

1 **COMMERCIAL DRIVER LICENSE AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

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

5 House Sponsor: Don L. Ipson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies disclosure and application provisions for commercial driver licenses.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ modifies provisions relating to the disclosure of driving records, temporary licenses,
13 the term of a commercial driving instruction permit, application information, and
14 medical certification requirements; and

15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53-3-109**, as last amended by Laws of Utah 2015, Chapter 52

23 **53-3-205**, as last amended by Laws of Utah 2015, Chapter 422

24 **53-3-408**, as last amended by Laws of Utah 2015, Chapter 422

25 **53-3-410**, as last amended by Laws of Utah 2011, Chapters 190 and 415

26 **53-3-410.1**, as last amended by Laws of Utah 2015, Chapter 52

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

29 Section 1. Section **53-3-109** is amended to read:

30 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

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

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

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

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

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

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

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

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

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

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

52 or

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

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

58 (i) an unfair marketing practice under Section 31A-23a-402; or
59 (ii) an unfair claim settlement practice under Subsection 31A-26-303(3).
60 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee
61 may disclose portions of a driving record, in accordance with this Subsection (3), to:
62 (i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for
63 purposes of assessing driving risk on the insurer's current motor vehicle insurance
64 policyholders;
65 (ii) an employer or a designee of an employer, for purposes of monitoring the driving
66 record and status of current employees who drive as a responsibility of the employee's
67 employment if the requester demonstrates that the requester has obtained the written consent of
68 the individual to whom the information pertains; and
69 (iii) an employer or the employer's agents to obtain or verify information relating to a
70 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.
71 (b) A disclosure under Subsection (3)(a)(i) shall:
72 (i) include the licensed driver's name, driver license number, date of birth, and an
73 indication of whether the driver has had a moving traffic violation that is a reportable violation,
74 as defined under Section 53-3-102 during the previous month;
75 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered
76 under a motor vehicle insurance policy of the insurer; and
77 (iii) be made under a contract with the insurer or a designee of an insurer.
78 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:
79 (i) include the licensed driver's name, driver license number, date of birth, and an
80 indication of whether the driver has had a moving traffic violation that is a reportable violation,
81 as defined under Section 53-3-102, during the previous month;
82 (ii) be limited to the records of a current employee of an employer;
83 (iii) be made under a contract with the employer or a designee of an employer; and
84 (iv) include an indication of whether the driver has had a change reflected in the
85 driver's [~~driving status or license class~~]:

86 (A) driving status;

87 (B) license class;

88 (C) medical self-certification status; or

89 (D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.

90 (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:

91 (i) the criteria for searching and compiling the driving records being requested;

92 (ii) the frequency of the disclosures;

93 (iii) the format of the disclosures, which may be in bulk electronic form; and

94 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).

95 (4) The division may:

96 (a) collect fees in accordance with Section 53-3-105 for searching and compiling its
97 files or furnishing a report on the driving record of a person;

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

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

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

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

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

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

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

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

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

116 (d) the form of a signature required under this chapter which may include electronic
117 format;

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

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

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

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

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

131 Section 2. Section 53-3-205 is amended to read:

132 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
133 **Expiration dates of licenses and endorsements -- Information required -- Previous**
134 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
135 **Fee required -- License agreement.**

136 (1) An application for any original license, provisional license, or endorsement shall
137 be:

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

139 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

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

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

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

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

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

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

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

154 (4) An application and fees for a commercial class A, B, or C license entitle the
155 applicant to:

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

158 (b) both a commercial driver instruction permit and a temporary license permit for the
159 license class held before the applicant submits the application if needed after the knowledge
160 test is passed; and

161 (c) an original commercial class A, B, or C license and license certificate when all
162 applicable tests are passed.

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

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

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

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

170 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
171 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
172 administered by the division if the out-of-state resident pays the fee provided in Subsection
173 [53-3-105\(20\)\(b\)](#).

174 (ii) The division shall:

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

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

179 (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license
180 expires on the birth date of the applicant in the fifth year following the year the license
181 certificate was issued.

182 (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension
183 to a license expires on the birth date of the licensee in the fifth year following the expiration
184 date of the license certificate renewed or extended.

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

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

189 (e) (i) A regular license certificate and any endorsement to the regular license
190 certificate held by a person described in Subsection (7)(e)(ii), which expires during the time
191 period the person is stationed outside of the state, is valid until 90 days after the person's orders
192 have been terminated, the person has been discharged, or the person's assignment has been
193 changed or terminated, unless:

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

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

197 (ii) The provisions in Subsection (7)(e)(i) apply to a person:

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

200 (B) who is an immediate family member or dependent of a person described in
201 Subsection (7)(e)(ii)(A) and is residing outside of Utah;

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

204 (D) who is an immediate family member or dependent of a person described in
205 Subsection (7)(e)(ii)(C) and is residing outside of the United States.

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

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

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

213 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
214 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
215 year following the year that the limited-term license certificate was issued.

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

219 (h) An original license or a renewal to an original license expires on the birth date of
220 the applicant in the first year following the year that the license was issued if the applicant is
221 required to register as a sex offender in accordance with Title 77, Chapter 41, Sex and Kidnap
222 Offender Registry.

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

225 (i) provide:

- 226 (A) the applicant's full legal name;
- 227 (B) the applicant's birth date;
- 228 (C) the applicant's gender;
- 229 (D) (I) documentary evidence of the applicant's valid Social Security number;
- 230 (II) written proof that the applicant is ineligible to receive a Social Security number;
- 231 (III) the applicant's temporary identification number (ITIN) issued by the Internal
- 232 Revenue Service for a person who:
 - 233 (Aa) does not qualify for a Social Security number; and
 - 234 (Bb) is applying for a driving privilege card; or
 - 235 (IV) other documentary evidence approved by the division;
 - 236 (E) the applicant's Utah residence address as documented by a form or forms
 - 237 acceptable under rules made by the division under Section 53-3-104, unless the application is
 - 238 for a temporary CDL issued under Subsection 53-3-407(2)(b); and
 - 239 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
 - 240 is applying for a driving privilege card;
 - 241 (ii) provide evidence of the applicant's lawful presence in the United States by
 - 242 providing documentary evidence:
 - 243 (A) that a person is:
 - 244 (I) a United States citizen;
 - 245 (II) a United States national; or
 - 246 (III) a legal permanent resident alien; or
 - 247 (B) of the applicant's:
 - 248 (I) unexpired immigrant or nonimmigrant visa status for admission into the United
 - 249 States;
 - 250 (II) pending or approved application for asylum in the United States;
 - 251 (III) admission into the United States as a refugee;
 - 252 (IV) pending or approved application for temporary protected status in the United
 - 253 States;

- 254 (V) approved deferred action status;
- 255 (VI) pending application for adjustment of status to legal permanent resident or
256 conditional resident; or
- 257 (VII) conditional permanent resident alien status;
- 258 (iii) provide a description of the applicant;
- 259 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
260 and, if so, when and by what state or country;
- 261 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,
262 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license
263 application refused, and if so, the date of and reason for the suspension, cancellation,
264 revocation, disqualification, denial, or refusal;
- 265 (vi) state whether the applicant intends to make an anatomical gift under Title 26,
266 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);
- 267 (vii) state whether the applicant is required to register as a sex offender in accordance
268 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 269 (viii) state whether the applicant is a veteran of the United States military, provide
270 verification that the applicant was granted an honorable or general discharge from the United
271 States Armed Forces, and state whether the applicant does or does not authorize sharing the
272 information with the state Department of Veterans' and Military Affairs;
- 273 (ix) provide all other information the division requires; and
- 274 (x) sign the application which signature may include an electronic signature as defined
275 in Section [46-4-102](#).
- 276 (b) Each applicant shall have a Utah residence address, unless the application is for a
277 temporary CDL issued under Subsection [53-3-407\(2\)\(b\)](#).
- 278 (c) Each applicant shall provide evidence of lawful presence in the United States in
279 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.
- 280 (d) The division shall maintain on its computerized records an applicant's:
- 281 (i) (A) Social Security number;

- 282 (B) temporary identification number (ITIN); or
- 283 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and
- 284 (ii) indication whether the applicant is required to register as a sex offender in
- 285 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.
- 286 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
- 287 by at least one of the following means:
- 288 (a) current license certificate;
- 289 (b) birth certificate;
- 290 (c) Selective Service registration; or
- 291 (d) other proof, including church records, family Bible notations, school records, or
- 292 other evidence considered acceptable by the division.
- 293 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
- 294 higher class than what the applicant originally was issued:
- 295 (i) the license application shall be treated as an original application; and
- 296 (ii) license and endorsement fees shall be assessed under Section [53-3-105](#).
- 297 (b) An applicant that receives a downgraded license in a lower license class during an
- 298 existing license cycle that has not expired:
- 299 (i) may be issued a duplicate license with a lower license classification for the
- 300 remainder of the existing license cycle; and
- 301 (ii) shall be assessed a duplicate license fee under Subsection [53-3-105\(22\)](#) if a
- 302 duplicate license is issued under Subsection (10)(b)(i).
- 303 (c) An applicant who has received a downgraded license in a lower license class under
- 304 Subsection (10)(b):
- 305 (i) may, when eligible, receive a duplicate license in the highest class previously issued
- 306 during a license cycle that has not expired for the remainder of the existing license cycle; and
- 307 (ii) shall be assessed a duplicate license fee under Subsection [53-3-105\(22\)](#) if a
- 308 duplicate license is issued under Subsection (10)(c)(i).
- 309 (11) (a) When an application is received from a person previously licensed in another

310 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
311 other state.

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

314 (12) An application for reinstatement of a license after the suspension, cancellation,
315 disqualification, denial, or revocation of a previous license shall be accompanied by the
316 additional fee or fees specified in Section 53-3-105.

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

320 (14) A person who applies for an original license or renewal of a license agrees that the
321 person's license is subject to any suspension or revocation authorized under this title or Title
322 41, Motor Vehicles.

323 (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by
324 the licensee in accordance with division rule.

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

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

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

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

332 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and
333 Management Act, the division may release to the Department of Veterans' and Military Affairs
334 the names and addresses of all persons who indicate their status as a veteran under Subsection
335 (8)(a)(viii).

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

338 (a) loss;

339 (b) detriment; or

340 (c) injury.

341 (18) A person who knowingly fails to provide the information required under
342 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

343 (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may
344 hold both an unexpired Utah license certificate and an unexpired Utah identification card.

345 (b) On or after December 1, 2014, a person born on or after December 1, 1964:

346 (i) may not hold both an unexpired Utah license certificate and an unexpired
347 identification card; and

348 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
349 identification card in the person's possession, shall be required to surrender either the unexpired
350 Utah license certificate or the unexpired Utah identification card.

351 (c) If a person has not surrendered either the Utah license certificate or the Utah
352 identification card as required under this Subsection (19), the division shall cancel the Utah
353 identification card on December 1, 2014.

354 (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold
355 both an unexpired Utah license certificate and an unexpired Utah identification card.

356 (b) On or after December 1, 2017, a person born prior to December 1, 1964:

357 (i) may not hold both an unexpired Utah license certificate and an unexpired
358 identification card; and

359 (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah
360 identification card in the person's possession, shall be required to surrender either the unexpired
361 Utah license certificate or the unexpired Utah identification card.

362 (c) If a person has not surrendered either the Utah license certificate or the Utah
363 identification card as required under this Subsection (20), the division shall cancel the Utah
364 identification card on December 1, 2017.

365 (21) (a) A person who applies for an original motorcycle endorsement to a regular

366 license certificate is exempt from the requirement to pass the knowledge and skills test to be
367 eligible for the motorcycle endorsement if the person:

368 (i) is a resident of the state of Utah;
369 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
370 forces of the United States; or

371 (B) is an immediate family member or dependent of a person described in Subsection
372 (21)(a)(ii)(A) and is residing outside of Utah;

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

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

376 (v) provides the necessary information and documentary evidence required under
377 Subsection (8).

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

380 (i) establishing the procedures for a person to obtain a motorcycle endorsement under
381 this Subsection (21); and

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

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

385 **53-3-408. Qualifications for commercial driver instruction permit.**

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

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

388 (b) holds a valid license;

389 (c) has at least one year of driving experience; and

390 (d) has passed the vision and knowledge test for the class of license for which the
391 person is applying.

392 (2) [~~A CDIP may be:~~] The division may issue a CDIP only for a period not to exceed
393 180 days.

394 ~~[(a) issued only for a period not to exceed six months; and]~~

395 ~~[(b) renewed or issued again only once within a two-year period.]~~

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

398 (a) (i) holds a CDL valid for the class and endorsements of commercial motor vehicle
399 driven; or

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

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

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

404 or

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

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

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

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

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

411 Section 4. Section **53-3-410** is amended to read:

412 **53-3-410. Applicant information required for CDIP and CDL -- State resident to**
413 **have state CDL.**

414 (1) The application for a CDL, limited-term CDL, or CDIP shall include the following
415 information regarding the applicant:

416 (a) full legal name;

417 (b) current mailing address;

418 (c) Utah residential address, unless the application is for a temporary CDL issued under
419 Subsection **53-3-407(2)(b)**;

420 (d) physical description, including sex, height, weight, and eye color;

421 (e) date of birth;

- 422 (f) documentary evidence of the applicant's valid Social Security number;
- 423 (g) a complete list of all states in which the applicant was issued a driver license in the
- 424 previous 10 years[;] upon:
- 425 (i) initial issuance of a Utah license;
- 426 (ii) renewal of a CDL for the first time after September 30, 2002; or
- 427 (iii) transfer of a CDL from another state;
- 428 (h) the applicant's signature;
- 429 (i) evidence of the applicant's lawful presence in the United States by providing
- 430 documentary evidence:
- 431 (i) that a person is:
- 432 (A) a United States Citizen;
- 433 (B) a United States national; or
- 434 (C) a legal permanent resident alien; or
- 435 (ii) of the applicant's:
- 436 (A) unexpired immigrant or nonimmigrant visa status for admission into the United
- 437 States;
- 438 (B) pending or approved application for asylum in the United States;
- 439 (C) admission into the United States as a refugee;
- 440 (D) pending or approved application for temporary protected status in the United
- 441 States;
- 442 (E) approved deferred action status;
- 443 (F) pending application for adjustment of status to legal permanent resident or
- 444 conditional resident; or
- 445 (G) conditional permanent resident alien status; and
- 446 (j) beginning on January 30, 2012, a medical certification status.
- 447 (2) An application under this section shall also include all certifications required by 49
- 448 C.F.R., Part 383.71.
- 449 (3) When the holder of a license under this part changes the holder's name, mailing

450 address, or residence, the holder shall make application for a duplicate license within 30 days
451 of the change.

452 (4) A person who has been a resident of this state for 30 consecutive days may not
453 drive a commercial motor vehicle under the authority of a commercial driver license issued by
454 another jurisdiction.

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

456 **53-3-410.1. Medical certification requirements.**

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

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

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

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

465 (i) provide to the division a medical [~~self-certification~~] self-certification; and

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

467 (d) "excepted intrastate" under Subsection **53-3-402**(12)(b) is required to, upon request
468 by the division:

469 (i) provide to the division a medical [~~self-certification~~] self-certification; and

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

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

473 (2) A request by the division for a person to comply with Subsection (1) shall
474 correspond with:

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

476 (b) the expiration of the previously submitted medical self-certification; or

477 (c) documentary evidence received by the division under Subsection (1) that indicates

478 the driver may not be medically qualified to operate a CMV.

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

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

486 [~~3~~] (4) If a person fails to comply with a request under this section, the person shall
487 be required to downgrade the person's CDL to a class D license.

488 [~~4~~] (5) Failure to comply with the requirement of this section shall result in the denial
489 of the license under Section [53-3-221](#).