

PASSENGER CARRIER REQUIREMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

Committee Note:

The Business and Labor Interim Committee recommended this bill.

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to class D motor vehicles.

Highlighted Provisions:

This bill:

- ▶ defines "private passenger carrier";
- ▶ prohibits a person from driving a motor vehicle as a private passenger carrier unless the person has a valid taxicab endorsement or a commercial driver license; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-2-202, as enacted by Laws of Utah 2014, Chapter 295

53-3-102, as last amended by Laws of Utah 2015, Chapters 52, 461 and last amended by Coordination Clause, Laws of Utah 2015, Chapter 52



28 **53-3-202**, as last amended by Laws of Utah 2015, Chapters 331 and 412



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

31 Section 1. Section **19-2-202** is amended to read:

32 **19-2-202. Definitions.**

33 As used in this part:

34 (1) "Board" means the Air Quality Board.

35 (2) "Certified" means certified by the United States Environmental Protection Agency
36 or the California Air Resources Board to meet appropriate emission standards.

37 (3) "Cost" means the total reasonable cost of a project eligible for a grant under the
38 fund, including the cost of labor.

39 (4) "Director" means the director of the Division of Air Quality.

40 (5) "Division" means the Division of Air Quality, created in Subsection **19-1-105(1)(a)**.

41 (6) "Eligible equipment" means equipment with engines, including stationary
42 generators and pumps, operated and, if applicable, permitted in Utah.

43 (7) "Eligible vehicle" means a vehicle operated and, if applicable, registered in Utah
44 that is:

45 (a) a medium-duty or heavy-duty transit bus;

46 (b) a school bus as defined in [~~Subsection~~] Section 53-3-102~~[(33)]~~;

47 (c) a medium-duty or heavy-duty truck with a gross vehicle weight rating of at least
48 16,001 GVWR;

49 (d) a locomotive; or

50 (e) another type of vehicle identified by the board in rule as being a significant
51 potential source of air pollution, as defined in [~~Subsection~~] Section 19-2-102~~[(3)]~~.

52 (8) "Verified" means verified by the United States Environmental Protection Agency or
53 the California Air Resources Board to reduce air emissions and meet durability requirements.

54 Section 2. Section **53-3-102** is amended to read:

55 **53-3-102. Definitions.**

56 As used in this chapter:

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

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

61 (3) "Commercial driver instruction permit" or "CDIP" means a commercial learner
62 permit:

63 (a) issued under Section [53-3-408](#); or

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

66 (4) "Commercial driver license" or "CDL" means a license:

67 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
68 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
69 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
70 commercial motor vehicle; and

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

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

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

77 (ii) contains the following:

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

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

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

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

86 (6) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
87 vehicles designed or used to transport passengers or property if the motor vehicle:

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

90 (ii) is designed to transport 16 or more passengers, including the driver; or
91 (iii) is transporting hazardous materials and is required to be placarded in accordance
92 with 49 C.F.R. Part 172, Subpart F.

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

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

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

103 (iii) firefighting and emergency vehicles;

104 (iv) recreational vehicles that are not used in commerce and are driven solely as family
105 or personal conveyances for recreational purposes; and

106 (v) vehicles used to provide transportation network services, as defined in Section
107 [13-51-102](#).

108 (7) "Conviction" means any of the following:

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

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

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

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

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

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

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

121 (10) "Disqualification" means either:

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

124 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
125 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
126 391; or

127 (c) the loss of qualification that automatically follows conviction of an offense listed in
128 49 C.F.R. Part 383.51.

129 (11) "Division" means the Driver License Division of the department created in
130 Section 53-3-103.

131 (12) "Downgrade" means to obtain a lower license class than what was originally
132 issued during an existing license cycle.

133 (13) "Drive" means:

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

135 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
136 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
137 the state.

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

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

143 (15) "Driving privilege card" means the evidence of the privilege granted and issued
144 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
145 providing evidence of lawful presence in the United States.

146 (16) "Extension" means a renewal completed in a manner specified by the division.

147 (17) "Farm tractor" means every motor vehicle designed and used primarily as a farm
148 implement for drawing plows, mowing machines, and other implements of husbandry.

149 (18) "Highway" means the entire width between property lines of every way or place of
150 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

151 (19) "Identification card" means a card issued under Part 8, Identification Card Act, to

152 a person for identification purposes.

153 (20) "Indigent" means that a person's income falls below the federal poverty guideline
154 issued annually by the U.S. Department of Health and Human Services in the Federal Register.

155 (21) "License" means the privilege to drive a motor vehicle.

156 (22) (a) "License certificate" means the evidence of the privilege issued under this
157 chapter to drive a motor vehicle.

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

159 (i) regular license certificate;

160 (ii) limited-term license certificate;

161 (iii) driving privilege card;

162 (iv) CDL license certificate;

163 (v) limited-term CDL license certificate;

164 (vi) temporary regular license certificate; and

165 (vii) temporary limited-term license certificate.

166 (23) "Limited-term commercial driver license" or "limited-term CDL" means a license:

167 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
168 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
169 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
170 commercial motor vehicle; and

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

173 (24) "Limited-term identification card" means an identification card issued under this
174 chapter to a person whose card was obtained by providing evidence of lawful presence in the
175 United States with one of the document requirements described in Subsection
176 53-3-804(2)(i)(ii).

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

181 (26) "Motorboat" [~~has the same meaning as provided under~~] means the same as that
182 term is defined in Section 73-18-2.

183 (27) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
184 saddle for the use of the rider and designed to travel with not more than three wheels in contact
185 with the ground.

186 (28) "Motor vehicle record" or "MVR" means a driving record under Subsection
187 [53-3-109\(6\)\(a\)](#).

188 (29) "Office of Recovery Services" means the Office of Recovery Services, created in
189 Section [62A-11-102](#).

190 (30) (a) "Owner" means a person other than a lien holder having an interest in the
191 property or title to a vehicle.

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

194 (31) "Private passenger carrier" means any motor vehicle for hire that is:

195 (a) designed to transport 15 or fewer passengers, including the driver; and

196 (b) operated to transport an employee of the person that hires the motor vehicle.

197 [~~31~~] (32) "Regular identification card" means an identification card issued under this
198 chapter to a person whose card was obtained by providing evidence of lawful presence in the
199 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).

200 [~~32~~] (33) "Regular license certificate" means the evidence of the privilege issued
201 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence
202 of lawful presence in the United States with one of the document requirements described in
203 Subsection [53-3-205\(8\)\(a\)\(ii\)\(A\)](#).

204 [~~33~~] (34) "Renewal" means to validate a license certificate so that it expires at a later
205 date.

206 [~~34~~] (35) "Reportable violation" means an offense required to be reported to the
207 division as determined by the division and includes those offenses against which points are
208 assessed under Section [53-3-221](#).

209 [~~35~~] (36) (a) "Resident" means an individual who:

210 (i) has established a domicile in this state, as defined in Section [41-1a-202](#), or
211 regardless of domicile, remains in this state for an aggregate period of six months or more
212 during any calendar year;

213 (ii) engages in a trade, profession, or occupation in this state, or who accepts

214 employment in other than seasonal work in this state, and who does not commute into the state;

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

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

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

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

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

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

227 (iv) an immediate family member who resides with or a household member of a person
228 listed in Subsections ~~[(35)]~~ (36)(b)(i) through (iii).

229 ~~[(36)]~~ (37) "Revocation" means the termination by action of the division of a licensee's
230 privilege to drive a motor vehicle.

231 ~~[(37)]~~ (38) (a) "School bus" means a commercial motor vehicle used to transport
232 pre-primary, primary, or secondary school students to and from home and school, or to and
233 from school sponsored events.

234 (b) "School bus" does not include a bus used as a common carrier as defined in Section
235 59-12-102.

236 ~~[(38)]~~ (39) "Suspension" means the temporary withdrawal by action of the division of a
237 licensee's privilege to drive a motor vehicle.

238 ~~[(39)]~~ (40) "Taxicab" means any class D motor vehicle transporting any number of
239 passengers for hire and that is subject to state or federal regulation as a taxi.

240 Section 3. Section 53-3-202 is amended to read:

241 **53-3-202. Drivers must be licensed -- Taxicab endorsement -- Violation.**

242 (1) A person may not drive a motor vehicle on a highway in this state unless the person
243 is:

244 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the

245 division under this chapter;

246 (b) driving an official United States Government class D motor vehicle with a valid
247 United States Government driver permit or license for that type of vehicle;

248 (c) (i) driving a road roller, road machinery, or any farm tractor or implement of
249 husbandry temporarily drawn, moved, or propelled on the highways; and

250 (ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a
251 construction or agricultural activity;

252 (d) a nonresident who is at least 16 years of age and younger than 18 years of age who
253 has in the nonresident's immediate possession a valid license certificate issued to the
254 nonresident in the nonresident's home state or country and is driving in the class or classes
255 identified on the home state license certificate, except those persons referred to in Part 6,
256 Drivers' License Compact, of this chapter;

257 (e) a nonresident who is at least 18 years of age and who has in the nonresident's
258 immediate possession a valid license certificate issued to the nonresident in the nonresident's
259 home state or country if driving in the class or classes identified on the home state license
260 certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

261 (f) driving under a learner permit in accordance with Section 53-3-210.5;

262 (g) driving with a temporary license certificate issued in accordance with Section
263 53-3-207; or

264 (h) exempt under Title 41, Chapter 22, Off-Highway Vehicles.

265 (2) A person may not drive or, while within the passenger compartment of a motor
266 vehicle, exercise any degree or form of physical control of a motor vehicle being towed by a
267 motor vehicle upon a highway unless the person:

268 (a) holds a valid license issued under this chapter for the type or class of motor vehicle
269 being towed; or

270 (b) is exempted under either Subsection (1)(b) or (1)(c).

271 (3) (a) A person may not drive a motor vehicle as a taxicab on a highway of this state
272 unless the person has a taxicab endorsement issued by the division on ~~his~~ the person's license
273 certificate.

274 (b) A person may not drive a motor vehicle as a private passenger carrier on a highway
275 of this state unless the person has:

- 276 (i) a taxicab endorsement issued by the division on the person's license certificate; or
277 (ii) a commercial driver license with:
278 (A) a taxicab endorsement;
279 (B) a passenger endorsement; or
280 (C) a school bus endorsement.
281 (c) Nothing in Subsection (3)(b) is intended to exempt a person driving a motor vehicle
282 as a private passenger carrier from regulation under other statutory and regulatory schemes,
283 including:
284 (i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;
285 (ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor
286 Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
287 and
288 (iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor
289 Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
290 Act.
291 (4) (a) Except as provided in Subsections (4)(b) and (c), a person may not operate:
292 (i) a motorcycle unless the person has a valid class D driver license and a motorcycle
293 endorsement issued under this chapter;
294 (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;
295 or
296 (iii) a motor-driven cycle unless the person has a valid class D driver license and a
297 motorcycle endorsement issued under this chapter.
298 (b) A person operating a moped, as defined in Section 41-6a-102, or an electric assisted
299 bicycle, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement
300 issued under this chapter.
301 (c) A person is not required to have a valid class D driver license if the person is:
302 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance
303 with Section 41-6a-1115; or
304 (ii) operating an electric personal assistive mobility device, as defined in Section
305 41-6a-102, in accordance with Section 41-6a-1116.
306 (5) A person who violates this section is guilty of an infraction.

Legislative Review Note
Office of Legislative Research and General Counsel