

30 applicant holds a valid Utah commercial driver instruction permit at the time the test is
31 administered;

32 ▶ authorizes the Driver License Division or an authorized third party, beginning July
33 1, 2015, to administer a skills test to an out-of-state resident that holds a valid
34 commercial driver instruction permit issued by a state or jurisdiction that is
35 compliant with certain federal requirements;

36 ▶ requires the Driver License Division or an authorized third party who administers a
37 skills test to:

38 • electronically transmit the skills test results for an out-of-state resident to the
39 state or jurisdiction in which the out-of-state resident holds a valid commercial
40 driver instruction permit; and

41 • provide an out-of-state resident with documentary evidence upon successful
42 completion of the test;

43 ▶ authorizes the Driver License Division or an authorized third party to collect a fee
44 when a skills test is administered to an out-of-state resident; and

45 ▶ makes technical corrections.

46 **Money Appropriated in this Bill:**

47 None

48 **Other Special Clauses:**

49 None

50 **Utah Code Sections Affected:**

51 AMENDS:

52 **53-3-204**, as last amended by Laws of Utah 2014, Chapter 58

53 **53-3-205**, as last amended by Laws of Utah 2014, Chapter 85

54 **53-3-402**, as last amended by Laws of Utah 2013, Chapter 411

55 **53-3-407**, as last amended by Laws of Utah 2014, Chapter 85

56 **53-3-408**, as last amended by Laws of Utah 2006, Chapter 201

57 ENACTS:

58 **53-3-401.1**, Utah Code Annotated 1953



59
60 *Be it enacted by the Legislature of the state of Utah:*

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

62 **53-3-204. Persons who may not be licensed.**

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

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

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

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

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

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

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

72 (v) is not a resident of the state, unless the person:

73 (A) is issued a temporary CDL under Subsection **53-3-407(2)(b)**~~[-or]~~ prior to July 1,
74 2015; or

75 (B) qualifies for a non-domiciled CDL as defined in 49 C.F.R. Part 383;

76 (vi) if the person is 17 years of age or younger, has not held a learner permit issued
77 under Section **53-3-210.5** or an equivalent by another state or branch of the United States
78 Armed Forces for six months~~[-]; or~~

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

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

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

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

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

85 (a) whose license has been suspended, denied, cancelled, or disqualified during the

86 period of suspension, denial, cancellation, or disqualification;

87 (b) whose privilege has been revoked, except as provided in Section 53-3-225;

88 (c) who has previously been adjudged mentally incompetent and who has not at the
89 time of application been restored to competency as provided by law;

90 (d) who is required by this chapter to take an examination unless the person
91 successfully passes the examination;

92 (e) whose driving privileges have been denied or suspended under:

93 (i) Section 78A-6-606 by an order of the juvenile court; or

94 (ii) Section 53-3-231; or

95 (f) beginning on or after July 1, 2012, who holds an unexpired Utah identification card
96 issued under Part 8, Identification Card Act, unless:

97 (i) the Utah identification card is canceled; and

98 (ii) if the Utah identification card is in the person's possession, the Utah identification
99 card is surrendered to the division.

100 (3) (a) Except as provided in Subsection (3)(c), the division may not grant a motorcycle
101 endorsement to a person who:

102 (i) has not been granted an original or provisional class D license, a CDL, or an
103 out-of-state equivalent to an original or provisional class D license or a CDL; and

104 (ii) if the person is under 19 years of age, has not held a motorcycle learner permit for
105 two months unless Subsection (3)(b) applies.

106 (b) The division may waive the two month motorcycle learner permit holding period
107 requirement under Subsection (3)(a)(ii) if the person proves to the satisfaction of the division
108 that the person has completed a motorcycle rider education program that meets the
109 requirements under Section 53-3-903.

110 (c) The division may grant a motorcycle endorsement to a person under 19 years of age
111 who has not held a motorcycle learner permit for two months if the person was issued a
112 motorcycle endorsement prior to July 1, 2008.

113 (4) The division may grant a class D license to a person whose commercial license is

114 disqualified under Part 4, Uniform Commercial Driver License Act, if the person is not
115 otherwise sanctioned under this chapter.

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

117 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**
118 **Expiration dates of licenses and endorsements -- Information required -- Previous**
119 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**
120 **Fee required -- License agreement.**

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

- 123 (a) made upon a form furnished by the division; and
- 124 (b) accompanied by a nonrefundable fee set under Section [53-3-105](#).

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

- 127 (a) not more than three attempts to pass both the knowledge and the skills tests for a
128 class D license within six months of the date of the application;
- 129 (b) a learner permit if needed pending completion of the application and testing
130 process; and
- 131 (c) an original class D license and license certificate after all tests are passed and
132 requirements are completed.

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

- 135 (a) not more than three attempts to pass both the knowledge and skills tests within six
136 months of the date of the application;
- 137 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- 138 (c) a motorcycle or taxicab endorsement when all tests are passed.

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

- 141 (a) not more than two attempts to pass a knowledge test and not more than two

142 attempts to pass a skills test within six months of the date of the application;

143 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
144 and

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

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

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

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

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

154 (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued
155 by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
156 administered by the division if the out-of-state resident pays the fee provided in Subsection
157 53-3-105(20)(b).

158 (ii) The division shall:

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

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

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

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

169 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on

170 the same date as the last license certificate issued.

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

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

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

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

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

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

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

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

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

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

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

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

197 (ii) A limited-term license certificate or a renewal to a limited-term license certificate

198 issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth
199 year following the year that the limited-term license certificate was issued.

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

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

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

209 (i) provide:

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

211 (B) the applicant's birth date;

212 (C) the applicant's gender;

213 (D) (I) documentary evidence of the applicant's valid Social Security number;

214 (II) written proof that the applicant is ineligible to receive a Social Security number;

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

216 Revenue Service for a person who:

217 (Aa) does not qualify for a Social Security number; and

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

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

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

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

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

223 (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person
224 is applying for a driving privilege card;

225 (ii) provide evidence of the applicant's lawful presence in the United States by

226 providing documentary evidence:

227 (A) that a person is:

228 (I) a United States citizen;

229 (II) a United States national; or

230 (III) a legal permanent resident alien; or

231 (B) of the applicant's:

232 (I) unexpired immigrant or nonimmigrant visa status for admission into the United

233 States;

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

235 (III) admission into the United States as a refugee;

236 (IV) pending or approved application for temporary protected status in the United

237 States;

238 (V) approved deferred action status;

239 (VI) pending application for adjustment of status to legal permanent resident or

240 conditional resident; or

241 (VII) conditional permanent resident alien status;

242 (iii) provide a description of the applicant;

243 (iv) state whether the applicant has previously been licensed to drive a motor vehicle

244 and, if so, when and by what state or country;

245 (v) state whether the applicant has ever had any license suspended, cancelled, revoked,

246 disqualified, or denied in the last 10 years, or whether the applicant has ever had any license

247 application refused, and if so, the date of and reason for the suspension, cancellation,

248 revocation, disqualification, denial, or refusal;

249 (vi) state whether the applicant intends to make an anatomical gift under Title 26,

250 Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);

251 (vii) state whether the applicant is required to register as a sex offender in accordance

252 with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

253 (viii) state whether the applicant is a veteran of the United States military, provide

254 verification that the applicant was granted an honorable or general discharge from the United
255 States Armed Forces, and state whether the applicant does or does not authorize sharing the
256 information with the state Department of Veterans' and Military Affairs;

257 (ix) provide all other information the division requires; and

258 (x) sign the application which signature may include an electronic signature as defined
259 in Section 46-4-102.

260 (b) Each applicant shall have a Utah residence address, unless the application is for a
261 temporary CDL issued under Subsection 53-3-407(2)(b).

262 (c) Each applicant shall provide evidence of lawful presence in the United States in
263 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.

264 (d) The division shall maintain on its computerized records an applicant's:

265 (i) (A) Social Security number;

266 (B) temporary identification number (ITIN); or

267 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and

268 (ii) indication whether the applicant is required to register as a sex offender in

269 accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry.

270 (9) The division shall require proof of every applicant's name, birthdate, and birthplace
271 by at least one of the following means:

272 (a) current license certificate;

273 (b) birth certificate;

274 (c) Selective Service registration; or

275 (d) other proof, including church records, family Bible notations, school records, or
276 other evidence considered acceptable by the division.

277 (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
278 higher class than what the applicant originally was issued:

279 (i) the license application shall be treated as an original application; and

280 (ii) license and endorsement fees shall be assessed under Section 53-3-105.

281 (b) An applicant that receives a downgraded license in a lower license class during an

282 existing license cycle that has not expired:

283 (i) may be issued a duplicate license with a lower license classification for the
284 remainder of the existing license cycle; and

285 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
286 duplicate license is issued under Subsection (10)(b)(i).

287 (c) An applicant who has received a downgraded license in a lower license class under
288 Subsection (10)(b):

289 (i) may, when eligible, receive a duplicate license in the highest class previously issued
290 during a license cycle that has not expired for the remainder of the existing license cycle; and

291 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a
292 duplicate license is issued under Subsection (10)(c)(i).

293 (11) (a) When an application is received from a person previously licensed in another
294 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
295 other state.

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

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

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

304 (14) A person who applies for an original license or renewal of a license agrees that the
305 person's license is subject to any suspension or revocation authorized under this title or Title
306 41, Motor Vehicles.

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

309 (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and

310 Management Act, the division may, upon request, release to an organ procurement
311 organization, as defined in Section 26-28-102, the names and addresses of all persons who
312 under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.

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

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

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

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

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

322 (a) loss;

323 (b) detriment; or

324 (c) injury.

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

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

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

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

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

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

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

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

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

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

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

349 (21) (a) A person who applies for an original motorcycle endorsement to a regular
350 license certificate is exempt from the requirement to pass the knowledge and skills test to be
351 eligible for the motorcycle endorsement if the person:

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

353 (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed
354 forces of the United States; or

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

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

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

360 (v) provides the necessary information and documentary evidence required under
361 Subsection (8).

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

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

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

368 Section 3. Section **53-3-401.1** is enacted to read:

369 **53-3-401.1. Conflict with Federal Motor Carrier Safety Regulations.**

370 Federal Motor Carrier Safety Regulations supercede any conflicting provisions of this
371 chapter pertaining to licensing of commercial motor vehicle operators.

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

373 **53-3-402. Definitions.**

374 As used in this part:

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

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

378 (a) 100 milliliters of blood;

379 (b) 210 liters of breath; or

380 (c) 67 milliliters of urine.

381 (3) "Commercial driver instruction permit" or "CDIP" means a commercial learner
382 permit;

383 (a) issued under Section [53-3-408](#)[~~;~~]; or

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

386 (4) "Commercial driver license information system" or "CDLIS" means the
387 information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle
388 Safety Act of 1986, as a clearinghouse for information related to the licensing and
389 identification of commercial motor vehicle drivers.

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

- 394 (6) "Employee" means any driver of a commercial motor vehicle, including:
395 (a) full-time, regularly employed drivers;
396 (b) casual, intermittent, or occasional drivers;
397 (c) leased drivers; and
398 (d) independent, owner-operator contractors while in the course of driving a
399 commercial motor vehicle who are either directly employed by or under lease to an employer.
- 400 (7) "Employer" means any individual or person including the United States, a state, or
401 a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns an
402 individual to drive a commercial motor vehicle.
- 403 (8) "Felony" means any offense under state or federal law that is punishable by death or
404 imprisonment for a term of more than one year.
- 405 (9) "Foreign jurisdiction" means any jurisdiction other than the United States or a state
406 of the United States.
- 407 (10) "Gross vehicle weight rating" or "GVWR" means the value specified by the
408 manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or
409 articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed
410 units and the loads on those units.
- 411 (11) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec.
412 383.5.
- 413 (12) "Imminent hazard" means the existence of a condition, practice, or violation that
414 presents a substantial likelihood that death, serious illness, severe personal injury, or a
415 substantial endangerment to health, property, or the environment is expected to occur
416 immediately, or before the condition, practice, or violation can be abated.
- 417 (13) "Medical certification status" means the medical certification of a commercial
418 driver license holder or commercial motor vehicle operator in any of the following categories:
419 (a) Non-excepted interstate. A person shall certify that the person:
420 (i) operates or expects to operate in interstate commerce;
421 (ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part

422 391; and

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

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

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

428 (ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec.
429 391.45.

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

431 (i) operates only in intrastate commerce; and

432 (ii) is subject to state driver qualification requirements under Sections [53-3-303.5](#),
433 [53-3-304](#), and [53-3-414](#).

434 (d) Excepted intrastate. A person shall certify that the person:

435 (i) operates in intrastate commerce; and

436 (ii) engages exclusively in transportation or operations excepted from all parts of the
437 state driver qualification requirements.

438 (14) "NDR" means the National Driver Register.

439 (15) "Nonresident CDL" means a commercial driver license issued by a state to an
440 individual who resides in a foreign jurisdiction.

441 (16) "Out-of-service order" means a temporary prohibition against driving a
442 commercial motor vehicle.

443 (17) "Port-of-entry agent" has the same meaning as provided in Section [72-1-102](#).

444 (18) "Serious traffic violation" means a conviction of any of the following:

445 (a) speeding 15 or more miles per hour above the posted speed limit;

446 (b) reckless driving as defined by state or local law;

447 (c) improper or erratic traffic lane changes;

448 (d) following the vehicle ahead too closely;

449 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic

450 accident;

451 (f) operating a commercial motor vehicle without a CDL or a CDIP;

452 (g) operating a commercial motor vehicle without the proper class of CDL or CDL
453 endorsement for the type of vehicle group being operated or for the passengers or cargo being
454 transported;

455 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in
456 the driver's possession in violation of Section 53-3-404;

457 (i) using a handheld wireless communication device in violation of Section 41-6a-1716
458 while operating a commercial motor vehicle; or

459 (j) using a hand-held mobile telephone while operating a commercial motor vehicle in
460 violation of 49 C.F.R. Sec. 392.82.

461 (19) "State" means a state of the United States, the District of Columbia, any province
462 or territory of Canada, or Mexico.

463 (20) "United States" means the 50 states and the District of Columbia.

464 Section 5. Section 53-3-407 is amended to read:

465 **53-3-407. Qualifications for commercial driver license -- Fee -- Third parties may**
466 **administer skills test.**

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

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

471 (ii) prepares an applicant for an examination under Subsection (2)(a)~~(ii)~~(iii) or
472 ~~(2)(b)~~(c)(i)(B).

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

475 (2) (a) Except as provided in ~~Subsection (2)(b) and (c)~~ Subsections (2)(c) and (d), a
476 CDL may be issued only to a person who:

477 (i) is a resident of this state or is an out-of-state resident if the person qualifies for a

478 non-domiciled CDL as defined in 49 C.F.R. Part 383;

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

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

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

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

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

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

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

493 ~~[(b)]~~ (c) (i) ~~[A]~~ Until June 30, 2015, a temporary CDL may be issued to [a person] an
494 out-of-state resident who:

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

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

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

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

501 (A) is valid for 60 days; and

502 (B) may not be renewed or extended.

503 (iii) Except as provided in this section and Subsections 53-3-204(1)(a)(v),
504 53-3-205(8)(a)(i)(E) and (8)(b), and 53-3-410(1)(c), the provisions, requirements, classes,
505 endorsements, fees, restrictions, and sanctions under this code apply to a temporary CDL

506 issued under this Subsection (2)~~(b)~~(c) in the same way as a commercial driver license issued
507 under this part.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

541 [~~(5)~~] (6) A person who has an appointment with the division for testing and fails to
542 keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the
543 fee under Section 53-3-105.

544 [~~(6)~~] (7) A person authorized under this section to administer the skills test is not
545 criminally or civilly liable for the administration of the test unless he administers the test in a
546 grossly negligent manner.

547 [~~(7)~~] (8) The division may waive the skills test required under this section if it
548 determines that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

549 Section 6. Section 53-3-408 is amended to read:

550 **53-3-408. Qualifications for commercial driver instruction permit.**

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

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

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

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

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

557 (2) A CDIP may be:

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

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

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

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

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

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

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

568 or

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

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

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

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

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