

1                   **AMENDMENTS TO DRIVER LICENSE RECORDS**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Eric K. Hutchings**

5                                   Senate Sponsor: Karen Mayne

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7 **LONG TITLE**

8 **General Description:**

9                   This bill modifies the Uniform Driver License Act by amending provisions relating to  
10 driver license records.

11 **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ provides definitions;
- 14                   ▶ authorizes the Driver License Division to disclose portions of a driving record to:
  - 15                   • an employer or a designee of an employer, for purposes of monitoring the  
16 driving record and status of current employees who drive as a responsibility of  
17 the employees' employment, if the requester demonstrates that the requester has  
18 obtained the written consent of the individual to whom the information pertains;
- 19                   and
  - 20                   • an employer or the employer's agents to obtain or verify information relating to  
21 a holder of a commercial driver license that is required under federal law;
- 22                   ▶ requires that the authorized disclosure of a driving record be limited to the driving  
23 record of a current employee of the employer;
- 24                   ▶ amends provisions regarding the content of and requirements for disclosing a  
25 commercial driver license motor vehicle record; and
- 26                   ▶ makes technical corrections.

27 **Money Appropriated in this Bill:**

28                   None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 This bill provides a coordination clause.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53-3-102**, as last amended by Laws of Utah 2014, Chapter 252

35 **53-3-109**, as last amended by Laws of Utah 2011, Chapters 190 and 243

36 **53-3-221**, as last amended by Laws of Utah 2014, Chapters 101 and 225

37 **53-3-402**, as last amended by Laws of Utah 2013, Chapter 411

38 **53-3-410.1**, as last amended by Laws of Utah 2013, Chapter 411

39 **53-3-420**, as last amended by Laws of Utah 2007, Chapter 53

40 **53-3-709**, as renumbered and amended by Laws of Utah 1993, Chapter 234

41 **72-9-107**, as last amended by Laws of Utah 2009, Chapters 155 and 356

42 **Utah Code Sections Affected by Coordination Clause:**

43 **53-3-102** , as last amended by Laws of Utah 2014, Chapter 252



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

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

47 **53-3-102. Definitions.**

48 As used in this chapter:

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

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

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

55 [~~3~~] (4) "Commercial driver license" or "CDL" means a license:

56 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.

57 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

58 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
59 commercial motor vehicle; and

60 (b) that was obtained by providing evidence of lawful presence in the United States  
61 with one of the document requirements described in Subsection [53-3-410\(1\)\(i\)\(i\)](#).

62 (5) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a  
63 driving record that:

64 (i) applies to a person who holds or is required to hold a commercial driver instruction  
65 permit or a CDL license; and

66 (ii) contains the following:

67 (A) information contained in the driver history, including convictions, pleas held in  
68 abeyance, disqualifications, and other licensing actions for violations of any state or local law  
69 relating to motor vehicle traffic control, committed in any type of vehicle;

70 (B) driver self-certification status information under Section [53-3-410.1](#); and

71 (C) information from medical certification record keeping in accordance with 49  
72 C.F.R. Sec. 383.73(o).

73 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a  
74 motor vehicle record described in Subsection [53-3-102\(28\)](#).

75 ~~[(4)]~~ (6) (a) "Commercial motor vehicle" means a motor vehicle or combination of  
76 motor vehicles designed or used to transport passengers or property if the motor vehicle:

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

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

80 (iii) is transporting hazardous materials and is required to be placarded in accordance  
81 with 49 C.F.R. Part 172, Subpart F.

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

84 (i) equipment owned and operated by the United States Department of Defense when  
85 driven by any active duty military personnel and members of the reserves and national guard on

86 active duty including personnel on full-time national guard duty, personnel on part-time  
87 training, and national guard military technicians and civilians who are required to wear military  
88 uniforms and are subject to the code of military justice;

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

92 (iii) firefighting and emergency vehicles; and

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

95 [~~(5)~~] (7) "Conviction" means any of the following:

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

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

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

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

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

104 [~~(6)~~] (8) "Denial" or "denied" means the withdrawal of a driving privilege by the  
105 division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or  
106 Operator's Security, do not apply.

107 [~~(7)~~] (9) "Director" means the division director appointed under Section [53-3-103](#).

108 [~~(8)~~] (10) "Disqualification" means either:

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

111 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
112 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
113 391; or

114 (c) the loss of qualification that automatically follows conviction of an offense listed in  
115 49 C.F.R. Part 383.51.

116 ~~[(9)]~~ (11) "Division" means the Driver License Division of the department created in  
117 Section [53-3-103](#).

118 ~~[(10)]~~ (12) "Downgrade" means to obtain a lower license class than what was  
119 originally issued during an existing license cycle.

120 ~~[(11)]~~ (13) "Drive" means:

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

122 (b) in Subsections [53-3-414](#)(1) through (3), Subsection [53-3-414](#)(5), and Sections  
123 [53-3-417](#) and [53-3-418](#), the operation or physical control of a motor vehicle at any place within  
124 the state.

125 ~~[(12)]~~ (14) (a) "Driver" means any person who drives, or is in actual physical control of  
126 a motor vehicle in any location open to the general public for purposes of vehicular traffic.

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

129 ~~[(13)]~~ (15) "Driving privilege card" means the evidence of the privilege granted and  
130 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained  
131 without providing evidence of lawful presence in the United States.

132 ~~[(14)]~~ (16) "Extension" means a renewal completed in a manner specified by the  
133 division.

134 ~~[(15)]~~ (17) "Farm tractor" means every motor vehicle designed and used primarily as a  
135 farm implement for drawing plows, mowing machines, and other implements of husbandry.

136 ~~[(16)]~~ (18) "Highway" means the entire width between property lines of every way or  
137 place of any nature when any part of it is open to the use of the public, as a matter of right, for  
138 traffic.

139 ~~[(17)]~~ (19) "Identification card" means a card issued under Part 8, Identification Card  
140 Act, to a person for identification purposes.

141 ~~[(18)]~~ (20) "Indigent" means that a person's income falls below the federal poverty

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

144 ~~[(19)]~~ (21) "License" means the privilege to drive a motor vehicle.

145 ~~[(20)]~~ (22) (a) "License certificate" means the evidence of the privilege issued under  
146 this chapter to drive a motor vehicle.

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

148 (i) regular license certificate;

149 (ii) limited-term license certificate;

150 (iii) driving privilege card;

151 (iv) CDL license certificate;

152 (v) limited-term CDL license certificate;

153 (vi) temporary regular license certificate; and

154 (vii) temporary limited-term license certificate.

155 ~~[(21)]~~ (23) "Limited-term commercial driver license" or "limited-term CDL" means a  
156 license:

157 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
158 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
159 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
160 commercial motor vehicle; and

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

163 ~~[(22)]~~ (24) "Limited-term identification card" means an identification card issued under  
164 this chapter to a person whose card was obtained by providing evidence of lawful presence in  
165 the United States with one of the document requirements described in Subsection  
166 53-3-804(2)(i)(ii).

167 ~~[(23)]~~ (25) "Limited-term license certificate" means the evidence of the privilege  
168 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was  
169 obtained providing evidence of lawful presence in the United States with one of the document

170 requirements described in Subsection [53-3-205\(8\)\(a\)\(ii\)\(B\)](#).

171 ~~[(24)]~~ [\(26\)](#) "Motorboat" has the same meaning as provided under Section [73-18-2](#).

172 ~~[(25)]~~ [\(27\)](#) "Motorcycle" means every motor vehicle, other than a tractor, having a seat  
173 or saddle for the use of the rider and designed to travel with not more than three wheels in  
174 contact with the ground.

175 [\(28\)](#) "Motor vehicle record" or "MVR" means a driving record under Subsection  
176 [53-3-109\(6\)\(a\)](#).

177 ~~[(26)]~~ [\(29\)](#) "Office of Recovery Services" means the Office of Recovery Services,  
178 created in Section [62A-11-102](#).

179 ~~[(27)]~~ [\(30\)](#) (a) "Owner" means a person other than a lien holder having an interest in  
180 the property or title to a vehicle.

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

183 ~~[(28)]~~ [\(31\)](#) "Regular identification card" means an identification card issued under this  
184 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
185 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).

186 ~~[(29)]~~ [\(32\)](#) "Regular license certificate" means the evidence of the privilege issued  
187 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence  
188 of lawful presence in the United States with one of the document requirements described in  
189 Subsection [53-3-205\(8\)\(a\)\(ii\)\(A\)](#).

190 ~~[(30)]~~ [\(33\)](#) "Renewal" means to validate a license certificate so that it expires at a later  
191 date.

192 ~~[(31)]~~ [\(34\)](#) "Reportable violation" means an offense required to be reported to the  
193 division as determined by the division and includes those offenses against which points are  
194 assessed under Section [53-3-221](#).

195 ~~[(32)]~~ [\(35\)](#) (a) "Resident" means an individual who:

196 (i) has established a domicile in this state, as defined in Section [41-1a-202](#), or  
197 regardless of domicile, remains in this state for an aggregate period of six months or more

198 during any calendar year;

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

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

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

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

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

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

210 (iii) a person domiciled in another state or country, who is temporarily assigned in this  
211 state, assigned by or representing an employer, religious or private organization, or a  
212 governmental entity; or

213 (iv) an immediate family member who resides with or a household member of a person  
214 listed in Subsections ~~[(32)]~~ (35)(b)(i) through (iii).

215 ~~[(33)]~~ (36) "Revocation" means the termination by action of the division of a licensee's  
216 privilege to drive a motor vehicle.

217 ~~[(34)]~~ (37) (a) "School bus" means a commercial motor vehicle used to transport  
218 pre-primary, primary, or secondary school students to and from home and school, or to and  
219 from school sponsored events.

220 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
221 [59-12-102](#).

222 ~~[(35)]~~ (38) "Suspension" means the temporary withdrawal by action of the division of a  
223 licensee's privilege to drive a motor vehicle.

224 ~~[(36)]~~ (39) "Taxicab" means any class D motor vehicle transporting any number of  
225 passengers for hire and that is subject to state or federal regulation as a taxi.



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

227 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

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

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

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

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

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

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

239 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,  
240 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,  
241 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,  
242 antifraud activities, rating, or underwriting for any person issued a license certificate under this  
243 chapter; or

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

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

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

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

252 (b) Any use of personal identifying information by an insurer or insurance support  
253 organization, or by a self-insured entity or its agents, employees, or contractors not authorized

254 by Subsection (1)(c)(ii) is:

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

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

257 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee  
258 may disclose portions of a driving record, in accordance with this Subsection (3), to:

259 (i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for  
260 purposes of assessing driving risk on the insurer's current motor vehicle insurance  
261 policyholders[-];

262 (ii) an employer or a designee of an employer, for purposes of monitoring the driving  
263 record and status of current employees who drive as a responsibility of the employee's  
264 employment if the requester demonstrates that the requester has obtained the written consent of  
265 the individual to whom the information pertains; and

266 (iii) an employer or the employer's agents to obtain or verify information relating to a  
267 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

268 (b) ~~[The]~~ A disclosure under Subsection (3)(a)(i) shall:

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

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

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

275 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:

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

279 (ii) be limited to the records of a current employee of an employer;

280 (iii) be made under a contract with the employer or a designee of an employer; and

281 (iv) include an indication of whether the driver has had a change reflected in the

282 driver's driving status or license class.

283 [~~e~~] (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:

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

285 (ii) the frequency of the disclosures;

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

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

288 (4) The division may:

289 (a) collect fees in accordance with Section 53-3-105 for searching and compiling its  
290 files or furnishing a report on the driving record of a person;

291 (b) prepare under the seal of the division and deliver upon request, a certified copy of  
292 any record of the division, and charge a fee under Section 63J-1-504 for each document  
293 authenticated; and

294 (c) charge reasonable fees established in accordance with the procedures and  
295 requirements of Section 63J-1-504 for disclosing personal identifying information under  
296 Subsection (1)(c).

297 (5) Each certified copy of a driving record furnished in accordance with this section is  
298 admissible in any court proceeding in the same manner as the original.

299 (6) (a) A driving record furnished under this section may only report on the driving  
300 record of a person for a period of 10 years.

301 (b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of  
302 commercial driver license violations, or reports for commercial driver license holders.

303 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
304 division may make rules to designate:

305 (a) what information shall be included in a report on the driving record of a person;

306 (b) the form of a report or copy of the report which may include electronic format;

307 (c) the form of a certified copy, as required under Section 53-3-216, which may include  
308 electronic format;

309 (d) the form of a signature required under this chapter which may include electronic

310 format;

311 (e) the form of written request to the division required under this chapter which may  
312 include electronic format;

313 (f) the procedures, requirements, and formats for disclosing personal identifying  
314 information under Subsection (1)(c); and

315 (g) the procedures, requirements, and formats necessary for the implementation of  
316 Subsection (3).

317 (8) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,  
318 use, disclose, or disseminate a record created or maintained by the division or any information  
319 contained in a record created or maintained by the division for a purpose prohibited or not  
320 permitted by statute, rule, regulation, or policy of a governmental entity.

321 (b) A person who discovers or becomes aware of any unauthorized use of records  
322 created or maintained by the division shall inform the commissioner and the division director  
323 of the unauthorized use.

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

325 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**  
326 **revocation of license -- Additional grounds for suspension -- Point system for traffic**  
327 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

328 (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures  
329 Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person  
330 without receiving a record of the person's conviction of crime when the division has been  
331 notified or has reason to believe the person:

332 (a) has committed any offenses for which mandatory suspension or revocation of a  
333 license is required upon conviction under Section [53-3-220](#);

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

336 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or  
337 physical disability rendering it unsafe for the person to drive a motor vehicle or mobility

338 vehicle upon the highways;

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

340 (e) has knowingly committed a violation of Section 53-3-229; or

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

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

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

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

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

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

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

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

365 (d) The provisions of Subsection (3)(c) do not apply to:

366 (i) a CDIP or CDL license holder; or

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

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

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

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

374 (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points  
375 against a person's driving record for a conviction of a traffic violation:

376 (A) that occurred in another state; and

377 (B) that was committed on or after July 1, 2011.

378 (iv) The provisions of Subsection (4)(b)(iii) do not apply to:

379 (A) a reckless or impaired driving violation or a speeding violation for exceeding the  
380 posted speed limit by 21 or more miles per hour; or

381 (B) an offense committed in another state which, if committed within Utah, would  
382 result in the mandatory suspension or revocation of a license upon conviction under Section  
383 [53-3-220](#).

384 (c) Every person convicted of a traffic violation shall have assessed against the person's  
385 driving record the number of points that the division has assigned to the type of violation of  
386 which the person has been convicted, except that the number of points assessed shall be  
387 decreased by 10% if on the abstract of the court record of the conviction the court has graded  
388 the severity of violation as minimum, and shall be increased by 10% if on the abstract the court  
389 has graded the severity of violation as maximum.

390 (d) (i) A separate procedure for assessing points for speeding offenses shall be  
391 established by the division based upon the severity of the offense.

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

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

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

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

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

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

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

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

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

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

410 (5) (a) (i) If the division finds that the license of a person should be denied, suspended,  
411 disqualified, or revoked under this section, the division shall immediately notify the licensee in  
412 a manner specified by the division and afford the person an opportunity for a hearing in the  
413 county where the licensee resides.

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

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

420 (iv) After the hearing the division shall either rescind or affirm its decision to deny,  
421 suspend, disqualify, or revoke the license.

422 (b) The denial, suspension, disqualification, or revocation of the license remains in  
423 effect pending qualifications determined by the division regarding a person:

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

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

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

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

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

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

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

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

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

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

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

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

447 (iii) (A) During the period beginning on the day on which a temporary limited driver  
448 license is issued under this Subsection (6), and ending on the day that the temporary limited  
449 driver license expires, the suspension described in this Subsection (6) only applies if the person



450 who is suspended operates a motor vehicle for a purpose other than employment, education, or  
451 child visitation.

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

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

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

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

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

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

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

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

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

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

478 (i) for failure to comply with the terms of a traffic citation under Subsection (2);  
479 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges  
480 under Section 53-3-219;  
481 (iii) when extending a denial or suspension upon receiving certain records or reports  
482 under Subsection 53-3-220(2);  
483 (iv) for failure to give and maintain owner's or operator's security under Section  
484 41-12a-411;  
485 (v) when the division suspends the license under Subsection (6); or  
486 (vi) when the division denies the license under Subsection (14).  
487 (b) The division may suspend the license of a person under Subsection (2) until the  
488 person shows satisfactory evidence of compliance with the terms of the traffic citation.  
489 (10) (a) By following the procedures in Title 63G, Chapter 4, Administrative  
490 Procedures Act, the division may suspend the license of any person without receiving a record  
491 of the person's conviction for a crime when the division has reason to believe that the person's  
492 license was granted by the division through error or fraud or that the necessary consent for the  
493 license has been withdrawn or is terminated.  
494 (b) The procedure upon suspension is the same as under Subsection (5), except that  
495 after the hearing the division shall either rescind its order of suspension or cancel the license.  
496 (11) (a) The division, having good cause to believe that a licensed driver is  
497 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified  
498 by the division of at least five days to the licensee require him to submit to an examination.  
499 (b) Upon the conclusion of the examination the division may suspend or revoke the  
500 person's license, permit him to retain the license, or grant a license subject to a restriction  
501 imposed in accordance with Section 53-3-208.  
502 (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
503 suspension or revocation of the licensee's license.  
504 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section  
505 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in

506 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed  
507 limit and did not result in an accident, unless authorized in a manner specified by the division  
508 by the individual whose report is being requested.

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

510 (i) a CDIP or CDL license holder; or

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

512 (13) (a) By following the procedures in Title 63G, Chapter 4, Administrative  
513 Procedures Act, the division may suspend the license of a person if it has reason to believe that  
514 the person is the owner of a motor vehicle for which security is required under Title 41,  
515 Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has  
516 driven the motor vehicle or permitted it to be driven within this state without the security being  
517 in effect.

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

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

521 (ii) the driving privilege card holder's vehicle registration has been revoked under  
522 Subsection [41-1a-110\(2\)\(a\)\(ii\)\(A\)](#).

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

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

527 (15) The division may deny a person's class A, B, C, or D license if the person fails to  
528 comply with the requirement to have a K restriction removed from the person's license.

529 (16) Any suspension or revocation of a person's license under this section also  
530 disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License  
531 Act.

532 Section 4. Section **53-3-402** is amended to read:

533 **53-3-402. Definitions.**

534 As used in this part:

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

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

538 (a) 100 milliliters of blood;

539 (b) 210 liters of breath; or

540 (c) 67 milliliters of urine.

541 ~~[(3) "Commercial driver instruction permit" or "CDIP" means a permit issued under~~  
542 ~~Section 53-3-408.]~~

543 ~~[(4)]~~ (3) "Commercial driver license information system" or "CDLIS" means the  
544 information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle  
545 Safety Act of 1986, as a clearinghouse for information related to the licensing and  
546 identification of commercial motor vehicle drivers.

547 ~~[(5)]~~ (4) "Controlled substance" means any substance so classified under Section  
548 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on  
549 the current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to  
550 time.

551 ~~[(6)]~~ (5) "Employee" means any driver of a commercial motor vehicle, including:

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

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

554 (c) leased drivers; and

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

557 ~~[(7)]~~ (6) "Employer" means any individual or person including the United States, a  
558 state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or  
559 assigns an individual to drive a commercial motor vehicle.

560 ~~[(8)]~~ (7) "Felony" means any offense under state or federal law that is punishable by  
561 death or imprisonment for a term of more than one year.

562           ~~[(9)]~~ (8) "Foreign jurisdiction" means any jurisdiction other than the United States or a  
563 state of the United States.

564           ~~[(10)]~~ (9) "Gross vehicle weight rating" or "GVWR" means the value specified by the  
565 manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or  
566 articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed  
567 units and the loads on those units.

568           ~~[(11)]~~ (10) "Hazardous material" has the same meaning as defined under 49 C.F.R.  
569 Sec. 383.5.

570           ~~[(12)]~~ (11) "Imminent hazard" means the existence of a condition, practice, or violation  
571 that presents a substantial likelihood that death, serious illness, severe personal injury, or a  
572 substantial endangerment to health, property, or the environment is expected to occur  
573 immediately, or before the condition, practice, or violation can be abated.

574           ~~[(13)]~~ (12) "Medical certification status" means the medical certification of a  
575 commercial driver license holder or commercial motor vehicle operator in any of the following  
576 categories:

577           (a) Non-excepted interstate. A person shall certify that the person:

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

579           (ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part  
580 391; and

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

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

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

586           (ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec.  
587 391.45.

588           (c) Non-excepted intrastate. A person shall certify that the person:

589           (i) operates only in intrastate commerce; and

590 (ii) is subject to state driver qualification requirements under Sections [53-3-303.5](#),  
591 [53-3-304](#), and [53-3-414](#).

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

593 (i) operates in intrastate commerce; and

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

596 ~~[(14)]~~ (13) "NDR" means the National Driver Register.

597 ~~[(15)]~~ (14) "Nonresident CDL" means a commercial driver license issued by a state to  
598 an individual who resides in a foreign jurisdiction.

599 ~~[(16)]~~ (15) "Out-of-service order" means a temporary prohibition against driving a  
600 commercial motor vehicle.

601 ~~[(17)]~~ (16) "Port-of-entry agent" has the same meaning as provided in Section  
602 [72-1-102](#).

603 ~~[(18)]~~ (17) "Serious traffic violation" means a conviction of any of the following:

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

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

606 (c) improper or erratic traffic lane changes;

607 (d) following the vehicle ahead too closely;

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

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

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

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

616 (i) using a handheld wireless communication device in violation of Section [41-6a-1716](#)  
617 while operating a commercial motor vehicle; or

618 (j) using a hand-held mobile telephone while operating a commercial motor vehicle in  
619 violation of 49 C.F.R. Sec. 392.82.

620 ~~[(19)]~~ (18) "State" means a state of the United States, the District of Columbia, any  
621 province or territory of Canada, or Mexico.

622 ~~[(20)]~~ (19) "United States" means the 50 states and the District of Columbia.

623 Section 5. Section **53-3-410.1** is amended to read:

624 **53-3-410.1. Medical certification requirements.**

625 (1) A person whose medical certification status is:

626 (a) "non-excepted interstate" under Subsection ~~53-3-402[(13)]~~(12)(a) is required to  
627 provide the division a medical self certification and an updated medical examiner's certificate  
628 under 49 C.F.R. Sec. 391.45 upon request by the division;

629 (b) "excepted interstate" under Subsection ~~53-3-402[(13)]~~(12)(b) is required to provide  
630 to the division a medical self certification upon request by the division;

631 (c) "non-excepted intrastate" under Subsection ~~53-3-402[(13)]~~(12)(c) is required to,  
632 upon request by the division:

633 (i) provide to the division a medical self certification; and

634 (ii) comply with the requirements of Section ~~53-3-303.5~~; or

635 (d) "excepted intrastate" under Subsection ~~53-3-402[(13)]~~(12)(b) is required to, upon  
636 request by the division:

637 (i) provide to the division a medical self certification; and

638 (ii) (A) provide to the division an updated medical examiner's certificate under 49  
639 C.F.R. Sec. 391.45; or

640 (B) comply with the requirements of Section ~~53-3-303.5~~.

641 (2) A request by the division for a person to comply with Subsection (1) shall  
642 correspond with the expiration of the previously submitted medical examiner's certificate.

643 (3) If a person fails to comply with a request under this section, the person shall be  
644 required to downgrade the person's CDL to a class D license.

645 (4) Failure to comply with the requirement of this section shall result in the denial of

646 the license under Section [53-3-221](#).

647 Section 6. Section **53-3-420** is amended to read:

648 **53-3-420. Driver's driving record available for certain purposes.**

649 The division shall provide [~~full information regarding the driving record~~] the CDL

650 MVR of any holder of a CDIP or CDL within 10 days of a request to:

651 [~~(1) the driver license administrator of any other state requesting that information;~~]

652 (1) another state;

653 (2) [any employer or prospective employer of a person to drive a commercial motor  
654 vehicle upon request] a motor carrier, prospective motor carrier, or authorized agent of a motor

655 carrier or prospective motor carrier after notification to the driver and payment of a fee under

656 Section [53-3-105](#);

657 (3) [insurers of commercial motor vehicle drivers] the subject of the record upon  
658 request and payment of a fee under Section [53-3-105](#); and

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

660 Section 7. Section **53-3-709** is amended to read:

661 **53-3-709. Amendment of compact.**

662 (1) (a) This compact may be amended from time to time.

663 (b) Amendments shall be presented in resolution form to the chairman of the board of  
664 compact administrators and may be initiated by one or more party jurisdictions.

665 (2) Adoption of an amendment requires endorsement of all party jurisdictions and  
666 becomes effective 30 days after the date of the last endorsement.

667 (3) (a) Failure of a party jurisdiction to respond to the compact chairman within 120  
668 days after receipt of the proposed amendment constitutes endorsement.

669 (b) A report authorized by Section [53-3-104](#) may not contain any evidence of a  
670 suspension that occurred as a result of failure to comply with the requirements of this part.

671 (c) The provisions of Subsection (3)(b) do not apply to:

672 (i) a CDIP or CDL license holder; or

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



674 Section 8. Section 72-9-107 is amended to read:

675 **72-9-107. Medical exemptions for farm vehicle operators.**

676 Except as provided in Section 53-3-206, an operator of a farm vehicle or combination  
677 of farm vehicles is exempt from additional requirements for physical qualifications, medical  
678 examinations, and medical certification if the farm vehicle or combination of farm vehicles  
679 being operated is:

680 (1) under 26,001 pounds gross vehicle weight rating;

681 (2) not operated as a commercial motor vehicle in accordance with Subsection  
682 53-3-102[~~(4)~~](6)(b)(ii); and

683 (3) not operated as an interstate commercial motor vehicle.

684 Section 9. **Effective date.**

685 This bill takes effect on July 1, 2015.

686 Section 10. **Coordinating H.B. 26 with S.B. 20 -- Substantive and technical**  
687 **amendments.**

688 If this H.B. 26 and S.B. 20, Uniform Driver License Act Amendments, both pass and  
689 become law, it is the intent of the Legislature that the Office of Legislative Research and  
690 General Counsel shall prepare the Utah Code database for publication by amending Subsection  
691 53-3-102(3) to read:

692 "(3) "Commercial driver instruction permit" or "CDIP" means a commercial learner  
693 permit:

694 (a) issued under Section 53-3-408; or

695 (b) issued by a state or other jurisdiction of domicile in compliance with the standards  
696 contained in 49 C.F.R. Part 383."