee" means any driver of a commercial motor vehicle, including:

299 (a) full-time, regularly employed drivers;

300 (b) casual, intermittent, or occasional drivers;

301 (c) leased drivers; and

302 (d) independent, owner-operator contractors while in the course of driving a  
303 commercial motor vehicle who are either directly employed by or under lease to an employer.

304 (7) "Employer" means any individual or person including the United States, a state, or  
305 a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns an  
306 individual to drive a commercial motor vehicle.

307 (8) "Felony" means any offense under state or federal law that is punishable by death or  
308 imprisonment for a term of more than one year.

309 (9) "Foreign jurisdiction" means any jurisdiction other than the United States or a state  
310 of the United States.

311 (10) "Gross vehicle weight rating" or "GVWR" means the value specified by the  
312 manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or  
313 articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed  
314 units and the loads on those units.

315 (11) "Hazardous material" has the same meaning as defined under 49 U.S.C. Sec. 5101  
316 et seq., Hazardous Materials Transportation Act.

317 (12) "Imminent hazard" means the existence of a condition, practice, or violation that  
318 presents a substantial likelihood that death, serious illness, severe personal injury, or a  
319 substantial endangerment to health, property, or the environment is expected to occur  
320 immediately, or before the condition, practice, or violation can be abated.

321 (13) "NDR" means the National Driver Register.

322 (14) "Nonresident CDL" means a commercial driver license issued by a state to an  
323 individual who resides in a foreign jurisdiction.

324 (15) "Out-of-service order" means a temporary prohibition against driving a  
325 commercial motor vehicle.

326 (16) "Port-of-entry agent" has the same meaning as provided in Section 72-1-102.

327 (17) "Serious traffic violation" means a conviction of any of the following:

- 328 (a) speeding 15 or more miles per hour above the posted speed limit;
- 329 (b) reckless driving as defined by state or local law;
- 330 (c) improper or erratic traffic lane changes;
- 331 (d) following the vehicle ahead too closely;
- 332 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic  
333 accident;

- 334 (f) operating a commercial motor vehicle without a CDL or a CDIP;

- 335 (g) operating a commercial motor vehicle without the proper class of CDL or CDL  
336 endorsement for the type of vehicle group being operated or for the passengers or cargo being  
337 transported; or

338 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in  
339 the driver's possession in violation of Section 53-3-404[~~;~~or].

340 [~~(i) all other violations under Section 53-3-220 for which mandatory suspension or~~  
341 ~~revocation are required.~~]

342 (18) "State" means a state of the United States, the District of Columbia, any province  
343 or territory of Canada, or Mexico.

344 (19) "United States" means the 50 states and the District of Columbia.

345 Section 4. Section **53-3-413** is amended to read:

346 **53-3-413. Issuance of CDL by division -- Driving record -- Expiration date --**  
347 **Renewal -- Hazardous materials provision.**

348 (1) Before the division may grant a CDL, the division shall obtain the driving record  
349 information regarding the applicant through the CDLIS, the NDR, and from each state where  
350 the applicant has been licensed.

351 (2) [~~Within ten days after issuing a CDL, the~~] The division shall notify the CDLIS and  
352 provide all information required to ensure identification of the CDL holder[~~;~~] within ten days  
353 after:

354 (a) issuing a CDL following application for an original, renewal, transfer, or upgrade of  
355 the CDL; or

356 (b) any change is made to the identifying information of a CDL holder.

357 (3) The expiration date for a CDL is the birth date of the holder in the fifth year  
358 following the year of issuance of the CDL.

359 (4) The applicant for a renewal of a CDL shall complete the application form required  
360 by Section 53-3-410 and provide updated information and required certification.

361 (5) (a) The division may not issue a hazardous materials endorsement on a CDL unless  
362 the applicant meets the security threat assessment standards of the federal Transportation  
363 Security Administration.

364 (b) The division shall revoke the hazardous materials endorsement on a CDL upon  
365 receiving notice from the federal Transportation Security Administration that the person  
366 holding a hazardous materials endorsement does not meet Transportation Security  
367 Administration security threat assessment standards.

368 (c) To obtain an original hazardous materials endorsement or retain a hazardous

369 materials endorsement upon CDL renewal or transfer, the applicant must take and pass the  
370 knowledge test for hazardous materials endorsement in addition to any other testing required  
371 by the division.

372 Section 5. Section **53-3-414** is amended to read:

373 **53-3-414. CDL disqualification or suspension -- Grounds and duration --**  
374 **Procedure.**

375 (1) A person who holds or is required to hold a CDL is disqualified from driving a  
376 commercial motor vehicle for a period of not less than one year if convicted of a first offense  
377 of:

378 (a) driving a motor vehicle while under the influence of alcohol, drugs, a controlled  
379 substance, or more than one of these;

380 (b) driving a commercial motor vehicle while the concentration of alcohol in the  
381 person's blood, breath, or urine is .04 grams or more;

382 (c) leaving the scene of an accident involving a motor vehicle the person was driving;

383 (d) failing to provide reasonable assistance or identification when involved in an  
384 accident resulting in death or personal injury in accordance with Section 41-6a-401;

385 (e) using a motor vehicle in the commission of a felony;

386 (f) refusal to submit to a test to determine the concentration of alcohol in the person's  
387 blood, breath, or urine;

388 (g) driving a commercial motor vehicle while the person's commercial driver license is  
389 disqualified, suspended, canceled, [~~or~~] withdrawn, barred, denied, or revoked; or

390 (h) operating a commercial motor vehicle in a negligent manner causing the death of  
391 another including the offenses of automobile homicide under Section 76-5-207, manslaughter  
392 under Section 76-5-205, or negligent homicide under Section 76-5-206.

393 (2) If any of the violations under Subsection (1) occur while the driver is transporting a  
394 hazardous material required to be placarded, the driver is disqualified for not less than three  
395 years.

396 (3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds  
397 or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if  
398 convicted of or administrative action is taken for two or more of any of the offenses under  
399 Subsection (1), (5), or (14) arising from two or more separate incidents.

400 (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

401 (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under  
402 this section may apply to the division for reinstatement of the driver's CDL if the driver:

403 (i) has both voluntarily enrolled in and successfully completed an appropriate  
404 rehabilitation program that:

405 (A) meets the standards of the division; and

406 (B) complies with 49 C.F.R. Part 383.51;

407 (ii) has served a minimum disqualification period of ten years; and

408 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving  
409 privileges established by rule of the division.

410 (b) If a reinstated driver is subsequently convicted of another disqualifying offense  
411 under this section, the driver is permanently disqualified for life and is ineligible to again apply  
412 for a reduction of the lifetime disqualification.

413 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified  
414 for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the  
415 commission of any felony involving the manufacturing, distributing, or dispensing of a  
416 controlled substance, or possession with intent to manufacture, distribute, or dispense a  
417 controlled substance and is ineligible to apply for a reduction of the lifetime disqualification  
418 under Subsection (4).

419 (6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds  
420 or is required to hold a CDL is disqualified for not less than:

421 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two  
422 serious traffic violations; and

423 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

424 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic  
425 violations:

426 (i) occur within three years of each other;

427 (ii) arise from separate incidents; and

428 (iii) involve the use or operation of a commercial motor vehicle.

429 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is  
430 disqualified from driving a commercial motor vehicle and the division receives notice of a

431 subsequent conviction for a serious traffic violation that results in an additional disqualification  
432 period under this Subsection (6), the subsequent disqualification period is effective beginning  
433 on the ending date of the current serious traffic violation disqualification period.

434 (7) (a) A driver of a commercial motor vehicle who is convicted of violating an  
435 out-of-service order while driving a commercial motor vehicle is disqualified from driving a  
436 commercial motor vehicle for a period not less than:

437 [~~(a)~~] (i) 90 days but not more than one year if the driver is convicted of a first violation;

438 [~~(b)~~] (ii) one year but not more than five years if, during any ten-year period, the driver  
439 is convicted of two violations of out-of-service orders in separate incidents;

440 [~~(c)~~] (iii) three years but not more than five years if, during any ten-year period, the  
441 driver is convicted of three or more violations of out-of-service orders in separate incidents;

442 [~~(d)~~] (iv) 180 days but not more than two years if the driver is convicted of a first  
443 violation of an out-of-service order while transporting hazardous materials required to be  
444 placarded or while operating a motor vehicle designed to transport 16 or more passengers,  
445 including the driver; or

446 [~~(e)~~] (v) three years but not more than five years if, during any ten-year period, the  
447 driver is convicted of two or more violations, in separate incidents, of an out-of-service order  
448 while transporting hazardous materials required to be placarded or while operating a motor  
449 vehicle designed to transport 16 or more passengers, including the driver.

450 (b) A driver of a commercial motor vehicle who is convicted of violating an  
451 out-of-service order is subject to a civil penalty of not less than \$1,100 nor more than \$2,750.

452 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is  
453 disqualified for not less than 60 days if the division determines, in its check of the driver's  
454 driver license status, application, and record prior to issuing a CDL or at any time after the  
455 CDL is issued, that the driver has falsified information required to apply for a CDL in this  
456 state.

457 (9) A driver of a commercial motor vehicle who is convicted of violating a  
458 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a  
459 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period  
460 not less than:

461 (a) 60 days if the driver is convicted of a first violation;

462 (b) 120 days if, during any three-year period, the driver is convicted of a second  
463 violation in separate incidents; or

464 (c) one year if, during any three-year period, the driver is convicted of three or more  
465 violations in separate incidents.

466 (10) (a) The division shall update its records and notify the CDLIS within ten days of  
467 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

468 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,  
469 the division shall notify the licensing authority of the issuing state or other jurisdiction and the  
470 CDLIS within ten days after the action is taken.

471 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this  
472 state, the division shall notify the CDLIS within ten days after the action is taken.

473 (11) (a) The division may immediately suspend or disqualify the CDL of a driver  
474 without a hearing or receiving a record of the driver's conviction when the division has reason  
475 to believe that the:

476 (i) CDL was issued by the division through error or fraud;

477 (ii) applicant provided incorrect or incomplete information to the division;

478 (iii) applicant cheated on any part of a CDL examination;

479 (iv) driver no longer meets the fitness standards required to obtain a CDL; or

480 (v) driver poses an imminent hazard.

481 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with  
482 Section 53-3-221.

483 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the  
484 suspension order or cancel the CDL.

485 (12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is  
486 required to hold a CDL is disqualified for not less than:

487 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two  
488 serious traffic violations; and

489 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

490 (b) The disqualifications under Subsection (12)(a) are effective only if the serious  
491 traffic violations:

492 (i) occur within three years of each other;



493 (ii) arise from separate incidents; and  
494 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving  
495 privilege from at least one of the violations.

496 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified  
497 from driving a commercial motor vehicle and the division receives notice of a subsequent  
498 conviction for a serious traffic violation that results in an additional disqualification period  
499 under this Subsection (12), the subsequent disqualification period is effective beginning on the  
500 ending date of the current serious traffic violation disqualification period.

501 (13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no  
502 contest to a violation of a disqualifying offense described in this section which plea is held in  
503 abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend,  
504 cancel, or revoke the person's CDL for the period required under this section for a conviction of  
505 that disqualifying offense, even if the charge has been subsequently reduced or dismissed in  
506 accordance with the plea in abeyance agreement.

507 (b) The division shall report the plea in abeyance to the CDLIS within ten days of  
508 taking the action under Subsection (13)(a).

509 (c) A plea which is held in abeyance may not be removed from a person's driving  
510 record for ten years from the date of the plea in abeyance agreement, even if the charge is:

511 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or  
512 (ii) expunged under Section 77-18-11.

513 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of  
514 Section 41-6a-502 when administrative action is taken against the operator's driving privilege  
515 pursuant to Section 53-3-223 for a period of:

516 (a) one year; or

517 (b) three years if the violation occurred while transporting hazardous materials.

518 (15) The division may concurrently impose any disqualification periods that arise  
519 under this section while a driver is disqualified by the Secretary of the United States  
520 Department of Transportation under 49 C.F.R. 383.52 for posing an imminent hazard.

521 Section 6. Section **53-3-415** is amended to read:

522 **53-3-415. Limitations on employment of commercial motor vehicle drivers.**

523 (1) An employer shall require each applicant for employment as a commercial motor

524 vehicle driver to provide the information required in Section 53-3-416 regarding the applicant's  
525 employment history.

526 (2) An employer may not knowingly allow, permit, or authorize a driver to drive a  
527 commercial motor vehicle during any period when the driver ~~has~~:

528 (a) has a CDL that is suspended, revoked, or canceled by any state;

529 (b) has lost the privilege to drive a commercial motor vehicle in a state;

530 (c) has been disqualified from driving a commercial motor vehicle; ~~or~~

531 (d) has more than one license[-]; or

532 (e) is subject to an out-of-service order.

533 (3) An employer may not knowingly allow, permit, require, or authorize a person to  
534 violate a federal, state, or local law pertaining to railroad-highway grade crossings.

535 ~~(3)~~ (4) (a) An employer who violates Subsection (2)(a), (b), or (c) during the period  
536 the driver has been disqualified under Subsection 53-3-414(9) is subject to a civil penalty of  
537 not more than \$10,000.

538 (b) An employer who is convicted of violating Subsection (2)(e) is subject to a civil  
539 penalty of not less than \$2,750 nor more than \$11,000.

540 (c) An employer who is convicted of violating Subsection (3) is subject to a civil  
541 penalty of \$10,000.

542 Section 7. Section **53-3-420** is amended to read:

543 **53-3-420. Driver's driving record available for certain purposes.**

544 The division shall provide full information regarding the driving record of any holder of  
545 a CDL within ten days of a request to:

546 (1) the driver license administrator of any other state requesting that information;

547 (2) any employer or prospective employer of a person to drive a commercial motor  
548 vehicle upon request and payment of a fee under Section 53-3-105; ~~and~~

549 (3) insurers of commercial motor vehicle drivers upon request and payment of a fee  
550 under Section 53-3-105[-]; and

551 (4) the Secretary of the United States Department of Transportation.

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**Legislative Review Note**  
as of 11-15-06 2:28 PM

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
as of 12-18-06 3:34 PM

The Transportation Interim Committee recommended this bill.