

**AMENDMENTS TO DRIVER LICENSE RECORDS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Eric K. Hutchings**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Transportation Interim Committee recommended this bill.

**General Description:**

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

**Highlighted Provisions:**

This bill:

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



28           ▶ makes technical corrections.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **53-3-102**, as last amended by Laws of Utah 2014, Chapter 252

36           **53-3-109**, as last amended by Laws of Utah 2011, Chapters 190 and 243

37           **53-3-221**, as last amended by Laws of Utah 2014, Chapters 101 and 225

38           **53-3-402**, as last amended by Laws of Utah 2013, Chapter 411

39           **53-3-410.1**, as last amended by Laws of Utah 2013, Chapter 411

40           **53-3-420**, as last amended by Laws of Utah 2007, Chapter 53

41           **53-3-709**, as renumbered and amended by Laws of Utah 1993, Chapter 234

42           **72-9-107**, as last amended by Laws of Utah 2009, Chapters 155 and 356

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

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

46           **53-3-102. Definitions.**

47           As used in this chapter:

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

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

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

54           ~~(3)~~ (4) "Commercial driver license" or "CDL" means a license:

55           (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
56 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
57 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
58 commercial motor vehicle; and

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

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

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

65 (b) contains the following:

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

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

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

72 [~~4~~] (6) (a) "Commercial motor vehicle" means a motor vehicle or combination of  
73 motor vehicles designed or used to transport passengers or property if the motor vehicle:

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

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

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

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

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

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

89 (iii) firefighting and emergency vehicles; and

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

92 [~~5~~] (7) "Conviction" means any of the following:

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

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

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

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

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

101 [~~6~~] (8) "Denial" or "denied" means the withdrawal of a driving privilege by the  
102 division to which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or  
103 Operator's Security, do not apply.

104 [~~7~~] (9) "Director" means the division director appointed under Section 53-3-103.

105 [~~8~~] (10) "Disqualification" means either:

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

108 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
109 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
110 391; or

111 (c) the loss of qualification that automatically follows conviction of an offense listed in  
112 49 C.F.R. Part 383.51.

113 [~~9~~] (11) "Division" means the Driver License Division of the department created in  
114 Section 53-3-103.

115 [~~10~~] (12) "Downgrade" means to obtain a lower license class than what was  
116 originally issued during an existing license cycle.

117 [~~11~~] (13) "Drive" means:

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

119 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
120 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within

121 the state.

122 ~~[(12)]~~ (14) (a) "Driver" means any person who drives, or is in actual physical control of  
123 a motor vehicle in any location open to the general public for purposes of vehicular traffic.

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

126 ~~[(13)]~~ (15) "Driving privilege card" means the evidence of the privilege granted and  
127 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained  
128 without providing evidence of lawful presence in the United States.

129 ~~[(14)]~~ (16) "Extension" means a renewal completed in a manner specified by the  
130 division.

131 ~~[(15)]~~ (17) "Farm tractor" means every motor vehicle designed and used primarily as a  
132 farm implement for drawing plows, mowing machines, and other implements of husbandry.

133 ~~[(16)]~~ (18) "Highway" means the entire width between property lines of every way or  
134 place of any nature when any part of it is open to the use of the public, as a matter of right, for  
135 traffic.

136 ~~[(17)]~~ (19) "Identification card" means a card issued under Part 8, Identification Card  
137 Act, to a person for identification purposes.

138 ~~[(18)]~~ (20) "Indigent" means that a person's income falls below the federal poverty  
139 guideline issued annually by the U.S. Department of Health and Human Services in the Federal  
140 Register.

141 ~~[(19)]~~ (21) "License" means the privilege to drive a motor vehicle.

142 ~~[(20)]~~ (22) (a) "License certificate" means the evidence of the privilege issued under  
143 this chapter to drive a motor vehicle.

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

- 145 (i) regular license certificate;
- 146 (ii) limited-term license certificate;
- 147 (iii) driving privilege card;
- 148 (iv) CDL license certificate;
- 149 (v) limited-term CDL license certificate;
- 150 (vi) temporary regular license certificate; and
- 151 (vii) temporary limited-term license certificate.

152           ~~[(21)]~~ (23) "Limited-term commercial driver license" or "limited-term CDL" means a  
153 license:

154           (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
155 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
156 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
157 commercial motor vehicle; and

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

160           ~~[(22)]~~ (24) "Limited-term identification card" means an identification card issued under  
161 this chapter to a person whose card was obtained by providing evidence of lawful presence in  
162 the United States with one of the document requirements described in Subsection  
163 [53-3-804\(2\)\(i\)\(ii\)](#).

164           ~~[(23)]~~ (25) "Limited-term license certificate" means the evidence of the privilege  
165 granted and issued under this chapter to drive a motor vehicle to a person whose privilege was  
166 obtained providing evidence of lawful presence in the United States with one of the document  
167 requirements described in Subsection [53-3-205\(8\)\(a\)\(ii\)\(B\)](#).

168           ~~[(24)]~~ (26) "Motorboat" has the same meaning as provided under Section [73-18-2](#).

169           ~~[(25)]~~ (27) "Motorcycle" means every motor vehicle, other than a tractor, having a seat  
170 or saddle for the use of the rider and designed to travel with not more than three wheels in  
171 contact with the ground.

172           (28) "Motor vehicle record" or "MVR" means a driving record under Subsection  
173 [53-3-109\(6\)\(a\)](#).

174           ~~[(26)]~~ (29) "Office of Recovery Services" means the Office of Recovery Services,  
175 created in Section [62A-11-102](#).

176           ~~[(27)]~~ (30) (a) "Owner" means a person other than a lien holder having an interest in  
177 the property or title to a vehicle.

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

180           ~~[(28)]~~ (31) "Regular identification card" means an identification card issued under this  
181 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
182 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).

183            [~~(29)~~] (32) "Regular license certificate" means the evidence of the privilege issued  
184 under this chapter to drive a motor vehicle whose privilege was obtained by providing evidence  
185 of lawful presence in the United States with one of the document requirements described in  
186 Subsection 53-3-205(8)(a)(ii)(A).

187            [~~(30)~~] (33) "Renewal" means to validate a license certificate so that it expires at a later  
188 date.

189            [~~(31)~~] (34) "Reportable violation" means an offense required to be reported to the  
190 division as determined by the division and includes those offenses against which points are  
191 assessed under Section 53-3-221.

192            [~~(32)~~] (35) (a) "Resident" means an individual who:

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

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

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

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

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

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

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

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

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

212            [~~(33)~~] (36) "Revocation" means the termination by action of the division of a licensee's  
213 privilege to drive a motor vehicle.

214           ~~[(34)]~~ (37) (a) "School bus" means a commercial motor vehicle used to transport  
215 pre-primary, primary, or secondary school students to and from home and school, or to and  
216 from school sponsored events.

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

219           ~~[(35)]~~ (38) "Suspension" means the temporary withdrawal by action of the division of a  
220 licensee's privilege to drive a motor vehicle.

221           ~~[(36)]~~ (39) "Taxicab" means any class D motor vehicle transporting any number of  
222 passengers for hire and that is subject to state or federal regulation as a taxi.

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

224           **53-3-109. Records -- Access -- Fees -- Rulemaking.**

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

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

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

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

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

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

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

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

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



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

246 or

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

249 (b) Any use of personal identifying information by an insurer or insurance support  
250 organization, or by a self-insured entity or its agents, employees, or contractors not authorized  
251 by Subsection (1)(c)(ii) is:

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

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

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

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

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

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

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

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

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

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

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

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

276 (ii) be limited to the records of a current employee of an employer;  
277 (iii) be made under a contract with the employer or a designee of an employer; and  
278 (iv) include an indication of whether the driver has had a change reflected in the  
279 driver's driving status or license class.

280 [~~(c)~~] (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:  
281 (i) the criteria for searching and compiling the driving records being requested;  
282 (ii) the frequency of the disclosures;  
283 (iii) the format of the disclosures, which may be in bulk electronic form; and  
284 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).

285 (4) The division may:  
286 (a) collect fees in accordance with Section 53-3-105 for searching and compiling its  
287 files or furnishing a report on the driving record of a person;

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

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

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

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

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

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

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

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

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

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

307 format;

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

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

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

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

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

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

322 **53-3-221. Offenses that may result in denial, suspension, disqualification, or**  
323 **revocation of license -- Additional grounds for suspension -- Point system for traffic**  
324 **violations -- Notice and hearing -- Reporting of traffic violation procedures.**

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

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

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

333 (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or  
334 physical disability rendering it unsafe for the person to drive a motor vehicle or mobility  
335 vehicle upon the highways;

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

337 (e) has knowingly committed a violation of Section [53-3-229](#); or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

373 (A) that occurred in another state; and

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

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

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

378 (B) an offense committed in another state which, if committed within Utah, would  
379 result in the mandatory suspension or revocation of a license upon conviction under Section  
380 [53-3-220](#).

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

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

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

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

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

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

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

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

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

399 (iii) The division may also delete points to reward violation-free driving for periods of

400 time set by the division.

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

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

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

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

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

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

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

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

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

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

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

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

429 (b) A suspension under Subsection (6)(a) shall remain in effect until the division  
430 receives notice from the Office of Recovery Services that the Office of Recovery Services has

431 rescinded the order of suspension.

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

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

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

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

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

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

444 (iii) (A) During the period beginning on the day on which a temporary limited driver  
445 license is issued under this Subsection (6), and ending on the day that the temporary limited  
446 driver license expires, the suspension described in this Subsection (6) only applies if the person  
447 who is suspended operates a motor vehicle for a purpose other than employment, education, or  
448 child visitation.

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

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

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

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

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

460 (7) (a) The division may suspend or revoke the license of any resident of this state  
461 upon receiving notice of the conviction of that person in another state of an offense committed

462 there that, if committed in this state, would be grounds for the suspension or revocation of a  
463 license.

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

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

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

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

475 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

476 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges  
477 under Section 53-3-219;

478 (iii) when extending a denial or suspension upon receiving certain records or reports  
479 under Subsection 53-3-220(2);

480 (iv) for failure to give and maintain owner's or operator's security under Section  
481 41-12a-411;

482 (v) when the division suspends the license under Subsection (6); or

483 (vi) when the division denies the license under Subsection (14).

484 (b) The division may suspend the license of a person under Subsection (2) until the  
485 person shows satisfactory evidence of compliance with the terms of the traffic citation.

486 (10) (a) By following the procedures in Title 63G, Chapter 4, Administrative  
487 Procedures Act, the division may suspend the license of any person without receiving a record  
488 of the person's conviction for a crime when the division has reason to believe that the person's  
489 license was granted by the division through error or fraud or that the necessary consent for the  
490 license has been withdrawn or is terminated.

491 (b) The procedure upon suspension is the same as under Subsection (5), except that  
492 after the hearing the division shall either rescind its order of suspension or cancel the license.



493 (11) (a) The division, having good cause to believe that a licensed driver is  
494 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified  
495 by the division of at least five days to the licensee require him to submit to an examination.

496 (b) Upon the conclusion of the examination the division may suspend or revoke the  
497 person's license, permit him to retain the license, or grant a license subject to a restriction  
498 imposed in accordance with Section 53-3-208.

499 (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
500 suspension or revocation of the licensee's license.

501 (12) (a) Except as provided in Subsection (12)(b), a report authorized by Section  
502 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in  
503 this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed  
504 limit and did not result in an accident, unless authorized in a manner specified by the division  
505 by the individual whose report is being requested.

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

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

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

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

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

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

518 (ii) the driving privilege card holder's vehicle registration has been revoked under  
519 Subsection 41-1a-110(2)(a)(ii)(A).

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

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

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

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

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

530 **53-3-402. Definitions.**

531 As used in this part:

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

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

535 (a) 100 milliliters of blood;

536 (b) 210 liters of breath; or

537 (c) 67 milliliters of urine.

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

540 [~~(4)~~ (3) "Commercial driver license information system" or "CDLIS" means the  
541 information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle  
542 Safety Act of 1986, as a clearinghouse for information related to the licensing and  
543 identification of commercial motor vehicle drivers.

544 [~~(5)~~ (4) "Controlled substance" means any substance so classified under Section  
545 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on  
546 the current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to  
547 time.

548 [~~(6)~~ (5) "Employee" means any driver of a commercial motor vehicle, including:

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

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

551 (c) leased drivers; and

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

554 [~~(7)~~ (6) "Employer" means any individual or person including the United States, a

555 state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or  
556 assigns an individual to drive a commercial motor vehicle.

557 ~~[(8)]~~ (7) "Felony" means any offense under state or federal law that is punishable by  
558 death or imprisonment for a term of more than one year.

559 ~~[(9)]~~ (8) "Foreign jurisdiction" means any jurisdiction other than the United States or a  
560 state of the United States.

561 ~~[(10)]~~ (9) "Gross vehicle weight rating" or "GVWR" means the value specified by the  
562 manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or  
563 articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed  
564 units and the loads on those units.

565 ~~[(11)]~~ (10) "Hazardous material" has the same meaning as defined under 49 C.F.R.  
566 Sec. 383.5.

567 ~~[(12)]~~ (11) "Imminent hazard" means the existence of a condition, practice, or violation  
568 that presents a substantial likelihood that death, serious illness, severe personal injury, or a  
569 substantial endangerment to health, property, or the environment is expected to occur  
570 immediately, or before the condition, practice, or violation can be abated.

571 ~~[(13)]~~ (12) "Medical certification status" means the medical certification of a  
572 commercial driver license holder or commercial motor vehicle operator in any of the following  
573 categories:

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

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

576 (ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part  
577 391; and

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

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

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

583 (ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec.  
584 391.45.

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

- 586 (i) operates only in intrastate commerce; and  
587 (ii) is subject to state driver qualification requirements under Sections 53-3-303.5,  
588 53-3-304, and 53-3-414.
- 589 (d) Excepted intrastate. A person shall certify that the person:  
590 (i) operates in intrastate commerce; and  
591 (ii) engages exclusively in transportation or operations excepted from all parts of the  
592 state driver qualification requirements.
- 593 ~~[(14)]~~ (13) "NDR" means the National Driver Register.  
594 ~~[(15)]~~ (14) "Nonresident CDL" means a commercial driver license issued by a state to  
595 an individual who resides in a foreign jurisdiction.  
596 ~~[(16)]~~ (15) "Out-of-service order" means a temporary prohibition against driving a  
597 commercial motor vehicle.  
598 ~~[(17)]~~ (16) "Port-of-entry agent" has the same meaning as provided in Section  
599 72-1-102.
- 600 ~~[(18)]~~ (17) "Serious traffic violation" means a conviction of any of the following:  
601 (a) speeding 15 or more miles per hour above the posted speed limit;  
602 (b) reckless driving as defined by state or local law;  
603 (c) improper or erratic traffic lane changes;  
604 (d) following the vehicle ahead too closely;  
605 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic  
606 accident;  
607 (f) operating a commercial motor vehicle without a CDL or a CDIP;  
608 (g) operating a commercial motor vehicle without the proper class of CDL or CDL  
609 endorsement for the type of vehicle group being operated or for the passengers or cargo being  
610 transported;  
611 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in  
612 the driver's possession in violation of Section 53-3-404;  
613 (i) using a handheld wireless communication device in violation of Section 41-6a-1716  
614 while operating a commercial motor vehicle; or  
615 (j) using a hand-held mobile telephone while operating a commercial motor vehicle in  
616 violation of 49 C.F.R. Sec. 392.82.

617           [(19)] (18) "State" means a state of the United States, the District of Columbia, any  
618 province or territory of Canada, or Mexico.

619           [(20)] (19) "United States" means the 50 states and the District of Columbia.

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

621           **53-3-410.1. Medical certification requirements.**

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

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

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

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

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

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

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

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

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

637           (B) comply with the requirements of Section **53-3-303.5**.

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

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

642           (4) Failure to comply with the requirement of this section shall result in the denial of  
643 the license under Section **53-3-221**.

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

645           **53-3-420. Driver's driving record available for certain purposes.**

646           The division shall provide [~~full information regarding the driving record~~] the CDL  
647 MVR of any holder of a CDIP or CDL within 10 days of a request to:

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

649 (1) another state via the commercial driver license information system;

650 (2) [any employer or prospective employer of a person to drive a commercial motor

651 vehicle] a motor carrier or prospective motor carrier with a release from the subject of the

652 record granting disclosure of the record upon request and payment of a fee under Section

653 53-3-105;

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

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

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

658 **53-3-709. Amendment of compact.**

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

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

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

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

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

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

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

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

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

672 **72-9-107. Medical exemptions for farm vehicle operators.**

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

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

678 (2) not operated as a commercial motor vehicle in accordance with Subsection

679 53-3-102[(4)](6)(b)(ii); and

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

681 Section 9. **Effective date.**

682 This bill takes effect on July 1, 2015.

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**Legislative Review Note**  
as of 9-17-14 3:32 PM

**Office of Legislative Research and General Counsel**