

28 [53-3-414](#), as last amended by Laws of Utah 2020, Chapter 218



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

31 Section 1. Section **53-3-205** is amended to read:

32 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
33 **Expiration dates of licenses and endorsements -- Information required -- Previous**
34 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
35 **Fee required -- License agreement.**

36 (1) An application for an original license, provisional license, or endorsement shall be:

37 (a) made upon a form furnished by the division; and

38 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).

39 (2) An application and fee for an original provisional class D license or an original
40 class D license entitle the applicant to:

41 (a) not more than three attempts to pass both the knowledge and the skills tests for a
42 class D license within six months after the date of the application;

43 (b) a learner permit if needed pending completion of the application and testing
44 process; and

45 (c) an original class D license and license certificate after all tests are passed and
46 requirements are completed.

47 (3) An application and fee for a motorcycle or taxicab endorsement entitle the
48 applicant to:

49 (a) not more than three attempts to pass both the knowledge and skills tests within six
50 months after the date of the application;

51 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

52 (c) a motorcycle or taxicab endorsement when all tests are passed.

53 (4) An application for a commercial class A, B, or C license entitles the applicant to:

54 (a) not more than two attempts to pass a knowledge test when accompanied by the fee
55 provided in Subsection [53-3-105](#)(18);

56 (b) not more than two attempts to pass a skills test when accompanied by a fee in
57 Subsection [53-3-105](#)(19) within six months after the date of application;

58 (c) both a commercial driver instruction permit and a temporary license permit for the

59 license class held before the applicant submits the application if needed after the knowledge
60 test is passed; and

61 (d) an original commercial class A, B, or C license and license certificate when all
62 applicable tests are passed.

63 (5) An application and fee for a CDL endorsement entitle the applicant to:

64 (a) not more than two attempts to pass a knowledge test and not more than two
65 attempts to pass a skills test within six months after the date of the application; and

66 (b) a CDL endorsement when all tests are passed.

67 (6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
68 test within the number of attempts provided in Subsection (4) or (5), each test may be taken
69 two additional times within the six months for the fee provided in Section 53-3-105.

70 (b) (i) [~~Beginning July 1, 2015, an~~] An out-of-state resident who holds a valid CDIP
71 issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
72 administered by the division if the out-of-state resident pays the fee provided in Subsection
73 53-3-105(19).

74 (ii) The division shall:

75 (A) electronically transmit skills test results for an out-of-state resident to the licensing
76 agency in the state or jurisdiction in which the out-of-state resident has obtained a valid CDIP;
77 and

78 (B) provide the out-of-state resident with documentary evidence upon successful
79 completion of the skills test.

80 (7) (a) (i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class
81 D license expires on the birth date of the applicant in the eighth year after the year the license
82 certificate was issued.

83 (ii) An original provisional class D license expires on the birth date of the applicant in
84 the fifth year following the year the license certificate was issued.

85 (iii) Except as provided in Subsection (7)(f), a limited term class D license expires on
86 the birth date of the applicant in the fifth year the license certificate was issued.

87 (b) Except as provided under Subsections (7)(f) and (g), a renewal or an extension to a
88 license expires on the birth date of the licensee in the eighth year after the expiration date of the
89 license certificate renewed or extended.

90 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
91 the same date as the last license certificate issued.

92 (d) An endorsement to a license expires on the same date as the license certificate
93 regardless of the date the endorsement was granted.

94 (e) (i) A regular license certificate and an endorsement to the regular license certificate
95 held by an individual described in Subsection (7)(e)(ii), that expires during the time period the
96 individual is stationed outside of the state, is valid until 90 days after the individual's orders are
97 terminated, the individual is discharged, or the individual's assignment is changed or
98 terminated, unless:

99 (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by
100 the division; or

101 (B) the licensee updates the information or photograph on the license certificate.

102 (ii) The provisions in Subsection (7)(e)(i) apply to an individual:

103 (A) ordered to active duty and stationed outside of Utah in any of the armed forces of
104 the United States;

105 (B) who is an immediate family member or dependent of an individual described in
106 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

107 (C) who is a civilian employee of the United States State Department or United States
108 Department of Defense and is stationed outside of the United States; or

109 (D) who is an immediate family member or dependent of an individual described in
110 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

111 (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a
112 renewal to a limited-term license certificate expires:

113 (A) on the expiration date of the period of time of the individual's authorized stay in
114 the United States or on the date provided under this Subsection (7), whichever is sooner; or

115 (B) on the date of issuance in the first year following the year that the limited-term
116 license certificate was issued if there is no definite end to the individual's period of authorized
117 stay.

118 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
119 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fifth
120 year following the year that the limited-term license certificate was issued.

121 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the
122 birth date of the applicant in the first year following the year that the driving privilege card was
123 issued or renewed.

124 (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative
125 Procedures Act, for requests for agency action, an applicant shall:

126 (i) provide:

127 (A) the applicant's full legal name;

128 (B) the applicant's birth date;

129 (C) the applicant's sex;

130 (D) (I) documentary evidence of the applicant's valid social security number;

131 (II) written proof that the applicant is ineligible to receive a social security number;

132 (III) the applicant's temporary identification number (ITIN) issued by the Internal

133 Revenue Service for an individual who:

134 (Aa) does not qualify for a social security number; and

135 (Bb) is applying for a driving privilege card; or

136 (IV) other documentary evidence approved by the division;

137 (E) the applicant's Utah residence address as documented by a form or forms

138 acceptable under rules made by the division under Section 53-3-104, unless the application is

139 for a temporary CDL issued under Subsection 53-3-407(2)(b); and

140 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the

141 applicant is applying for a driving privilege card;

142 (ii) provide evidence of the applicant's lawful presence in the United States by
143 providing documentary evidence:

144 (A) that the applicant is:

145 (I) a United States citizen;

146 (II) a United States national; or

147 (III) a legal permanent resident alien; or

148 (B) of the applicant's:

149 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
150 States;

151 (II) pending or approved application for asylum in the United States;

- 152 (III) admission into the United States as a refugee;
- 153 (IV) pending or approved application for temporary protected status in the United
154 States;
- 155 (V) approved deferred action status;
- 156 (VI) pending application for adjustment of status to legal permanent resident or
157 conditional resident; or
- 158 (VII) conditional permanent resident alien status;
- 159 (iii) provide a description of the applicant;
- 160 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
161 and, if so, when and by what state or country;
- 162 (v) state whether the applicant has ever had a license suspended, cancelled, revoked,
163 disqualified, or denied in the last 10 years, or whether the applicant has ever had a license
164 application refused, and if so, the date of and reason for the suspension, cancellation,
165 revocation, disqualification, denial, or refusal;
- 166 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
167 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 168 (vii) state whether the applicant is required to register as a sex offender in accordance
169 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 170 (viii) state whether the applicant is a veteran of the United States military, provide
171 verification that the applicant was granted an honorable or general discharge from the United
172 States Armed Forces, and state whether the applicant does or does not authorize sharing the
173 information with the Department of Veterans and Military Affairs;
- 174 (ix) provide all other information the division requires; and
- 175 (x) sign the application which signature may include an electronic signature as defined
176 in Section [46-4-102](#).
- 177 (b) Unless the applicant provides acceptable verification of homelessness as described
178 in rules made by the division, an applicant shall have a Utah residence address, unless the
179 application is for a temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
- 180 (c) An applicant shall provide evidence of lawful presence in the United States in
181 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 182 (d) The division shall maintain on the division's computerized records an applicant's:

- 183 (i) (A) social security number;
- 184 (B) temporary identification number (ITIN); or
- 185 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 186 (ii) indication whether the applicant is required to register as a sex offender in
- 187 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- 188 (9) The division shall require proof of an applicant's name, birth date, and birthplace by
- 189 at least one of the following means:
- 190 (a) current license certificate;
- 191 (b) birth certificate;
- 192 (c) Selective Service registration; or
- 193 (d) other proof, including church records, family Bible notations, school records, or
- 194 other evidence considered acceptable by the division.
- 195 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
- 196 higher class than what the applicant originally was issued:
- 197 (i) the license application is treated as an original application; and
- 198 (ii) license and endorsement fees is assessed under Section 53-3-105.
- 199 (b) An applicant that receives a downgraded license in a lower license class during an
- 200 existing license cycle that has not expired:
- 201 (i) may be issued a duplicate license with a lower license classification for the
- 202 remainder of the existing license cycle; and
- 203 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a
- 204 duplicate license is issued under Subsection (10)(b)(i).
- 205 (c) An applicant who has received a downgraded license in a lower license class under
- 206 Subsection (10)(b):
- 207 (i) may, when eligible, receive a duplicate license in the highest class previously issued
- 208 during a license cycle that has not expired for the remainder of the existing license cycle; and
- 209 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a
- 210 duplicate license is issued under Subsection (10)(c)(i).
- 211 (11) (a) When an application is received from an applicant previously licensed in
- 212 another state to drive a motor vehicle, the division shall request a copy of the driver's record
- 213 from the other state.

214 (b) When received, the driver's record becomes part of the driver's record in this state
215 with the same effect as though entered originally on the driver's record in this state.

216 (12) An application for reinstatement of a license after the suspension, cancellation,
217 disqualification, denial, or revocation of a previous license is accompanied by the additional
218 fee or fees specified in Section 53-3-105.

219 (13) An individual who has an appointment with the division for testing and fails to
220 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the
221 fee under Section 53-3-105.

222 (14) An applicant who applies for an original license or renewal of a license agrees that
223 the individual's license is subject to a suspension or revocation authorized under this title or
224 Title 41, Motor Vehicles.

225 (15) (a) A licensee shall authenticate the indication of intent under Subsection
226 (8)(a)(vi) in accordance with division rule.

227 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
228 Management Act, the division may, upon request, release to an organ procurement
229 organization, as defined in Section 26-28-102, the names and addresses of all applicants who,
230 under Subsection (8)(a)(vi), indicate that they intend to make an anatomical gift.

231 (ii) An organ procurement organization may use released information only to:

232 (A) obtain additional information for an anatomical gift registry; and

233 (B) inform licensees of anatomical gift options, procedures, and benefits.

234 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
235 Management Act, the division may release to the Department of Veterans and Military Affairs
236 the names and addresses of all applicants who indicate their status as a veteran under
237 Subsection (8)(a)(viii).

238 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and
239 Management Act, the division shall, upon request, release to the Sex and Kidnap Offender
240 Registry office in the Department of Corrections, the names and addresses of all applicants
241 who, under Subsection (8)(a)(vii), indicate they are required to register as a sex offender in
242 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

243 (18) The division and its employees are not liable, as a result of false or inaccurate
244 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

- 245 (a) loss;
- 246 (b) detriment; or
- 247 (c) injury.

248 (19) An applicant who knowingly fails to provide the information required under
249 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

250 (20) A person may not hold both an unexpired Utah license certificate and an
251 unexpired identification card.

252 (21) (a) An applicant who applies for an original motorcycle endorsement to a regular
253 license certificate is exempt from the requirement to pass the knowledge and skills test to be
254 eligible for the motorcycle endorsement if the applicant:

- 255 (i) is a resident of the state of Utah;
- 256 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
257 forces of the United States; or

258 (B) is an immediate family member or dependent of an individual described in
259 Subsection (21)(a)(ii)(A) and is residing outside of Utah;

260 (iii) has a digitized driver license photo on file with the division;

261 (iv) provides proof to the division of the successful completion of a certified
262 Motorcycle Safety Foundation rider training course; and

263 (v) provides the necessary information and documentary evidence required under
264 Subsection (8).

265 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
266 division shall make rules:

267 (i) establishing the procedures for an individual to obtain a motorcycle endorsement
268 under this Subsection (21); and

269 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
270 this Subsection (21).

271 Section 2. Section **53-3-407** is amended to read:

272 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
273 **administer skills test.**

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

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

278 (ii) prepares an applicant for an examination under Subsection (2)(a)(iii) [~~or~~
279 ~~(2)(c)(i)(B)~~].

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

282 (2) (a) Except as provided in [~~Subsections (2)(c) and (d)~~] Subsection (2)(c), a CDL
283 may be issued only to a person who:

284 (i) is a resident of this state or is an out-of-state resident if the person qualifies for a
285 non-domiciled CDL as defined in 49 C.F.R. Part 383;

286 (ii) [~~beginning July 1, 2015,~~] has held a CDIP for a minimum of 14 days prior to taking
287 the skills test under 49 C.F.R. Part 383, including a person who is upgrading a CDL class or
288 endorsement requiring a skills test under 49 C.F.R. Part 383;

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

292 (iv) has complied with all requirements of 49 C.F.R. Part 383 and other applicable
293 state laws and federal regulations.

294 (b) A person who applies for a CDL is exempt from the requirement to pass a skills test
295 to be eligible for the license if the person:

296 (i) is a resident of the state of Utah;

297 (ii) has successfully completed a skills test administered by a state or a party authorized
298 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383; and

299 (iii) held a valid Utah CDIP at the time the test was administered.

300 [~~(c) (i) Until June 30, 2015, a temporary CDL may be issued to an out-of-state resident~~
301 ~~who:~~]

302 [~~(A) is enrolled in a CDL driver training school located in Utah;~~]

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

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

307 ~~[(ii) A temporary CDL issued under this Subsection (2)(c):]~~

308 ~~[(A) is valid for 60 days; and]~~

309 ~~[(B) may not be renewed or extended.]~~

310 ~~[(iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v),~~

311 ~~53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,~~

312 ~~endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL~~

313 ~~issued under this Subsection (2)(c) in the same way as a commercial driver license issued under~~

314 ~~this part.]~~

315 ~~[(d)]~~ (c) The department shall waive ~~Ĥ~~→ ~~[the skills test]~~ any tests ←~~Ĥ~~ specified in this
315a section for a

316 commercial driver license applicant who, subject to the limitations and requirements of 49

317 C.F.R. Sec. 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77

318 and certifies that the applicant:

319 (i) is a member of the active or reserve components of any branch or unit of the armed
320 forces or a veteran who received an honorable or general discharge from any branch or unit of
321 the active or reserve components of the United States Armed Forces;

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

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

327 ~~[(e)]~~ (d) An applicant who requests a waiver under Subsection ~~[(2)(d)]~~ (2)(c) shall
328 present a completed application for a military skills test waiver at the time of the request.

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

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

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

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

338 (5) (a) [~~Beginning July 1, 2015, an~~] An out-of-state resident who holds a valid CDIP
339 issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
340 administered by a party authorized under this section.

341 (b) A person authorized under this section to administer the skills test may charge a fee
342 for administration of the skills test.

343 (c) A person authorized under this section to administer the skills test shall:

344 (i) electronically transmit skills test results for an out-of-state resident to the licensing
345 agency in the state or jurisdiction in which the person has obtained a valid CDIP; and

346 (ii) provide the out-of-state resident with documentary evidence upon successful
347 completion of the skills test.

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

351 (7) A person authorized under this section to administer the skills test is not criminally
352 or civilly liable for the administration of the test unless he administers the test in a grossly
353 negligent manner.

354 (8) The division may waive the skills test required under this section if it determines
355 that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

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

357 **53-3-410.1. Medical certification requirements.**

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

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

362 (b) "excepted interstate" under Subsection 53-3-402(12)(b) is required to provide to the
363 division a medical self-certification upon request by the division;

364 (c) "non-excepted intrastate" under Subsection 53-3-402(12)(c) is required to, upon
365 request by the division:

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

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

368 (d) "excepted intrastate" under Subsection 53-3-402(12)(b) is required to, upon request

369 by the division:

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

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

373 (B) comply with the requirements of Section [53-3-303.5](#).

374 (2) A request by the division for a person to comply with Subsection (1) [~~shall~~
375 ~~correspond with~~] to provide a:

376 [~~(a) the expiration of the previously submitted medical examiner's certificate;~~]

377 [~~(b) the expiration of the previously submitted medical self-certification; or~~]

378 [~~(c) documentary evidence received by the division under Subsection (1) that indicates~~
379 ~~the driver may not be medically qualified to operate a CMV.~~]

380 (a) medical examiner's certificate, shall correspond with:

381 (i) the initial application for a CDL or CDIP;

382 (ii) the transfer of a CDL from another jurisdiction to Utah;

383 (iii) the expiration of the previously submitted medical examiner's certificate; or

384 (iv) documentary evidence received by the division under Subsection (1) that indicates
385 the driver may not be medically qualified to operate a CMV; or

386 (b) medical self-certification, shall correspond with:

387 (i) the initial application for a CDL or CDIP;

388 (ii) the transfer of a CDL from another jurisdiction to Utah;

389 (iii) the renewal of a CDL or CDIP;

390 (iv) the upgrade of a commercial license class; or

391 (v) documentary evidence received by the division under Subsection (1) that indicates
392 the driver may not be medically qualified to operate a CMV.

393 (3) (a) Except as provided in Subsection (3)(b), if the division determines that a person
394 is no longer medically qualified to operate a CMV, the person shall be required to downgrade
395 the person's CDL to a class D license.

396 (b) If the division determines that a person is incompetent to drive a motor vehicle or
397 has a mental or physical disability rendering the person unable to safely drive a motor vehicle
398 upon the highways, the division shall deny the person's driving privileges as described in
399 Section [53-3-221](#).

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

402 (5) Failure to comply with the requirement of this section shall result in the denial of
403 the license under Section [53-3-221](#).

404 Section 4. Section **53-3-414** is amended to read:

405 **53-3-414. CDL disqualification or suspension -- Grounds and duration --**

406 **Procedure.**

407 (1) (a) An individual who holds or is required to hold a CDL is disqualified from
408 driving a commercial motor vehicle for a period of not less than one year effective seven days
409 from the date of notice to the driver if convicted of a first offense of:

410 (i) driving a motor vehicle while under the influence of alcohol, drugs, a controlled
411 substance, or more than one of these;

412 (ii) driving a commercial motor vehicle while the concentration of alcohol in the
413 person's blood, breath, or urine is .04 grams or more;

414 (iii) leaving the scene of an accident involving a motor vehicle the person was driving;

415 (iv) failing to provide reasonable assistance or identification when involved in an
416 accident resulting in:

417 [~~(A) death in accordance with Section [41-6a-401.5](#); or~~]

418 [~~(B)~~] (A) personal injury in accordance with Section [41-6a-401.3](#);

419 (B) death in accordance with Section [41-6a-401.5](#); or

420 (v) using a motor vehicle in the commission of a felony;

421 (vi) refusal to submit to a test to determine the concentration of alcohol in the person's
422 blood, breath, or urine;

423 (vii) driving a commercial motor vehicle while the person's commercial driver license
424 is disqualified in accordance with the provisions of this section for violating an offense
425 described in this section; or

426 (viii) operating a commercial motor vehicle in a negligent manner causing the death of
427 another including the offenses of [~~automobile homicide under Section [76-5-207](#), manslaughter
428 under Section [76-5-205](#), or negligent homicide under Section [76-5-206](#)] manslaughter under
429 Section [76-5-205](#), negligent homicide under Section [76-5-206](#), or Section [76-5-207](#).~~

430 (b) The division shall subtract from any disqualification period under Subsection

431 (1)(a)(i) the number of days for which a license was previously disqualified under Subsection
432 (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which
433 the record of conviction is based.

434 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
435 hazardous material required to be placarded, the driver is disqualified for not less than three
436 years.

437 (3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds
438 or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if
439 convicted of or administrative action is taken for two or more of any of the offenses under
440 Subsection (1), (5), or (14) arising from two or more separate incidents.

441 (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

442 (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under
443 this section may apply to the division for reinstatement of the driver's CDL if the driver:

444 (i) has both voluntarily enrolled in and successfully completed an appropriate
445 rehabilitation program that:

446 (A) meets the standards of the division; and

447 (B) complies with 49 C.F.R. Sec. 383.51;

448 (ii) has served a minimum disqualification period of 10 years; and

449 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving
450 privileges established by rule of the division.

451 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
452 under this section, the driver is permanently disqualified for life and is ineligible to again apply
453 for a reduction of the lifetime disqualification.

454 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified
455 for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
456 commission of any felony involving:

457 (a) the manufacturing, distributing, or dispensing of a controlled substance, or
458 possession with intent to manufacture, distribute, or dispense a controlled substance and is
459 ineligible to apply for a reduction of the lifetime disqualification under Subsection (4)[-]; or

460 (b) an act or practice of severe forms of trafficking in persons as defined and described
461 in 22 U.S.C. Sec. 7102(11).

462 (6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds
463 or is required to hold a CDL is disqualified for not less than:

464 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
465 serious traffic violations; and

466 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

467 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
468 violations:

469 (i) occur within three years of each other;

470 (ii) arise from separate incidents; and

471 (iii) involve the use or operation of a commercial motor vehicle.

472 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
473 disqualified from driving a commercial motor vehicle and the division receives notice of a
474 subsequent conviction for a serious traffic violation that results in an additional disqualification
475 period under this Subsection (6), the subsequent disqualification period is effective beginning
476 on the ending date of the current serious traffic violation disqualification period.

477 (7) (a) A driver of a commercial motor vehicle who is convicted of violating an
478 out-of-service order while driving a commercial motor vehicle is disqualified from driving a
479 commercial motor vehicle for a period not less than:

480 (i) 180 days if the driver is convicted of a first violation;

481 (ii) two years if, during any 10 year period, the driver is convicted of two violations of
482 out-of-service orders in separate incidents;

483 (iii) three years but not more than five years if, during any 10 year period, the driver is
484 convicted of three or more violations of out-of-service orders in separate incidents;

485 (iv) 180 days but not more than two years if the driver is convicted of a first violation
486 of an out-of-service order while transporting hazardous materials required to be placarded or
487 while operating a motor vehicle designed to transport 16 or more passengers, including the
488 driver; or

489 (v) three years but not more than five years if, during any 10 year period, the driver is
490 convicted of two or more violations, in separate incidents, of an out-of-service order while
491 transporting hazardous materials required to be placarded or while operating a motor vehicle
492 designed to transport 16 or more passengers, including the driver.

493 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
494 out-of-service order is subject to a civil penalty of not less than \$2,500.

495 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
496 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

497 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
498 disqualified for not less than 60 days if the division determines, in its check of the driver's
499 driver license status, application, and record prior to issuing a CDL or at any time after the
500 CDL is issued, that the driver has falsified information required to apply for a CDL in this
501 state.

502 (9) A driver of a commercial motor vehicle who is convicted of violating a
503 railroad-highway grade crossing provision under Section 41-6a-1205, while driving a
504 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period
505 not less than:

506 (a) 60 days if the driver is convicted of a first violation;

507 (b) 120 days if, during any three-year period, the driver is convicted of a second
508 violation in separate incidents; or

509 (c) one year if, during any three-year period, the driver is convicted of three or more
510 violations in separate incidents.

511 (10) (a) The division shall update its records and notify the CDLIS within 10 days of
512 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

513 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,
514 the division shall notify the licensing authority of the issuing state or other jurisdiction and the
515 CDLIS within 10 days after the action is taken.

516 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
517 state, the division shall notify the CDLIS within 10 days after the action is taken.

518 (11) (a) The division may immediately suspend or disqualify the CDL of a driver
519 without a hearing or receiving a record of the driver's conviction when the division has reason
520 to believe that the:

521 (i) CDL was issued by the division through error or fraud;

522 (ii) applicant provided incorrect or incomplete information to the division;

523 (iii) applicant cheated on any part of a CDL examination;

524 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
525 (v) driver poses an imminent hazard.

526 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with
527 Section 53-3-221.

528 (c) If a hearing is held under Section 53-3-221, the division shall then rescind the
529 suspension order or cancel the CDL.

530 (12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
531 required to hold a CDL is disqualified for not less than:

532 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
533 serious traffic violations; and

534 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

535 (b) The disqualifications under Subsection (12)(a) are effective only if the serious
536 traffic violations:

537 (i) occur within three years of each other;

538 (ii) arise from separate incidents; and

539 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
540 privilege from at least one of the violations.

541 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
542 from driving a commercial motor vehicle and the division receives notice of a subsequent
543 conviction for a serious traffic violation that results in an additional disqualification period
544 under this Subsection (12), the subsequent disqualification period is effective beginning on the
545 ending date of the current serious traffic violation disqualification period.

546 (13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no
547 contest to a violation of a disqualifying offense described in this section which plea is held in
548 abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend,
549 cancel, or revoke the person's CDL for the period required under this section for a conviction of
550 that disqualifying offense, even if the charge has been subsequently reduced or dismissed in
551 accordance with the plea in abeyance agreement.

552 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of
553 taking the action under Subsection (13)(a).

554 (c) A plea which is held in abeyance may not be removed from a person's driving

555 record for 10 years from the date of the plea in abeyance agreement, even if the charge is:

556 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or

557 (ii) expunged under Title 77, Chapter 40, Utah Expungement Act.

558 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of
559 Section 41-6a-502 when administrative action is taken against the operator's driving privilege
560 pursuant to Section 53-3-223 for a period of:

561 (a) one year; or

562 (b) three years if the violation occurred while transporting hazardous materials.

563 (15) The division may concurrently impose any disqualification periods that arise
564 under this section while a driver is disqualified by the Secretary of the United States

565 Department of Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.