

1 **UNIFORM DRIVER LICENSE ACT AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kevin T. Van Tassell**

5 House Sponsor: _____

7 **LONG TITLE**

8 **Committee Note:**

9 The Transportation Interim Committee recommended this bill.

10 **General Description:**

11 This bill modifies the Uniform Driver License Act by amending provisions relating to
12 commercial driver licenses.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ prohibits the Driver License Division from issuing a CDL to a person who is
16 younger than 18 years of age at the time of application;
- 17 ▶ provides that a temporary CDL may only be issued until June 30, 2015, to a person
18 who is enrolled in a CDL driver training school located in Utah;
- 19 ▶ adds a requirement to the CDL application that, beginning July 1, 2015, a person
20 must hold a commercial driver instruction permit for a minimum of 14 days prior to
21 taking the skills test, including a person who is upgrading a CDL class or
22 endorsement requiring a skills test;
- 23 ▶ adds a requirement to the commercial driver instruction permit application that a
24 person must be 18 years of age or older to be eligible for a commercial driver
25 instruction permit; and
- 26 ▶ makes technical corrections.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53-3-204**, as last amended by Laws of Utah 2012, Chapters 176 and 335

34 **53-3-407**, as last amended by Laws of Utah 2013, Chapter 411

35 **53-3-408**, as last amended by Laws of Utah 2006, Chapter 201



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

38 Section 1. Section **53-3-204** is amended to read:

39 **53-3-204. Persons who may not be licensed.**

40 (1) (a) The division may not license a person who:

41 (i) is younger than 16 years of age;

42 (ii) if the person is 18 years of age or younger, has not completed a course in driver
43 training approved by the commissioner;

44 (iii) if the person is 19 years of age or older has not completed:

45 (A) a course in driver training approved by the commissioner; or

46 (B) the requirements under Subsection **53-3-210.5(6)(c)**;

47 (iv) if the person is a minor as defined in Section **53-3-211**, has not completed the
48 driving requirement under Section **53-3-211**;

49 (v) is not a resident of the state, unless the person is issued a temporary CDL under
50 Subsection **53-3-407(2)(b)** prior to July 1, 2015; or

51 (vi) if the person is 17 years of age or younger, has not held a learner permit issued
52 under Section **53-3-210.5** for six months[-]; or

53 (vii) is younger than 18 years of age and applying for a CDL under 49 C.F.R. Part 383.

54 (b) Subsections (1)(a)(i), (ii), (iii), and (iv) do not apply to a person:

55 (i) who has been licensed before July 1, 1967; or

56 (ii) who is 16 years of age or older making application for a license who has been
57 licensed in another state or country.

58 (2) The division may not issue a license certificate to a person:

- 59 (a) whose license has been suspended, denied, cancelled, or disqualified during the
60 period of suspension, denial, cancellation, or disqualification;
- 61 (b) whose privilege has been revoked, except as provided in Section 53-3-225;
- 62 (c) who has previously been adjudged mentally incompetent and who has not at the
63 time of application been restored to competency as provided by law;
- 64 (d) who is required by this chapter to take an examination unless the person
65 successfully passes the examination;
- 66 (e) whose driving privileges have been denied or suspended under:
- 67 (i) Section 78A-6-606 by an order of the juvenile court; or
- 68 (ii) Section 53-3-231; or
- 69 (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card
70 issued under Part 8, Identification [~~Cards~~] Card Act, unless:
- 71 (i) the Utah identification card is canceled; and
- 72 (ii) if the Utah identification card is in the person's possession, the Utah identification
73 card is surrendered to the division.
- 74 (3) (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle
75 endorsement to a person who:
- 76 (i) has not been granted an original or provisional class D license, a CDL, or an
77 out-of-state equivalent to an original or provisional class D license or a CDL; and
- 78 (ii) if the person is under 19 years of age, has not held a motorcycle learner permit for
79 two months unless Subsection (3)(b) applies.
- 80 (b) The division may waive the two month motorcycle learner permit holding period
81 requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division
82 that the person has completed a motorcycle rider education program that meets the
83 requirements under Section 53-3-903.
- 84 (c) The division may grant a motorcycle endorsement to a person under 19 years of age
85 who has not held a motorcycle learner permit for two months if the person was issued a
86 motorcycle endorsement prior to July 1, 2008.
- 87 (4) The division may grant a class D license to a person whose commercial license is
88 disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not
89 otherwise sanctioned under this chapter.

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

91 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
92 **administer skills test.**

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

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

97 (ii) prepares an applicant for an examination under Subsection (2)(a)(ii) or (2)(b)(i)(B).

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

100 (2) (a) Except as provided in Subsection (2)(b) and (c), a CDL may be issued only to a
101 person who:

102 (i) is a resident of this state;

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

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

109 ~~[(iii)]~~ (iv) has complied with all requirements of 49 C.F.R. Part 383 and other
110 applicable state laws and federal regulations.

111 (b) (i) ~~[A]~~ Until June 30, 2015, a temporary CDL may be issued to a person who:

112 (A) is enrolled in a CDL driver training school located in Utah;

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

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

117 (ii) A temporary CDL issued under this Subsection (2)(b):

118 (A) is valid for 60 days; and

119 (B) may not be renewed or extended.

120 (iii) Except as provided in this section and Subsections **53-3-204(1)(a)(v)**,

121 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
122 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL
123 issued under this Subsection (2)(b) in the same way as a commercial driver license issued
124 under this part.

125 (c) The department shall waive the skills test specified in this section for a commercial
126 driver license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec.
127 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and certifies
128 that the applicant:

129 (i) is a member of the active or reserve components of any branch or unit of the armed
130 forces or a veteran who received an honorable discharge from any branch or unit of the active
131 or reserve components of the armed forces;

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

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

137 (d) An applicant who requests a waiver under Subsection (2)(c) shall present a
138 completed application for a military skills test waiver at the time of the request.

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

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

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

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

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

151 (6) A person authorized under this section to administer the skills test is not criminally

152 or civilly liable for the administration of the test unless he administers the test in a grossly
153 negligent manner.

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

156 Section 3. Section **53-3-408** is amended to read:

157 **53-3-408. Qualifications for commercial driver instruction permit.**

158 (1) The division may issue a CDIP to a person who:

159 (a) is 18 years of age or older;

160 [~~(a)~~] (b) holds a valid license;

161 [~~(b)~~] (c) has at least one year of driving experience; and

162 [~~(c)~~] (d) has passed the vision and knowledge test for the class of license for which [~~he~~]
163 the person is applying.

164 (2) A CDIP may be:

165 (a) issued only for a period not to exceed six months; and

166 (b) renewed or issued again only once within a two-year period.

167 (3) The holder of a CDIP may drive a commercial motor vehicle on a highway only
168 when accompanied by a person who:

169 (a) (i) holds a CDL valid for the [~~type~~] class and endorsements of commercial motor
170 vehicle driven; or

171 (ii) is certified by the division to administer driver licensing examinations to CDL
172 applicants; and

173 (b) occupies a seat beside the individual for the purpose of:

174 (i) giving the driver instruction regarding the driving of the commercial motor vehicle;

175 or

176 (ii) administering a driver licensing examination to a CDL applicant.

177 (4) A CDL or CDIP may not be issued to a person:

178 (a) subject to disqualification from driving a commercial motor vehicle; or

179 (b) whose license is suspended, revoked, or canceled in any state.

180 (5) A CDL or CDIP may not be issued to a person until the person has surrendered all
181 license certificates the person holds to the division for cancellation.

Legislative Review Note
as of 11-20-13 5:59 PM

Office of Legislative Research and General Counsel