

Senator Kevin T. Van Tassell proposes the following substitute bill:

**DRIVER LICENSE REVISIONS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tim Quinn**

Senate Sponsor: Kevin T. Van Tassell

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Uniform Driver License Act.

**Highlighted Provisions:**

This bill:

- ▶ removes the requirement for a person to have a taxicab endorsement on the person's driver license to drive a taxicab in the state; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-3-102**, as last amended by Laws of Utah 2016, Chapters 40 and 321

**53-3-202**, as last amended by Laws of Utah 2016, Chapters 40, 173, and 321

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

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



26 **53-3-102. Definitions.**

27 As used in this chapter:

28 (1) "Autocycle" means a motor vehicle that:

29 (a) is designed to travel with three or fewer wheels in contact with the ground;

30 (b) is equipped with a steering wheel; and

31 (c) is equipped with seating that does not require the operator to straddle or sit astride  
32 the vehicle.

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34 error or fraud or for which consent under Section 53-3-211 has been withdrawn.

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

37 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner  
38 permit:

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

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

42 (5) "Commercial driver license" or "CDL" means a license:

43 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
44 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
45 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
46 commercial motor vehicle; and

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

49 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a  
50 driving record that:

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

53 (ii) contains the following:

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

57 (B) driver self-certification status information under Section 53-3-410.1; and  
58 (C) information from medical certification record keeping in accordance with 49  
59 C.F.R. Sec. 383.73(o).

60 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a  
61 motor vehicle record described in Subsection (30).

62 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor  
63 vehicles designed or used to transport passengers or property if the motor vehicle:

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

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

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

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

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

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

79 (iii) firefighting and emergency vehicles;

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

82 (v) vehicles used to provide transportation network services, as defined in Section  
83 13-51-102.

84 (8) "Conviction" means any of the following:

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

87 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's

88 appearance in court;

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

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

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

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

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

97 (11) "Disqualification" means either:

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

100 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
101 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
102 391; or

103 (c) the loss of qualification that automatically follows conviction of an offense listed in  
104 49 C.F.R. Part 383.51.

105 (12) "Division" means the Driver License Division of the department created in  
106 Section 53-3-103.

107 (13) "Downgrade" means to obtain a lower license class than what was originally  
108 issued during an existing license cycle.

109 (14) "Drive" means:

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

111 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
112 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within  
113 the state.

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

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

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

122 (17) "Extension" means a renewal completed in a manner specified by the division.

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

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

127 (20) "Identification card" means a card issued under Part 8, Identification Card Act, to  
128 a person for identification purposes.

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

131 (22) "License" means the privilege to drive a motor vehicle.

132 (23) (a) "License certificate" means the evidence of the privilege issued under this  
133 chapter to drive a motor vehicle.

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

135 (i) regular license certificate;

136 (ii) limited-term license certificate;

137 (iii) driving privilege card;

138 (iv) CDL license certificate;

139 (v) limited-term CDL license certificate;

140 (vi) temporary regular license certificate; and

141 (vii) temporary limited-term license certificate.

142 (24) "Limited-term commercial driver license" or "limited-term CDL" means a license:

143 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.  
144 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
145 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
146 commercial motor vehicle; and

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

149 (25) "Limited-term identification card" means an identification card issued under this

150 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
151 United States with one of the document requirements described in Subsection  
152 [53-3-804\(2\)\(i\)\(ii\)](#).

153 (26) "Limited-term license certificate" means the evidence of the privilege granted and  
154 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained  
155 providing evidence of lawful presence in the United States with one of the document  
156 requirements described in Subsection [53-3-205\(8\)\(a\)\(ii\)\(B\)](#).

157 (27) "Motorboat" means the same as that term is defined in Section [73-18-2](#).

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

161 (29) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).

162 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection  
163 [53-3-109\(6\)\(a\)](#).

164 (31) "Office of Recovery Services" means the Office of Recovery Services, created in  
165 Section [62A-11-102](#).

166 (32) (a) "Owner" means a person other than a lien holder having an interest in the  
167 property or title to a vehicle.

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

170 (33) (a) "Private passenger carrier" means any motor vehicle for hire that is:

171 (i) designed to transport 15 or fewer passengers, including the driver; and

172 (ii) operated to transport an employee of the person that hires the motor vehicle.

173 (b) "Private passenger carrier" does not include [~~a motor vehicle driven~~]:

174 (i) a taxicab;

175 ~~[(i)]~~ (ii) a motor vehicle driven by a transportation network driver as defined in Section  
176 [13-51-102](#);

177 ~~[(ii)]~~ (iii) a motor vehicle driven for transportation network services as defined in  
178 Section [13-51-102](#); and

179 ~~[(iii)]~~ (iv) a motor vehicle driven for a transportation network company as defined in  
180 Section [13-51-102](#) and registered with the Division of Consumer Protection as described in

181 Section 13-51-104.

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

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

189 (36) "Renewal" means to validate a license certificate so that it expires at a later date.

190 (37) "Reportable violation" means an offense required to be reported to the division as  
191 determined by the division and includes those offenses against which points are assessed under  
192 Section 53-3-221.

193 (38) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

211 (iv) an immediate family member who resides with or a household member of a person

212 listed in Subsections (38)(b)(i) through (iii).

213 (39) "Revocation" means the termination by action of the division of a licensee's  
214 privilege to drive a motor vehicle.

215 (40) (a) "School bus" means a commercial motor vehicle used to transport pre-primary,  
216 primary, or secondary school students to and from home and school, or to and from school  
217 sponsored events.

218 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
219 [59-12-102](#).

220 (41) "Suspension" means the temporary withdrawal by action of the division of a  
221 licensee's privilege to drive a motor vehicle.

222 (42) "Taxicab" means any class D motor vehicle transporting any number of  
223 passengers for hire and that is subject to state or federal regulation as a taxi.

224 Section 2. Section **53-3-202** is amended to read:

225 **53-3-202. Drivers must be licensed -- Violation.**

226 (1) A person may not drive a motor vehicle or an autocycle on a highway in this state  
227 unless the person is:

228 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the  
229 division under this chapter;

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

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

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

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

241 (e) a nonresident who is at least 18 years of age and who has in the nonresident's  
242 immediate possession a valid license certificate issued to the nonresident in the nonresident's



243 home state or country if driving in the class or classes identified on the home state license  
244 certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;

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

246 (g) driving with a temporary license certificate issued in accordance with Section  
247 53-3-207; or

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

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

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

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

255 (3) (a) A person may not drive a motor vehicle as a taxicab on a highway of this state  
256 unless the person has a ~~[taxicab endorsement issued by the division on the person's license  
257 certificate]~~ valid class D driver license issued by the division.

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

260 (i) a taxicab endorsement issued by the division on the person's license certificate; or

261 (ii) a commercial driver license with:

262 (A) a taxicab endorsement;

263 (B) a passenger endorsement; or

264 (C) a school bus endorsement.

265 (c) Nothing in Subsection (3)(b) is intended to exempt a person driving a motor vehicle  
266 as a private passenger carrier from regulation under other statutory and regulatory schemes,  
267 including:

268 (i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;

269 (ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor  
270 Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
271 and

272 (iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor  
273 Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

274 Act.

275 (4) (a) Except as provided in Subsections (4)(b), (c), (d), and (e) a person may not  
276 operate:

277 (i) a motorcycle unless the person has a valid class D driver license and a motorcycle  
278 endorsement issued under this chapter;

279 (ii) a street legal all-terrain vehicle unless the person has a valid class D driver license;

280 or

281 (iii) a motor-driven cycle unless the person has a valid class D driver license and a  
282 motorcycle endorsement issued under this chapter.

283 (b) A person operating a moped, as defined in Section 41-6a-102, is not required to  
284 have a motorcycle endorsement issued under this chapter.

285 (c) A person operating an electric assisted bicycle, as defined in Section 41-6a-102, is  
286 not required to have a valid class D driver license or a motorcycle endorsement issued under  
287 this chapter.

288 (d) A person is not required to have a valid class D driver license if the person is:

289 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance  
290 with Section 41-6a-1115; or

291 (ii) operating an electric personal assistive mobility device, as defined in Section  
292 41-6a-102, in accordance with Section 41-6a-1116.

293 (e) A person operating an autocycle is not required to have a motorcycle endorsement  
294 issued under this chapter.

295 (5) A person who violates this section is guilty of an infraction.