

1                                   **COMMERCIAL DRIVER LICENSE AMENDMENTS**

2   2013 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Kevin T. Van Tassell**

5                                   House Sponsor: \_\_\_\_\_

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7                   **LONG TITLE**

8                   **Committee Note:**

9                   The Transportation Interim Committee recommended this bill.

10                  **General Description:**

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

13                  **Highlighted Provisions:**

14                  This bill:

15                  ▶ provides that the Driver License Division may deny a person's class A, B, C, or D  
16                  commercial driver license if the person fails to comply with the requirement to have  
17                  a K restriction removed from the person's license;

18                  ▶ amends the definition of serious traffic violation for purposes of suspending a  
19                  commercial driver license to include ~~§~~ :

20a                  • ~~§~~ using a handheld wireless communication  
20                  device ~~§~~ **for certain purposes** ~~§~~ while operating a commercial motor vehicle; ~~§~~ **and**

20a                  • **using a hand-held mobile telephone in violation of federal law while operating a**  
20b                  **commercial motor vehicle;** ~~§~~

21                  ▶ amends the endorsements and restrictions that apply to a commercial driver license;

22                  ▶ specifies the classifications, endorsements, and restrictions that apply to a  
23                  commercial driver instruction permit;

24                  ▶ requires the Driver License Division to license commercial driver license third party  
25                  testers or commercial driver license third party examiners to be eligible to  
26                  administer the commercial driver license skills tests;

27                  ▶ requires an applicant for a commercial driver license third party tester or third party



400 individual who resides in a foreign jurisdiction.

401 (16) "Out-of-service order" means a temporary prohibition against driving a  
402 commercial motor vehicle.

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

404 (18) "Serious traffic violation" means a conviction of any of the following:

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

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

407 (c) improper or erratic traffic lane changes;

408 (d) following the vehicle ahead too closely;

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

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

412 (g) operating a commercial motor vehicle without the proper class of CDL or CDL  
413 endorsement for the type of vehicle group being operated or for the passengers or cargo being  
414 transported; [or]

415 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in  
416 the driver's possession in violation of Section 53-3-404[-]; ~~§~~ → [or] ← ~~§~~

417 (i) using a handheld wireless communication device ~~§~~ → [as defined in] in violation of ← ~~§~~  
417a Section 41-6a-1716

418 while operating a commercial motor vehicle ~~§~~ → ; or

418a (j) using a hand-held mobile telephone while operating a commercial motor vehicle in  
418b violation of 49 C.F.R. Sec. 392.82 ← ~~§~~ .

419 (19) "State" means a state of the United States, the District of Columbia, any province  
420 or territory of Canada, or Mexico.

421 (20) "United States" means the 50 states and the District of Columbia.

422 Section 4. Section **53-3-407** is amended to read:

423 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**  
424 **administer skills test.**

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

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

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

430 (b) A CDL driver training school may charge a consideration or tuition for the services