

Alaska Trucking Association, Inc.

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www.aktrucks.org

The authoritative voice of the trucking industry in Alaska

March 31, 2014

Representative Peggy Wilson, Chair
House Transportation Committee
HB378, Vehicle Registrations, Commercial Driver's License (CDL)

The Alaska Trucking Association supports HB378 as passed out of the House Transportation Committee on March 27, 2014. It makes some technical corrections required by the USDOT, Federal Motor Carrier Safety Administration on certain commercial driver violations and the consequences of those violations. These technical corrections bring the Alaska DMV into compliance with federal regulations and compliance is required to allow the CDL program to work.

On the subject of compliance with the feds on the CDL program, the following is pretty clear about the consequences. Although the sanctions have never been applied by FMCSA, there is always a first time. **The consequences of decertification of the CDL program are very severe. Issuance of new CDL's would stop immediately and all CDL's would be invalid upon their expiration date.** This means that a commercial vehicle driver could not drive commercially in Alaska or any other state without getting a CDL from another state. The federal highway dollars are important but DMV must be able to issue valid CDL's.

The following three paragraphs from the Code of Federal Regulations spell out the sanctions for non-compliance with the US DOT FMCSA regulations regarding Commercial Driver's License issues.

"49 CFR § 383.7 Validity of CDL issued by decertified State. A CDL issued by a State prior to the date the State is notified by the Administrator, in accordance with the provisions of [§384.405](#) of this subchapter, that the State is prohibited from issuing CDLs, will remain valid until its stated expiration date.



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49 CFR § 384.401 Withholding of funds based on noncompliance. (a) Following the first year of noncompliance. An amount up to 5 percent of the Federal-aid highway funds required to be apportioned to any State under each of sections 104(b)(1), (b)(3), and (b)(4) of title 23 U.S.C. shall be withheld from a State on the first day of the fiscal year following such State's first year of noncompliance under this part. (b) Following second and subsequent year(s) of noncompliance. An amount up to 10 percent of the Federal-aid highway funds required to be apportioned to any State under each of sections 104(b)(1), (b)(3), and (b)(4) of title 23 U.S.C. shall be withheld from a State on the first day of the fiscal year following such State's second or subsequent year(s) of noncompliance under this part.

49 CFR § 384.405 Decertification of State CDL program. (a) Prohibition on CLP or CDL transactions. The Administrator may prohibit a State found to be in substantial noncompliance from performing any of the following CLP or CDL transactions: (1) Initial issuance.(2) Renewal.(3) Transfer.(4) Upgrade.”

The Alaska Trucking Association supports HB378 and urges favorable consideration.

Sincerely,



Aves Thompson
Executive Director



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