

UNIFORM DRIVER LICENSE ACT AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Julie Fisher

LONG TITLE

Committee Note:

The Transportation Interim Committee recommended this bill.

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to driver licenses.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ specifies the procedures and applicability of fees for a person whose license is downgraded or for a person who receives a higher license class than what the person was originally issued during a license cycle that has not expired;
- ▶ provides that the Driver License Division may deny a person's license if the person fails to comply with the requirement to downgrade the person's CDL to a class D license;
- ▶ provides that a court shall forward to the Driver License Division within five, rather than 10, days an abstract of the court record of the conviction or plea held in abeyance for certain reportable traffic or motorboating violations;
- ▶ provides that a person may not drive a commercial motor vehicle if the person has not complied with the medical certification requirements;
- ▶ provides that a person may not drive a commercial motor vehicle if the commercial



28 motor vehicle is subject to an out of service order;

29 ▶ provides that beginning on January 30, 2012, an applicant for a CDL, limited-term
30 CDL, or CDIP shall provide a medical certification status;

31 ▶ provides that a person whose medical certification status is non-excepted interstate
32 shall provide the division an updated medical examiner's certificate upon request by
33 the Driver License Division;

34 ▶ specifies additional CDL license restrictions;

35 ▶ provides that an original CDL or a renewal to an original CDL expires on the birth
36 date of the applicant in the first year following the year the license was issued if the
37 applicant is required to register as a sex offender;

38 ▶ provides that the Driver License Division shall subtract from certain disqualification
39 periods the number of days for which the license was previously disqualified if the
40 previous disqualification was based on the same occurrence upon which the
41 conviction was based;

42 ▶ requires the Driver License Division to notify the driver licensing authority in the
43 licensing state within five, rather than 10, days when the Driver License Division
44 receives a report of a conviction or plea in abeyance of a nonresident holder of a
45 CDL for certain traffic violations; and

46 ▶ makes technical changes.

47 **Money Appropriated in this Bill:**

48 None

49 **Other Special Clauses:**

50 None

51 **Utah Code Sections Affected:**

52 AMENDS:

53 **53-3-102**, as last amended by Laws of Utah 2009, Chapters 45, 315, and 356

54 **53-3-109**, as last amended by Laws of Utah 2009, Chapter 183

55 **53-3-205**, as last amended by Laws of Utah 2010, Chapter 95

56 **53-3-218**, as last amended by Laws of Utah 2010, Chapters 157 and 336

57 **53-3-221**, as last amended by Laws of Utah 2008, Chapters 322 and 382

58 **53-3-402**, as last amended by Laws of Utah 2007, Chapter 53

- 59 **53-3-404**, as last amended by Laws of Utah 2005, Chapter 220
- 60 **53-3-405**, as renumbered and amended by Laws of Utah 1993, Chapter 234
- 61 **53-3-410**, as last amended by Laws of Utah 2009, Chapter 315
- 62 **53-3-412**, as last amended by Laws of Utah 2005, Chapter 220
- 63 **53-3-413**, as last amended by Laws of Utah 2009, Chapter 315
- 64 **53-3-414**, as last amended by Laws of Utah 2010, Chapters 196 and 283
- 65 **53-3-419**, as last amended by Laws of Utah 2006, Chapter 18

66 ENACTS:

67 **53-3-410.1**, Utah Code Annotated 1953



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

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

71 **53-3-102. Definitions.**

72 As used in this chapter:

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

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

77 (3) "Commercial driver license" or "CDL" means a license:

78 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
79 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
80 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
81 commercial motor vehicle; and

82 (b) that was obtained by providing evidence of lawful presence in the United States
83 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

84 (4) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
85 vehicles designed or used to transport passengers or property if the motor vehicle:

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

88 (ii) is designed to transport 16 or more passengers, including the driver; or

89 (iii) is transporting hazardous materials and is required to be placarded in accordance

90 with 49 C.F.R. Part 172, Subpart F.

91 (b) The following vehicles are not considered a commercial motor vehicle for purposes
92 of Part 4, Uniform Commercial Driver License Act:

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

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

101 (iii) firefighting and emergency vehicles; and

102 (iv) recreational vehicles that are not used in commerce and are driven solely as family
103 or personal conveyances for recreational purposes.

104 (5) "Conviction" means any of the following:

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

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

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

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

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

113 (6) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
114 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,
115 do not apply.

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

117 (8) "Disqualification" means either:

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

120 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,

121 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
122 391; or

123 (c) the loss of qualification that automatically follows conviction of an offense listed in
124 49 C.F.R. Part 383.51.

125 (9) "Division" means the Driver License Division of the department created in Section
126 53-3-103.

127 (10) "Downgrade" means to obtain a lower license class than what was originally
128 issued during an existing license cycle.

129 [~~(10)~~] (11) "Drive" means:

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

131 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
132 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
133 the state.

134 [~~(11)~~] (12) (a) "Driver" means any person who drives, or is in actual physical control of
135 a motor vehicle in any location open to the general public for purposes of vehicular traffic.

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

138 [~~(12)~~] (13) "Driving privilege card" means the evidence of the privilege granted and
139 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
140 without providing evidence of lawful presence in the United States.

141 [~~(13)~~] (14) "Extension" means a renewal completed in a manner specified by the
142 division.

143 [~~(14)~~] (15) "Farm tractor" means every motor vehicle designed and used primarily as a
144 farm implement for drawing plows, mowing machines, and other implements of husbandry.

145 [~~(15)~~] (16) "Highway" means the entire width between property lines of every way or
146 place of any nature when any part of it is open to the use of the public, as a matter of right, for
147 traffic.

148 [~~(16)~~] (17) "Identification card" means an identification card issued under this chapter
149 to a person whose card was obtained by providing evidence of lawful presence in the United
150 States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

151 [~~(17)~~] (18) "Indigent" means that a person's income falls below the federal poverty

152 guideline issued annually by the U.S. Department of Health and Human Services in the Federal
153 Register.

154 ~~[(18)]~~ (19) "License" means the privilege to drive a motor vehicle.

155 ~~[(19)]~~ (20) (a) "License certificate" means the evidence of the privilege issued under
156 this chapter to drive a motor vehicle.

157 (b) "License certificate" evidence includes a:

158 (i) regular license certificate;

159 (ii) limited-term license certificate;

160 (iii) driving privilege card;

161 (iv) CDL license certificate; and

162 (v) limited-term CDL license certificate.

163 ~~[(20)]~~ (21) "Limited-term commercial driver license" or "limited-term CDL" means a
164 license:

165 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
166 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
167 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
168 commercial motor vehicle; and

169 (b) that was obtained by providing evidence of lawful presence in the United States
170 with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

171 ~~[(21)]~~ (22) "Limited-term identification card" means an identification card issued under
172 this chapter to a person whose card was obtained by providing evidence of lawful presence in
173 the United States with one of the document requirements described in Subsection
174 53-3-804(2)(i)(ii).

175 ~~[(22)]~~ (23) "Limited-term license certificate" means the evidence of the privilege
176 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was
177 obtained providing evidence of lawful presence in the United States with one of the document
178 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

179 ~~[(23)]~~ (24) "Motorboat" has the same meaning as provided under Section 73-18-2.

180 ~~[(24)]~~ (25) "Motorcycle" means every motor vehicle, other than a tractor, having a seat
181 or saddle for the use of the rider and designed to travel with not more than three wheels in
182 contact with the ground.

183 [~~(25)~~] (26) "Office of Recovery Services" means the Office of Recovery Services,
184 created in Section 62A-11-102.

185 [~~(26)~~] (27) (a) "Owner" means a person other than a lienholder having an interest in the
186 property or title to a vehicle.

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

189 [~~(27)~~] (28) "Regular license certificate" means the evidence of the privilege issued
190 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence
191 of lawful presence in the United States with one of the document requirements described in
192 Subsection 53-3-205(8)(a)(ii)(A).

193 [~~(28)~~] (29) "Renewal" means to validate a license certificate so that it expires at a later
194 date.

195 [~~(29)~~] (30) "Reportable violation" means an offense required to be reported to the
196 division as determined by the division and includes those offenses against which points are
197 assessed under Section 53-3-221.

198 [~~(30)~~] (31) (a) "Resident" means an individual who:

199 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
200 regardless of domicile, remains in this state for an aggregate period of six months or more
201 during any calendar year;

202 (ii) engages in a trade, profession, or occupation in this state, or who accepts
203 employment in other than seasonal work in this state, and who does not commute into the state;

204 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
205 license certificate or motor vehicle registration; or

206 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
207 to nonresidents, including going to school, or placing children in school without paying
208 nonresident tuition or fees.

209 (b) "Resident" does not include any of the following:

210 (i) a member of the military, temporarily stationed in this state;

211 (ii) an out-of-state student, as classified by an institution of higher education,
212 regardless of whether the student engages in any type of employment in this state;

213 (iii) a person domiciled in another state or country, who is temporarily assigned in this

214 state, assigned by or representing an employer, religious or private organization, or a
215 governmental entity; or

216 (iv) an immediate family member who resides with or a household member of a person
217 listed in Subsections ~~[(30)]~~(31)(b)(i) through (iii).

218 ~~[(31)]~~ (32) "Revocation" means the termination by action of the division of a licensee's
219 privilege to drive a motor vehicle.

220 ~~[(32)]~~ (33) (a) "School bus" means a commercial motor vehicle used to transport
221 pre-primary, primary, or secondary school students to and from home and school, or to and
222 from school sponsored events.

223 (b) "School bus" does not include a bus used as a common carrier as defined in Section
224 59-12-102.

225 ~~[(33)]~~ (34) "Suspension" means the temporary withdrawal by action of the division of a
226 licensee's privilege to drive a motor vehicle.

227 ~~[(34)]~~ (35) "Taxicab" means any class D motor vehicle transporting any number of
228 passengers for hire and that is subject to state or federal regulation as a taxi.

229 Section 2. Section **53-3-109** is amended to read:

230 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

231 (1) (a) Except as provided in this section, all records of the division shall be classified
232 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and
233 Management Act.

234 (b) The division may only disclose personal identifying information:

235 (i) when the division determines it is in the interest of the public safety to disclose the
236 information; and

237 (ii) in accordance with the federal Driver's Privacy Protection Act of 1994, 18 U.S.C.
238 Chapter 123.

239 (c) The division may disclose personal identifying information:

240 (i) to a licensed private investigator holding a valid agency license, with a legitimate
241 business need;

242 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,
243 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,
244 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,

245 antifraud activities, rating, or underwriting for any person issued a license certificate under this
246 chapter; or

247 (iii) to a depository institution as defined in Section 7-1-103 for use in accordance with
248 the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123.

249 (2) (a) A person who receives personal identifying information shall be advised by the
250 division that the person may not:

251 (i) disclose the personal identifying information from that record to any other person;
252 or

253 (ii) use the personal identifying information from that record for advertising or
254 solicitation purposes.

255 (b) Any use of personal identifying information by an insurer or insurance support
256 organization, or by a self-insured entity or its agents, employees, or contractors not authorized
257 by Subsection (1)(c)(ii) is:

258 (i) an unfair marketing practice under Section 31A-23a-402; or

259 (ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

260 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee
261 may disclose portions of a driving record, in accordance with this Subsection (3), to an insurer
262 as defined under Section 31A-1-301, or a designee of an insurer, for purposes of assessing
263 driving risk on the insurer's current motor vehicle insurance policyholders.

264 (b) The disclosure under Subsection (3)(a) shall:

265 (i) include the licensed driver's name, driver license number, date of birth, and an
266 indication of whether the driver has had a moving traffic violation that is a reportable violation,
267 as defined under Section 53-3-102 during the previous month;

268 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered
269 under a motor vehicle insurance policy of the insurer; and

270 (iii) be made under a contract with the insurer or a designee of an insurer.

271 (c) The contract under Subsection (3)(b)(iii) shall specify:

272 (i) the criteria for searching and compiling the driving records being requested;

273 (ii) the frequency of the disclosures;

274 (iii) the format of the disclosures, which may be in bulk electronic form; and

275 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).

276 (4) The division may:
277 (a) collect fees in accordance with Section 53-3-105 for searching and compiling its
278 files or furnishing a report on the driving record of a person;
279 (b) prepare under the seal of the division and deliver upon request, a certified copy of
280 any record of the division, and charge a fee under Section 63J-1-504 for each document
281 authenticated; and
282 (c) charge reasonable fees established in accordance with the procedures and
283 requirements of Section 63J-1-504 for disclosing personal identifying information under
284 Subsection (1)(c).
285 (5) Each certified copy of a driving record furnished in accordance with this section is
286 admissible in any court proceeding in the same manner as the original.
287 (6) (a) A driving record furnished under this section may only report on the driving
288 record of a person for a period of 10 years.
289 (b) Subsection (6)(a) does not apply to court or law enforcement reports [~~and to~~],
290 reports of commercial driver license violations, or reports for commercial driver license
291 holders.
292 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
293 division may make rules to designate:
294 (a) what information shall be included in a report on the driving record of a person;
295 (b) the form of a report or copy of the report which may include electronic format;
296 (c) the form of a certified copy, as required under Section 53-3-216, which may include
297 electronic format;
298 (d) the form of a signature required under this chapter which may include electronic
299 format;
300 (e) the form of written request to the division required under this chapter which may
301 include electronic format;
302 (f) the procedures, requirements, and formats for disclosing personal identifying
303 information under Subsection (1)(c); and
304 (g) the procedures, requirements, and formats necessary for the implementation of
305 Subsection (3).
306 Section 3. Section **53-3-205** is amended to read:

307 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
308 **Expiration dates of licenses and endorsements -- Information required -- Previous**
309 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
310 **Fee required -- License agreement.**

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

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

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

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

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

319 (b) a learner permit if needed pending completion of the application and testing
320 process; and

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

322 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
323 applicant to:

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

326 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

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

328 (4) An application and fees for a commercial class A, B, or C license entitle the
329 applicant to:

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

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

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

336 (5) An application and fee for a CDL endorsement entitle the applicant to:

337 (a) not more than two attempts to pass a knowledge test and not more than two

338 attempts to pass a skills test within six months of the date of the application; and

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

340 (6) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
341 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
342 two additional times within the six months for the fee provided in Section 53-3-105.

343 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
344 expires on the birth date of the applicant in the fifth year following the year the license
345 certificate was issued.

346 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
347 to a license expires on the birth date of the licensee in the fifth year following the expiration
348 date of the license certificate renewed or extended.

349 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
350 the same date as the last license certificate issued.

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

353 (e) A regular license certificate and any endorsement to the regular license certificate
354 held by a person ordered to active duty and stationed outside Utah in any of the armed forces of
355 the United States or by an immediate family member or dependent who is residing outside of
356 the state, which expires during the time period the person is stationed outside of the state, is
357 valid until 90 days after the person's orders have been terminated or the person has been
358 discharged, unless:

359 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
360 the division; or

361 (ii) the licensee updates the information or photograph on the license certificate.

362 (f) A limited-term license certificate or a renewal to a limited-term license certificate
363 expires:

364 (i) on the expiration date of the period of time of the individual's authorized stay in the
365 United States or on the date provided under this Subsection (7), whichever is sooner; or

366 (ii) on the birth date of the applicant in the first year following the year that the
367 limited-term license certificate was issued if there is no definite end to the individual's period
368 of authorized stay.

369 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
370 birth date of the applicant in the first year following the year that the driving privilege card was
371 issued or renewed.

372 (h) An original license or a renewal to an original license expires on the birth date of
373 the applicant in the first year following the year that the license was issued if the applicant is
374 required to register as a sex offender under Section 77-27-21.5.

375 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
376 Procedures Act, for requests for agency action, each applicant shall:

377 (i) provide the applicant's:

378 (A) full legal name;

379 (B) birth date;

380 (C) gender;

381 (D) (I) documentary evidence of the applicant's valid Social Security number;

382 (II) written proof that the applicant is ineligible to receive a Social Security number;

383 (III) temporary identification number (ITIN) issued by the Internal Revenue Service for
384 a person who:

385 (Aa) does not qualify for a Social Security number; and

386 (Bb) is applying for a driving privilege card; or

387 (IV) other documentary evidence approved by the division; and

388 (E) Utah residence address as documented by a form or forms acceptable under rules
389 made by the division under Section 53-3-104, unless the application is for a temporary CDL
390 issued under Subsection 53-3-407(2)(b);

391 (ii) provide evidence of the applicant's lawful presence in the United States by
392 providing documentary evidence:

393 (A) that a person is:

394 (I) a United States citizen;

395 (II) a national; or

396 (III) a legal permanent resident alien; or

397 (B) of the applicant's:

398 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
399 States;

- 400 (II) pending or approved application for asylum in the United States;
- 401 (III) admission into the United States as a refugee;
- 402 (IV) pending or approved application for temporary protected status in the United
- 403 States;
- 404 (V) approved deferred action status; or
- 405 (VI) pending application for adjustment of status to legal permanent resident or
- 406 conditional resident;
- 407 (iii) provide a description of the applicant;
- 408 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
- 409 and, if so, when and by what state or country;
- 410 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
- 411 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
- 412 application refused, and if so, the date of and reason for the suspension, cancellation,
- 413 revocation, disqualification, denial, or refusal;
- 414 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
- 415 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 416 (vii) state whether the applicant is required to register as a sex offender under Section
- 417 77-27-21.5;
- 418 (viii) state whether the applicant is a military veteran and does or does not authorize
- 419 sharing the information with the state Department of Veterans' Affairs;
- 420 (ix) provide all other information the division requires; and
- 421 (x) sign the application which signature may include an electronic signature as defined
- 422 in Section 46-4-102.
- 423 (b) Each applicant shall have a Utah residence address, unless the application is for a
- 424 temporary CDL issued under Subsection 53-3-407(2)(b).
- 425 (c) Each applicant shall provide evidence of lawful presence in the United States in
- 426 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 427 (d) The division shall maintain on its computerized records an applicant's:
- 428 (i) (A) Social Security number;
- 429 (B) temporary identification number (ITIN); or
- 430 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

431 (ii) indication whether the applicant is required to register as a sex offender under
432 Section 77-27-21.5.

433 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
434 by at least one of the following means:

435 (a) current license certificate;

436 (b) birth certificate;

437 (c) Selective Service registration; or

438 (d) other proof, including church records, family Bible notations, school records, or
439 other evidence considered acceptable by the division.

440 [~~(10) (a) Except as provided in Subsection (10)(b), when an applicant receives a
441 license in another class, all previous license certificates shall be surrendered and canceled.~~]

442 [~~(b) A disqualified commercial license may not be canceled unless it expires before the
443 new license certificate is issued.~~]

444 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
445 higher class than what the applicant originally was issued:

446 (i) the license application shall be treated as an original application; and

447 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

448 (b) An applicant that receives a downgraded license in a lower license class during an
449 existing license cycle that has not expired:

450 (i) may be issued a duplicate license with a lower license classification for the
451 remainder of the existing license cycle; and

452 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
453 duplicate license is issued under Subsection (10)(b)(i).

454 (c) An applicant who has received a downgraded license in a lower license class under
455 Subsection (10)(b):

456 (i) may, when eligible, receive a duplicate license in the highest class previously issued
457 during a license cycle that has not expired for the remainder of the existing license cycle; and

458 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
459 duplicate license is issued under Subsection (10)(c)(i).

460 (11) (a) When an application is received from a person previously licensed in another
461 state to drive a motor vehicle, the division shall request a copy of the driver's record from the

462 other state.

463 (b) When received, the driver's record becomes part of the driver's record in this state
464 with the same effect as though entered originally on the driver's record in this state.

465 (12) An application for reinstatement of a license after the suspension, cancellation,
466 disqualification, denial, or revocation of a previous license shall be accompanied by the
467 additional fee or fees specified in Section 53-3-105.

468 (13) A person who has an appointment with the division for testing and fails to keep
469 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
470 under Section 53-3-105.

471 (14) A person who applies for an original license or renewal of a license agrees that the
472 person's license is subject to any suspension or revocation authorized under this title or Title
473 41, Motor Vehicles.

474 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by
475 the licensee in accordance with division rule.

476 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
477 Management Act, the division may, upon request, release to an organ procurement
478 organization, as defined in Section 26-28-102, the names and addresses of all persons who
479 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

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

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

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

483 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
484 Management Act, the division may release to the Department of Veterans' Affairs the names
485 and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).

486 (17) The division and its employees are not liable, as a result of false or inaccurate
487 information provided under Subsection (8)(a)(vi) or(viii), for direct or indirect:

488 (a) loss;

489 (b) detriment; or

490 (c) injury.

491 (18) A person who knowingly fails to provide the information required under
492 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

493 Section 4. Section **53-3-218** is amended to read:

494 **53-3-218. Court to report convictions and may recommend suspension of license**
495 **-- Severity of speeding violation defined.**

496 (1) As used in this section, "conviction" means conviction by the court of first
497 impression or final administrative determination in an administrative traffic proceeding.

498 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over offenses
499 committed under this chapter or any other law of this state, or under any municipal ordinance
500 regulating driving motor vehicles on highways or driving motorboats on the water, shall
501 forward to the division within [~~10~~] five days, an abstract of the court record of the conviction
502 or plea held in abeyance of any person in the court for a reportable traffic or motorboating
503 violation of any laws or ordinances, and may recommend the suspension of the license of the
504 person convicted.

505 (b) When the division receives a court record of a conviction or plea in abeyance for a
506 motorboat violation, the division may only take action against a person's driver license if the
507 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
508 Influence and Reckless Driving.

509 (c) (i) A court is not required to forward to the division within [~~10~~] five days an
510 abstract of the court record of the conviction for a violation described in Subsection
511 53-3-220(1)(c) and the Driver License Division is not required to suspend a person's license for
512 a violation described in Subsection 53-3-220(1)(c) if:

513 (A) the violation did not involve a motor vehicle; and

514 (B) the person convicted of a violation described in Subsection 53-3-220(1)(c):

515 (I) is participating in or has successfully completed substance abuse treatment at a
516 licensed substance abuse treatment program that is approved by the Division of Substance
517 Abuse and Mental Health in accordance with Section 62A-15-105; or

518 (II) is participating in or has successfully completed probation through the Department
519 of Corrections Adult Probation and Parole in accordance with Section 77-18-1.

520 (ii) If the person convicted of a violation described in Subsection 53-3-220(1)(c) fails
521 to comply with the terms of a substance abuse treatment program under Subsection
522 (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II):

523 (A) the substance abuse treatment program licensed by the Division of Substance

524 Abuse and Mental Health or the Department of Corrections Adult Probation and Parole shall
525 immediately provide an affidavit or other sworn information to the court notifying the court
526 that the person has failed to comply with the terms of a substance abuse treatment program
527 under Subsection (2)(c)(i)(B)(I) or the terms of probation under Subsection (2)(c)(i)(B)(II);

528 (B) upon receipt of an affidavit or sworn statement under Subsection (2)(c)(ii)(A), the
529 court shall immediately forward an abstract of the court record of the conviction for a violation
530 described in Subsection 53-3-220(1)(c) to the division; and

531 (C) the division shall immediately suspend the person's license in accordance with
532 Subsection 53-3-220(1)(c).

533 (3) The abstract shall be made in the form prescribed by the division and shall include:

534 (a) the name, date of birth, and address of the party charged;

535 (b) the license certificate number of the party charged, if any;

536 (c) the registration number of the motor vehicle or motorboat involved;

537 (d) whether the motor vehicle was a commercial motor vehicle;

538 (e) whether the motor vehicle carried hazardous materials;

539 (f) whether the motor vehicle carried 16 or more occupants;

540 (g) whether the driver presented a commercial driver license;

541 (h) the nature of the offense;

542 (i) whether the offense involved an accident;

543 (j) the driver's blood alcohol content, if applicable;

544 (k) if the offense involved a speeding violation:

545 (i) the posted speed limit;

546 (ii) the actual speed; and

547 (iii) whether the speeding violation occurred on a highway that is part of the interstate
548 system as defined in Section 72-1-102;

549 (l) the date of the hearing;

550 (m) the plea;

551 (n) the judgment or whether bail was forfeited; and

552 (o) the severity of the violation, which shall be graded by the court as "minimum,"
553 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

554 (4) When a convicted person secures a judgment of acquittal or reversal in any

555 appellate court after conviction in the court of first impression, the division shall reinstate the
556 convicted person's license immediately upon receipt of a certified copy of the judgment of
557 acquittal or reversal.

558 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless
559 communication device for text messaging or electronic mail communication while operating a
560 moving motor vehicle under Section 41-6a-1716, a judge may order a suspension of the
561 convicted person's license for a period of three months.

562 (6) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that
563 causes or results in the death of another person, a judge may order a revocation of the convicted
564 person's license for a period of one year.

565 Section 5. Section **53-3-221** is amended to read:

566 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**
567 **revocation of license without hearing -- Additional grounds for suspension -- Point system**
568 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

569 (1) By following the emergency procedures in Title 63G, Chapter 4, Administrative
570 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license
571 of any person without hearing and without receiving a record of the person's conviction of
572 crime when the division has been notified or has reason to believe the person:

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

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

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

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

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

585 (f) has been convicted of serious offenses against traffic laws governing the movement

586 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
587 for the safety of other persons on the highways.

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

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

595 (c) (i) This Subsection (2) may not be exercised unless notice of the pending
596 suspension of the driving privilege has been sent at least 10 days previously to the person at the
597 address provided to the division.

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

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

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

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

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

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

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

615 (b) Every person convicted of a traffic violation shall have assessed against the person's
616 driving record the number of points that the division has assigned to the type of violation of

617 which the person has been convicted, except that the number of points assessed shall be
618 decreased by 10% if on the abstract of the court record of the conviction the court has graded
619 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court
620 has graded the severity of violation as maximum.

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

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

624 (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;

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

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

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

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

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

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

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

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

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

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

647 (iii) One or more members of the division may conduct the hearing, and any decision

648 made after a hearing before any number of the members of the division is as valid as if made
649 after a hearing before the full membership of the division.

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

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

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

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

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

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

659 (6) (a) Subject to Subsection (6)(d), the division shall suspend a person's license when
660 the division receives notice from the Office of Recovery Services that the Office of Recovery
661 Services has ordered the suspension of the person's license.

662 (b) A suspension under Subsection (6)(a) shall remain in effect until the division
663 receives notice from the Office of Recovery Services that the Office of Recovery Services has
664 rescinded the order of suspension.

665 (c) After an order of suspension is rescinded under Subsection (6)(b), a report
666 authorized by Section 53-3-104 may not contain any evidence of the suspension.

667 (d) (i) If the division suspends a person's license under this Subsection (6), the division
668 shall, upon application, issue a temporary limited driver license to the person if that person
669 needs a driver license for employment, education, or child visitation.

670 (ii) The temporary limited driver license described in this section:

671 (A) shall provide that the person may operate a motor vehicle only for the purpose of
672 driving to or from the person's place of employment, education, or child visitation;

673 (B) shall prohibit the person from driving a motor vehicle for any purpose other than a
674 purpose described in Subsection (6)(d)(ii)(A); and

675 (C) shall expire 90 days after the day on which the temporary limited driver license is
676 issued.

677 (iii) (A) During the period beginning on the day on which a temporary limited driver
678 license is issued under this Subsection (6), and ending on the day that the temporary limited

679 driver license expires, the suspension described in this Subsection (6) only applies if the person
680 who is suspended operates a motor vehicle for a purpose other than employment, education, or
681 child visitation.

682 (B) Upon expiration of a temporary limited driver license described in this Subsection
683 (6)(d):

684 (I) a suspension described in Subsection (6)(a) shall be in full effect until the division
685 receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and

686 (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any
687 reason.

688 (iv) The division is not required to issue a limited driver license to a person under this
689 Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver
690 license.

691 (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
692 Administrative Rulemaking Act, to implement the provisions of this part.

693 (7) (a) The division may suspend or revoke the license of any resident of this state
694 upon receiving notice of the conviction of that person in another state of an offense committed
695 there that, if committed in this state, would be grounds for the suspension or revocation of a
696 license.

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

701 (8) (a) The division may suspend or revoke the license of any nonresident to drive a
702 motor vehicle in this state for any cause for which the license of a resident driver may be
703 suspended or revoked.

704 (b) Any nonresident who drives a motor vehicle upon a highway when the person's
705 license has been suspended or revoked by the division is guilty of a class C misdemeanor.

706 (9) (a) The division may not deny or suspend the license of any person for a period of
707 more than one year except:

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

709 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges

710 under Section 53-3-219;

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

713 (iv) for failure to give and maintain owner's or operator's security under Section
714 41-12a-411; ~~or~~

715 (v) when the division suspends the license under Subsection (6)~~[-]; or~~

716 (vi) when the division denies the license under Subsection (14).

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

719 (10) (a) By following the emergency procedures in Title 63G, Chapter 4,
720 Administrative Procedures Act, the division may immediately suspend the license of any
721 person without hearing and without receiving a record of the person's conviction for a crime
722 when the division has reason to believe that the person's license was granted by the division
723 through error or fraud or that the necessary consent for the license has been withdrawn or is
724 terminated.

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

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

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

733 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
734 suspension or revocation of the licensee's license.

735 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section
736 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in
737 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed
738 limit and did not result in an accident, unless authorized in a manner specified by the division
739 by the individual whose report is being requested.

740 (b) The provisions of Subsection (12)(a) do not apply for:

741 (i) a CDL license holder; or

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

743 (13) (a) By following the emergency procedures in Title 63G, Chapter 4,

744 Administrative Procedures Act, the division may immediately suspend the license of a person

745 if it has reason to believe that the person is the owner of a motor vehicle for which security is

746 required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and

747 Operators Act, and has driven the motor vehicle or permitted it to be driven within this state

748 without the security being in effect.

749 (b) The division may immediately suspend a driving privilege card holder's driving
750 privilege card if the division receives notification from the Motor Vehicle Division that:

751 (i) the driving privilege card holder is the registered owner of a vehicle; and

752 (ii) the driving privilege card holder's vehicle registration has been revoked under

753 Subsection 41-1a-110(2)(a)(ii)(A).

754 (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
755 security applies to persons whose driving privileges are suspended under this Subsection (13).

756 (d) If the division exercises the right of immediate suspension granted under this

757 Subsection (13), the notice and hearing provisions of Subsection (5) apply.

758 (e) A person whose license suspension has been sustained or whose license has been

759 revoked by the division under this Subsection (13) may file a request for agency action

760 requesting a hearing.

761 (14) The division may deny an individual's license if the person fails to comply with
762 the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.

763 ~~[(14)]~~ (15) Any suspension or revocation of a person's license under this section also
764 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License
765 Act~~[, of this chapter]~~.

766 Section 6. Section **53-3-402** is amended to read:

767 **53-3-402. Definitions.**

768 As used in this part:

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

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

772 (a) 100 milliliters of blood;

773 (b) 210 liters of breath; or

774 (c) 67 milliliters of urine.

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

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

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

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

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

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

788 (c) leased drivers; and

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

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

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

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

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

802 (11) "Hazardous material" has the same meaning as defined under 49 U.S.C. Sec. 5101

803 et seq., Hazardous Materials Transportation Act.

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

808 (13) "Medical certification status" means the medical certification of a commercial
809 driver license holder or commercial motor vehicle operator in any of the following categories:

810 (a) Non-expected interstate. A person shall certify that the person:

811 (i) operates or expects to operate in interstate commerce;

812 (ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part
813 391; and

814 (iii) is required to obtain a medical examiner's certificate under 49 C.F.R. Part 391.45.

815 (b) Excepted interstate. A person shall certify that the person:

816 (i) operates or expects to operate in interstate commerce, but engages exclusively in
817 transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from
818 all or parts of the qualification requirements of 49 C.F.R. Part 391; and

819 (ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. 391.45.

820 (c) Non-expected intrastate. A person shall certify that the person:

821 (i) operates only in intrastate commerce; and

822 (ii) is subject to state driver qualification requirements under Sections 53-3-303.5,
823 53-3-304, and 53-3-414.

824 (d) Excepted intrastate. A person shall certify that the person:

825 (i) operates in intrastate commerce; and

826 (ii) engages exclusively in transportation or operations excepted from all parts of the
827 state driver qualification requirements.

828 [~~13~~] (14) "NDR" means the National Driver Register.

829 [~~14~~] (15) "Nonresident CDL" means a commercial driver license issued by a state to
830 an individual who resides in a foreign jurisdiction.

831 [~~15~~] (16) "Out-of-service order" means a temporary prohibition against driving a
832 commercial motor vehicle.

833 [~~16~~] (17) "Port-of-entry agent" has the same meaning as provided in Section

834 72-1-102.

835 [~~(17)~~] (18) "Serious traffic violation" means a conviction of any of the following:

836 (a) speeding 15 or more miles per hour above the posted speed limit;

837 (b) reckless driving as defined by state or local law;

838 (c) improper or erratic traffic lane changes;

839 (d) following the vehicle ahead too closely;

840 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic
841 accident;

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

843 (g) operating a commercial motor vehicle without the proper class of CDL or CDL
844 endorsement for the type of vehicle group being operated or for the passengers or cargo being
845 transported; or

846 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in
847 the driver's possession in violation of Section 53-3-404.

848 [~~(18)~~] (19) "State" means a state of the United States, the District of Columbia, any
849 province or territory of Canada, or Mexico.

850 [~~(19)~~] (20) "United States" means the 50 states and the District of Columbia.

851 Section 7. Section **53-3-404** is amended to read:

852 **53-3-404. Requirements to drive commercial motor vehicle.**

853 (1) A person may not drive a commercial motor vehicle, unless the person has been
854 issued and is in immediate possession of:

855 (a) a CDL license certificate valid for the commercial motor vehicle the person is
856 driving; or

857 (b) a valid CDIP license certificate in accordance with Section 53-3-408.

858 (2) (a) A licensee shall display a CDL or CDIP license certificate upon demand of a
859 justice court judge, a peace officer, a special function officer, a port-of-entry officer, or a
860 designee of the division.

861 (b) It is a defense to a charge under this section that the person charged produces in
862 court a CDL or CDIP license certificate that is issued to the person and valid at the time of the
863 citation or arrest.

864 (3) A person may not drive a commercial motor vehicle if the person's privilege to

865 drive a commercial motor vehicle is:

866 (a) suspended, revoked, or canceled;

867 (b) subject to a disqualification; ~~[or]~~

868 (c) subject to an out-of-service order~~[-]; or~~

869 (d) not medically certified as defined in Section 53-3-402.

870 (4) A person may not drive a commercial motor vehicle if the commercial motor

871 vehicle is subject to an out-of-service order.

872 Section 8. Section **53-3-405** is amended to read:

873 **53-3-405. Authority to drive commercial motor vehicle in Utah.**

874 (1) A person who holds or is required to hold a CDL may drive a commercial motor
875 vehicle in this state if:

876 (a) the person has a CDL issued by any state in accordance with the minimum federal
877 standards for the issuance of commercial motor vehicle driver licenses;

878 (b) the person's license is not denied, suspended, revoked, or canceled~~[-; or~~

879 disqualified]; [and]

880 (c) ~~[he]~~ the person is not disqualified from driving a commercial motor vehicle~~[-]; and~~

881 (d) the person has a valid medical certification status.

882 (2) This section supersedes any provision to the contrary.

883 Section 9. Section **53-3-410** is amended to read:

884 **53-3-410. Applicant information required for CDIP and CDL -- State resident to**

885 **have state CDL.**

886 (1) The application for a CDL, limited-term CDL, or CDIP shall include the following
887 information regarding the applicant:

888 (a) full legal name;

889 (b) current mailing address;

890 (c) Utah residential address, unless the application is for a temporary CDL issued under

891 Subsection 53-3-407(2)(b);

892 (d) physical description, including sex, height, weight, and eye color;

893 (e) date of birth;

894 (f) documentary evidence of the applicant's valid Social Security number;

895 (g) a complete list of all states in which the applicant was issued a driver license in the

896 previous 10 years;

897 (h) the applicant's signature; [~~and~~]

898 (i) evidence of the applicant's lawful presence in the United States by providing

899 documentary evidence:

900 (i) that a person is:

901 (A) a United States Citizen;

902 (B) a national; or

903 (C) a legal permanent resident alien; or

904 (ii) of the applicant's:

905 (A) unexpired immigrant or nonimmigrant visa status for admission into the United

906 States;

907 (B) pending or approved application for asylum in the United States;

908 (C) admission into the United States as a refugee;

909 (D) pending or approved application for temporary protected status in the United

910 States;

911 (E) approved deferred action status; or

912 (F) pending application for adjustment of status to legal permanent resident or

913 conditional resident[-]; and

914 (j) beginning on January 30, 2012, a medical certification status.

915 (2) An application under this section shall also include all certifications required by 49

916 C.F.R., Part 383.71.

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

918 address, or residence, the holder shall make application for a duplicate license within 30 days

919 of the change.

920 (4) A person who has been a resident of this state for 30 consecutive days may not

921 drive a commercial motor vehicle under the authority of a commercial driver license issued by

922 another jurisdiction.

923 Section 10. Section **53-3-410.1** is enacted to read:

924 **53-3-410.1. Medical certification requirements.**

925 (1) (a) A person whose medical certification status is "non-excepted interstate" under

926 Subsection 53-3-402(13)(a) is required to provide the division an updated medical examiner's

927 certificate under 49 C.F.R. 391.45 upon request by the division.

928 (b) A request by the division for a person to provide an updated medical examiner's
929 certification shall correspond with the expiration of the previously submitted medical
930 examiner's certificate.

931 (c) If a person fails to provide an updated medical examiner's certificate under
932 Subsection (1)(a), the person shall be required to downgrade the person's CDL to a class D
933 license.

934 (2) Failure to comply with the requirement of Subsection (1)(c) shall result in the
935 denial of the license under Subsection 53-3-221(14).

936 Section 11. Section **53-3-412** is amended to read:

937 **53-3-412. CDL classifications, endorsements, and restrictions.**

938 A CDL may be granted with the following classifications, endorsements, and
939 restrictions:

940 (1) Classifications:

941 (a) Class A: any combination of vehicles with a GVWR of 26,001 pounds or more, if
942 the GVWR of the one or more vehicles being towed is in excess of 10,000 pounds;

943 (b) Class B: any single motor vehicle with a GVWR of 26,001 pounds or more,
944 including that motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less;
945 and

946 (c) Class C: any single motor vehicle with a GVWR of less than 26,001 pounds or that
947 motor vehicle when towing a vehicle with a GVWR of 10,000 pounds or less when the vehicle
948 is designed or used:

949 (i) to transport more than 15 passengers, including the driver;

950 (ii) as a school bus, and weighing less than 26,001 pounds GVWR; or

951 (iii) to transport hazardous materials that requires the vehicle to be placarded under 49
952 C.F.R., Part 172, Subpart F.

953 (2) Endorsements:

954 (a) "H" authorizes the driver to drive a commercial motor vehicle transporting
955 hazardous materials.

956 (b) "N" authorizes the driver to drive a tank vehicle.

957 (c) "P" authorizes the driver to drive a motor vehicle carrying more than 15 passengers

958 including the driver.

959 (d) "S" authorizes the driver to drive a school bus or a motor vehicle [~~carrying~~
960 designed to carry more than 15 passengers including the driver.

961 (e) "T" authorizes the driver to drive a commercial motor vehicle with a double or
962 triple trailer.

963 (f) "X" authorizes the driver to drive a tank vehicle and transport hazardous materials.

964 (3) Restrictions:

965 (a) "K" restricts the driver to driving intrastate only any commercial motor vehicle as
966 defined by Title 49, C.F.R., Parts 383 and 390.

967 (b) "L" restricts the driver to driving a commercial motor vehicle not equipped with air
968 brakes.

969 (c) "J" provides for other CDL restrictions.

970 (d) "M" restricts a driver from transporting passengers using a class A bus.

971 (e) "N" restricts a driver from transporting passengers using a class A or class B bus.

972 (f) (i) "V" indicates that the driver has been issued a variance by the Federal Motor
973 Carrier Safety Administration in reference to the driver's medical certification status.

974 (ii) A driver with a "V" restriction shall have the letter outlining the specifications for
975 the variance in the driver's possession along with the driver's commercial driver license when
976 operating a commercial motor vehicle.

977 Section 12. Section **53-3-413** is amended to read:

978 **53-3-413. Issuance of CDL by division -- Driving record -- Expiration date --**
979 **Renewal -- Hazardous materials provision.**

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

983 (2) The division shall notify the CDLIS and provide all information required to ensure
984 identification of the CDL holder within 10 days after:

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

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

988 (3) (a) The expiration date for a CDL is the birth date of the holder in the fifth year

989 following the year of issuance of the CDL.

990 (b) A limited-term CDL expires on:

991 (i) the expiration date of the period of time of the individual's authorized stay in the
992 United States or on the date provided in Subsection (3)(a), whichever is sooner; or

993 (ii) on the birth date of the applicant in the first year following the year that the
994 limited-term CDL was issued if there is no definite end to the individual's period of authorized
995 stay.

996 (c) An original CDL or a renewal to an original CDL expires on the birth date of the
997 applicant in the first year following the year that the license was issued if the applicant is
998 required to register as a sex offender under Section 77-27-21.5.

999 [~~(e)~~] (d) A CDL held by a person ordered to active duty and stationed outside Utah in
1000 any of the armed forces of the United States, which expires during the time period the person is
1001 stationed outside of the state, is valid until 90 days after the person has been discharged or has
1002 left the service, unless:

1003 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
1004 the division; or

1005 (ii) the licensee updates the information or photograph on the license certificate.

1006 (4) (a) The applicant for a renewal of a CDL shall complete the application form
1007 required by Section 53-3-410 and provide updated information and required certification.

1008 (b) In addition to the requirements under Subsection (4)(a), the applicant for a renewal
1009 of a limited-term CDL shall present documentary evidence that the status by which the
1010 individual originally qualified for the limited-term CDL has been extended by the United States
1011 Citizenship and Immigration Services or other authorized agency of the United States
1012 Department of Homeland Security.

1013 (5) The division shall distinguish a limited-term CDL by clearly indicating on the
1014 document:

1015 (a) that it is temporary; and

1016 (b) its expiration date.

1017 (6) (a) The division may not issue a hazardous materials endorsement on a CDL unless
1018 the applicant meets the security threat assessment standards of the federal Transportation
1019 Security Administration.

1020 (b) The division shall revoke the hazardous materials endorsement on a CDL upon
1021 receiving notice from the federal Transportation Security Administration that the person
1022 holding a hazardous materials endorsement does not meet Transportation Security
1023 Administration security threat assessment standards.

1024 (c) To obtain an original hazardous materials endorsement or retain a hazardous
1025 materials endorsement upon CDL renewal or transfer, the applicant must take and pass the
1026 knowledge test for hazardous materials endorsement in addition to any other testing required
1027 by the division.

1028 (7) Unless otherwise provided, the provisions, requirements, classes, endorsements,
1029 fees, restrictions, and sanctions under this code apply to a limited-term CDL in the same way as
1030 a CDL issued under this chapter.

1031 Section 13. Section **53-3-414** is amended to read:

1032 **53-3-414. CDL disqualification or suspension -- Grounds and duration --**
1033 **Procedure.**

1034 (1) (a) A person who holds or is required to hold a CDL is disqualified from driving a
1035 commercial motor vehicle for a period of not less than one year effective seven days from the
1036 date of notice to the driver if convicted of a first offense of:

1037 [~~(a)~~] (i) driving a motor vehicle while under the influence of alcohol, drugs, a
1038 controlled substance, or more than one of these;

1039 [~~(b)~~] (ii) driving a commercial motor vehicle while the concentration of alcohol in the
1040 person's blood, breath, or urine is .04 grams or more;

1041 [~~(c)~~] (iii) leaving the scene of an accident involving a motor vehicle the person was
1042 driving;

1043 [~~(d)~~] (iv) failing to provide reasonable assistance or identification when involved in an
1044 accident resulting in:

1045 [~~(i)~~] (A) death in accordance with Section 41-6a-401.5; or

1046 [~~(ii)~~] (B) personal injury in accordance with Section 41-6a-401.3;

1047 [~~(e)~~] (v) using a motor vehicle in the commission of a felony;

1048 [~~(f)~~] (vi) refusal to submit to a test to determine the concentration of alcohol in the
1049 person's blood, breath, or urine;

1050 [~~(g)~~] (vii) driving a commercial motor vehicle while the person's commercial driver

1051 license is disqualified in accordance with the provisions of this section for violating an offense
1052 described in this section; or

1053 ~~(h)~~ (viii) operating a commercial motor vehicle in a negligent manner causing the
1054 death of another including the offenses of automobile homicide under Section 76-5-207,
1055 manslaughter under Section 76-5-205, or negligent homicide under Section 76-5-206.

1056 (b) The division shall subtract from any disqualification period under Subsection (1)(a)
1057 the number of days for which a license was previously disqualified under Subsection
1058 53-3-414(1)(b) or (14) if the previous disqualification was based on the same occurrence upon
1059 which the record of conviction is based.

1060 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
1061 hazardous material required to be placarded, the driver is disqualified for not less than three
1062 years.

1063 (3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds
1064 or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if
1065 convicted of or administrative action is taken for two or more of any of the offenses under
1066 Subsection (1), (5), or (14) arising from two or more separate incidents.

1067 (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

1068 (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under
1069 this section may apply to the division for reinstatement of the driver's CDL if the driver:

1070 (i) has both voluntarily enrolled in and successfully completed an appropriate
1071 rehabilitation program that:

1072 (A) meets the standards of the division; and

1073 (B) complies with 49 C.F.R. Part 383.51;

1074 (ii) has served a minimum disqualification period of 10 years; and

1075 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving
1076 privileges established by rule of the division.

1077 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
1078 under this section, the driver is permanently disqualified for life and is ineligible to again apply
1079 for a reduction of the lifetime disqualification.

1080 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified
1081 for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the

1082 commission of any felony involving the manufacturing, distributing, or dispensing of a
1083 controlled substance, or possession with intent to manufacture, distribute, or dispense a
1084 controlled substance and is ineligible to apply for a reduction of the lifetime disqualification
1085 under Subsection (4).

1086 (6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds
1087 or is required to hold a CDL is disqualified for not less than:

1088 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1089 serious traffic violations; and

1090 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

1091 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
1092 violations:

1093 (i) occur within three years of each other;

1094 (ii) arise from separate incidents; and

1095 (iii) involve the use or operation of a commercial motor vehicle.

1096 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
1097 disqualified from driving a commercial motor vehicle and the division receives notice of a
1098 subsequent conviction for a serious traffic violation that results in an additional disqualification
1099 period under this Subsection (6), the subsequent disqualification period is effective beginning
1100 on the ending date of the current serious traffic violation disqualification period.

1101 (7) (a) A driver of a commercial motor vehicle who is convicted of violating an
1102 out-of-service order while driving a commercial motor vehicle is disqualified from driving a
1103 commercial motor vehicle for a period not less than:

1104 (i) 180 days if the driver is convicted of a first violation;

1105 (ii) two years if, during any 10 year period, the driver is convicted of two violations of
1106 out-of-service orders in separate incidents;

1107 (iii) three years but not more than five years if, during any 10 year period, the driver is
1108 convicted of three or more violations of out-of-service orders in separate incidents;

1109 (iv) 180 days but not more than two years if the driver is convicted of a first violation
1110 of an out-of-service order while transporting hazardous materials required to be placarded or
1111 while operating a motor vehicle designed to transport 16 or more passengers, including the
1112 driver; or

1113 (v) three years but not more than five years if, during any 10 year period, the driver is
1114 convicted of two or more violations, in separate incidents, of an out-of-service order while
1115 transporting hazardous materials required to be placarded or while operating a motor vehicle
1116 designed to transport 16 or more passengers, including the driver.

1117 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
1118 out-of-service order is subject to a civil penalty of not less than \$2,500.

1119 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
1120 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

1121 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
1122 disqualified for not less than 60 days if the division determines, in its check of the driver's
1123 driver license status, application, and record prior to issuing a CDL or at any time after the
1124 CDL is issued, that the driver has falsified information required to apply for a CDL in this
1125 state.

1126 (9) A driver of a commercial motor vehicle who is convicted of violating a
1127 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a
1128 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period
1129 not less than:

1130 (a) 60 days if the driver is convicted of a first violation;

1131 (b) 120 days if, during any three-year period, the driver is convicted of a second
1132 violation in separate incidents; or

1133 (c) one year if, during any three-year period, the driver is convicted of three or more
1134 violations in separate incidents.

1135 (10) (a) The division shall update its records and notify the CDLIS within 10 days of
1136 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

1137 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,
1138 the division shall notify the licensing authority of the issuing state or other jurisdiction and the
1139 CDLIS within 10 days after the action is taken.

1140 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
1141 state, the division shall notify the CDLIS within 10 days after the action is taken.

1142 (11) (a) The division may immediately suspend or disqualify the CDL of a driver
1143 without a hearing or receiving a record of the driver's conviction when the division has reason

1144 to believe that the:

- 1145 (i) CDL was issued by the division through error or fraud;
- 1146 (ii) applicant provided incorrect or incomplete information to the division;
- 1147 (iii) applicant cheated on any part of a CDL examination;
- 1148 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- 1149 (v) driver poses an imminent hazard.

1150 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with
1151 Section 53-3-221.

1152 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
1153 suspension order or cancel the CDL.

1154 (12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
1155 required to hold a CDL is disqualified for not less than:

- 1156 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
1157 serious traffic violations; and
- 1158 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

1159 (b) The disqualifications under Subsection (12)(a) are effective only if the serious
1160 traffic violations:

- 1161 (i) occur within three years of each other;
- 1162 (ii) arise from separate incidents; and
- 1163 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
1164 privilege from at least one of the violations.

1165 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
1166 from driving a commercial motor vehicle and the division receives notice of a subsequent
1167 conviction for a serious traffic violation that results in an additional disqualification period
1168 under this Subsection (12), the subsequent disqualification period is effective beginning on the
1169 ending date of the current serious traffic violation disqualification period.

1170 (13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no
1171 contest to a violation of a disqualifying offense described in this section which plea is held in
1172 abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend,
1173 cancel, or revoke the person's CDL for the period required under this section for a conviction of
1174 that disqualifying offense, even if the charge has been subsequently reduced or dismissed in

1175 accordance with the plea in abeyance agreement.

1176 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of
1177 taking the action under Subsection (13)(a).

1178 (c) A plea which is held in abeyance may not be removed from a person's driving
1179 record for 10 years from the date of the plea in abeyance agreement, even if the charge is:

1180 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or

1181 (ii) expunged under Section 77-40-105.

1182 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of
1183 Section 41-6a-502 when administrative action is taken against the operator's driving privilege
1184 pursuant to Section 53-3-223 for a period of:

1185 (a) one year; or

1186 (b) three years if the violation occurred while transporting hazardous materials.

1187 (15) The division may concurrently impose any disqualification periods that arise
1188 under this section while a driver is disqualified by the Secretary of the United States
1189 Department of Transportation under 49 C.F.R. 383.52 for posing an imminent hazard.

1190 Section 14. Section **53-3-419** is amended to read:

1191 **53-3-419. Nonresident driver violations reported to resident state.**

1192 (1) When the division receives a report of the conviction or plea in abeyance of a
1193 nonresident holder of a CDL for a violation of a state law or local ordinance relating to traffic
1194 control, the division shall notify the driver licensing authority in the licensing state within [~~10~~
1195 five days of receipt of the report.

1196 (2) This section does not apply to parking violations.

Legislative Review Note
as of 11-17-10 2:08 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 29, 2011 General Session

SHORT TITLE: Uniform Driver License Act Amendments

SPONSOR: Van Tassell, K.

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.