

1 **Driver Training Schools for Commercial Driver License Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses driver training schools for commercial driver license applicants.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ requires a training school for commercial driver license applicants (CDL driver training
- 9 school) to be licensed;
- 10 ▶ requires the Driver License Division to inspect CDL driver training schools; and
- 11 ▶ requires data reporting regarding CDL driver training schools.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **53-3-407**, as last amended by Laws of Utah 2022, Chapter 46

19 **53-3-407.1**, as enacted by Laws of Utah 2013, Chapter 411

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

22 Section 1. Section **53-3-407** is amended to read:

23 **53-3-407 . Qualifications for commercial driver license -- Fee -- Third parties**
 24 **may administer skills test.**

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

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

29 (ii) prepares an applicant for an examination under Subsection [(2)(a)(iii)] (5)(a)(iii).

30 (b) A CDL driver training school may charge a consideration or tuition for the services

- 31 provided under Subsection (1)(a).
- 32 (2) A CDL driver training school that operates in Utah shall be licensed by the division on
33 or before July 1, 2026.
- 34 (3)(a) An applicant for a CDL driver training school license shall:
- 35 (i) submit an application in a form prescribed by the division; and
36 (ii) pass an inspection by the division of the CDL driver training school facilities.
- 37 (b) A CDL driver training school license shall expire 24 months after being issued.
- 38 (c) A CDL driver training school license renewal shall include an inspection of the CDL
39 driver training school facilities by the division.
- 40 (4) A CDL driver training school shall confirm that a student driver meets eligibility
41 requirements for a commercial driver license under state and federal law, including the
42 ability to speak English, prior to enrolling the student driver.
- 43 ~~[(2)]~~ (5)(a) Except as provided in Subsection ~~[(2)(e)]~~ (5)(c), a CDL may be issued only to
44 a person who:
- 45 (i) is a resident of this state or is an out-of-state resident if the person qualifies for a
46 non-domiciled CDL as defined in 49 C.F.R. Part 383;
- 47 (ii) has held a CDIP for a minimum of 14 days prior to taking the skills test under 49
48 C.F.R. Part 383, including a person who is upgrading a CDL class or endorsement
49 requiring a skills test under 49 C.F.R. Part 383;
- 50 (iii) has passed a test of knowledge and skills for driving a commercial motor vehicle,
51 that complies with minimum standards established by federal regulation in 49
52 C.F.R. Part 383, Subparts G and H; and
- 53 (iv) has complied with all requirements of 49 C.F.R. Part 383 and other applicable
54 state laws and federal regulations.
- 55 (b) A person who applies for a CDL is exempt from the requirement to pass a skills test
56 to be eligible for the license if the person:
- 57 (i) is a resident of the state of Utah;
58 (ii) has successfully completed a skills test administered by a state or a party
59 authorized by a state or jurisdiction that is compliant with 49 C.F.R. Part 383; and
60 (iii) held a valid Utah CDIP at the time the test was administered.
- 61 (c) The department shall waive any tests specified in this section for a commercial driver
62 license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec.
63 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and
64 certifies that the applicant:

- 65 (i) is a member of the active or reserve components of any branch or unit of the
66 armed forces or a veteran who received an honorable or general discharge from
67 any branch or unit of the active or reserve components of the United States Armed
68 Forces;
- 69 (ii) is or was regularly employed in a position in the armed forces requiring operation
70 of a commercial motor vehicle; and
- 71 (iii) has legally operated, while on active duty for at least two years immediately
72 preceding application for a commercial driver license, a vehicle representative of
73 the commercial motor vehicle the driver applicant operates or expects to operate.
- 74 (d) An applicant who requests a waiver under Subsection [~~(2)(e)~~] (5)(c) shall present a
75 completed application for a military skills test waiver at the time of the request.
- 76 [~~(3)~~] (6) Tests required under this section shall be prescribed and administered by the
77 division.
- 78 [~~(4)~~] (7) The division shall authorize a person, an agency of this state, an employer, a private
79 driver training facility or other private institution, or a department, agency, or entity of
80 local government to administer the skills test required under this section if:
- 81 (a) the test is the same test as prescribed by the division, and is administered in the same
82 manner; and
- 83 (b) the party authorized under this section to administer the test has entered into an
84 agreement with the state that complies with the requirements of 49 C.F.R. Sec.
85 383.75.
- 86 [~~(5)~~] (8)(a) An out-of-state resident who holds a valid CDIP issued by a state or
87 jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
88 administered by a party authorized under this section.
- 89 (b) A person authorized under this section to administer the skills test may charge a fee
90 for administration of the skills test.
- 91 (c) A person authorized under this section to administer the skills test shall:
- 92 (i) electronically transmit skills test results for an out-of-state resident to the licensing
93 agency in the state or jurisdiction in which the person has obtained a valid CDIP;
94 and
- 95 (ii) provide the out-of-state resident with documentary evidence upon successful
96 completion of the skills test.
- 97 [~~(6)~~] (9) A person who has an appointment with the division for testing and fails to keep the
98 appointment or to cancel at least 48 hours in advance of the appointment shall pay the

99 fee under Section 53-3-105.

100 [(7)] (10) A person authorized under this section to administer the skills test is not
101 criminally or civilly liable for the administration of the test unless he administers the test
102 in a grossly negligent manner.

103 [(8)] (11) The division may waive the skills test required under this section if it determines
104 that the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

105 Section 2. Section **53-3-407.1** is amended to read:

106 **53-3-407.1 . Commercial driver license third party tester or third party examiner**
107 **license -- Fingerprint background check required.**

108 (1) A commercial driver license third party tester or commercial driver license third party
109 examiner shall be licensed by the division to be eligible to administer the commercial
110 driver license skills tests.

111 (2)(a) An applicant for a commercial driver license third party tester or third party
112 examiner license shall submit fingerprints in a form acceptable to the division at the
113 time the license application is filed and shall consent to a fingerprint background
114 check by the Utah Bureau of Criminal Identification and the Federal Bureau of
115 Investigation regarding the application.

116 (b) The division shall request the Department of Public Safety to complete a Federal
117 Bureau of Investigation criminal background check for each commercial driver
118 license third party tester or third party examiner applicant through the national
119 criminal history system or any successor system.

120 (c) The Utah Bureau of Criminal Identification shall release to the division all
121 information received in response to the division's request under this Subsection (2).

122 (d) A commercial driver license third party tester or third party examiner license may
123 not be issued under this section until the criminal background check required under
124 this Subsection (2) has been completed and reviewed by the division.

125 (e) In addition to any fees imposed under this chapter, the division shall:

126 (i) impose on individuals submitting fingerprints in accordance with this Subsection
127 (2) the fees that the Bureau of Criminal Identification is authorized to collect for
128 the services the Bureau of Criminal Identification provides under this section; and
129 (ii) remit the fees collected under this Subsection (2)(e) to the Bureau of Criminal
130 Identification.

131 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
132 division shall make rules establishing:

- 133 (a) minimum standards for a commercial driver license third party tester or third party
134 examiner license;
- 135 (b) procedures for an applicant to apply for a commercial driver license third party tester
136 or third party examiner license;
- 137 (c) minimum standards for the commercial driver license skills test;[-and]
- 138 (d) procedures to enable a licensed commercial driver license third party tester or
139 commercial driver license third party examiner to administer or process a commercial
140 driver license skills test for an applicant to receive a commercial driver license[-] ; and
- 141 (e) procedures for a commercial driver license third party tester or third party examiner
142 to:
- 143 (i) collect and report the name of a CDL driver training school that a CDL applicant
144 used, if applicable, to the division; and
- 145 (ii) report data regarding CDL applicant passage rates to the division.

146 Section 3. **Effective Date.**

147 This bill takes effect on May 7, 2025.