

CREDIT FOR VETERAN TRAINING

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill allows a veteran to receive a commercial driver license under specified conditions.

Highlighted Provisions:

This bill:

- ▶ allows a veteran to receive a commercial driver license if the veteran:
 - meets the qualifications for the license;
 - for at least two years prior to applying, worked in a military unit which required the skills necessary for the license; and
 - was honorably discharged.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2012.

Utah Code Sections Affected:

AMENDS:

53-3-407, as last amended by Laws of Utah 2010, Chapter 196

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

Section 1. Section **53-3-407** is amended to read:



28 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
29 **administer skills test.**

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

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

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

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

37 (2) (a) Except as provided in Subsection (2)(b) and (c), a CDL may be issued only to a
38 person who:

39 (i) is a resident of this state;

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

43 (iii) has complied with all requirements of 49 C.F.R., Part 383 and other applicable
44 state laws and federal regulations.

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

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

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

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

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

52 (A) is valid for 60 days; and

53 (B) may not be renewed or extended.

54 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(iv),
55 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
56 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL
57 issued under this Subsection (2)(b) in the same way as a commercial driver license issued
58 under this part.

59 (c) The department shall waive the skills test specified in this section for a commercial
 60 driver license applicant who, subject to the limitations and requirements of 49 C.F.R., Part
 61 383.77, meets all certifications required for a waiver under 49 C.F.R., Part 383.77 and certifies
 62 that the applicant:

63 (i) is a member of the active or reserve components of any branch or unit of the armed
 64 forces or a veteran who received an honorable discharge from any branch or unit of the active
 65 or reserve components of the armed forces;

66 (ii) is or was regularly employed in a position in the armed forces requiring operation
 67 of a commercial motor vehicle; and

68 (iii) has legally operated, while on active duty for at least two years immediately
 69 preceding application for a commercial driver license, a vehicle representative of the
 70 commercial motor vehicle the driver applicant operates or expects to operate.

70a **Ĥ→ (d) An applicant who requests a waiver under Subsection (2)(c) shall present their DA**
 70b **348, Equipment Operator's Qualification Record, AF 2293, US Air Force Motor Vehicle**
 70c **Operator Identification Card, or equivalent document from another branch of the United**
 70d **States Armed Forces, at the time of the request. ←Ĥ**

71 (3) Tests required under this section shall be prescribed and administered by the
 72 division.

73 (4) The division shall authorize a person, an agency of this or another state, an
 74 employer, a private driver training facility or other private institution, or a department, agency,
 75 or entity of local government to administer the skills test required under this section if:

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

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

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

83 (6) A person authorized under this section to administer the skills test is not criminally
 84 or civilly liable for the administration of the test unless he administers the test in a grossly
 85 negligent manner.

86 (7) The division may waive the skills test required under this section if it determines
 87 that the applicant meets the requirements of 49 C.F.R., Part 383.77.

88 Section 2. **Effective date.**

89 This bill takes effect on July 1, 2012.

Legislative Review Note
as of 2-24-12 11:10 AM

Office of Legislative Research and General Counsel