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137

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 137

SPONSOR Governor

BILL TITLE Commercial vehicle driver licensing

DATE REFERRED 1-23-89

HEARING SCHEDULED 2-6-89

FISCAL NOTE PREPARED ✓ (0)

SPONSOR CONTACTED DPS

INTERESTED PARTIES CONTACTED

Linda Darity (703)620-6003
State of Virginia
Wants clarification that recreational vehicles aren't included in commercial vehicle driver licensing regulations.

yes may not testify
✓ Resa Jemel, AGC 586-1740

✓ Nail Horetski, DPS 4322

(yes)
Diana Kelso 4345

(yes)
Wanda Fritsch
DOT
2957
on DPS Task Force

AK • Truckers Assoc. ✓ Bill Fritch *Exec. Dir. not Jnu* → 276-1149
no lobbyist

FHWA ✓ ~~Steve Moreno~~ Steve Moreno, Jerry Bergdahl 586-7418
to answer 75

789-0950
✓ *Wanda Magnuson* Fax 789-0972
Wanda Magnuson
Business Services 780-4300
Dorey Godfrey
County Manager

• Charlie Miller 4335

OTHER

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot
RE: Wednesday, March 21 Committee Hearing
DATE: March 20, 1990

On Wednesday, March 20 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

Intra-state Telephone Competition:

SB 206, An Act relating to intrastate competition in telecommunications; continuing the existence of the APUC and providing for an effective date.
SB 242, An Act relating to certification of certain telecommunications utilities and to intrastate toll services agreements

The Committee will take testimony on the latest draft on Intrastate Telephone Competition. The draft is intended as compromise legislation which would remove GCI and Alascom initiatives from the November 1990 ballot. Key provisions of the draft are:

- the APUC would be required to authorize competition in intrastate long distance competition by March 31, 1991.
- universal service would be preserved through an access charge mechanism and mandatory geographically averaged rates for retail services.
- competitive long distance telephone service would be allowed statewide by resellers.
- the APUC would have authority to limit facility based competition to high traffic areas.
- the legislation would distinguish between dominant and non-dominant carriers but all carriers would have the same flexibility to lower rates.
- the legislation would remove the exemption under state anti-trust statutes for intrastate long distance carriers.
- the legislation would be declared void if it is ultimately not found to be substantially similar to both the GCI and the Alascom initiatives.

Proposed CS for SB 137, An Act relating to drivers' license fees, to commercial motor vehicles, and to transportation of persons for compensation. SB 137 would bring Alaska into compliance with the Federal Motor Vehicle Safety Act (CMVSA) of 1986. The CMSVA requires that all states have a licensing system for drivers of commercial vehicles. The system must include written and road tests for the size vehicle being operated and all drivers must be licensed by April 1, 1992. The penalty for noncompliance is the withholding of 10% of federal highway funding. The draft contains technical changes, as proposed by the Department of Public Safety, that are required for Alaska to meet federal requirements on licensing of commercial vehicle drivers, places the requirements in Chapter 33 instead of Chapter 15 and includes the new program of charging fees for licensing and testing.

SB 137, Commercial Vehicle Driver Licensing

TO TESTIFY:

Bill Brown: Motor Vehicles: Deputy Commissioner
Frank Dillon: Truckers Association* He hopes to testify, they are strongly
in support.

NOTIFIED;

Lynden Transport

Bill Fritch: Trucker's Association

Resa Jerrel: Assoc. Gen. Contractors

Recreational Vehicle Industry Assoc.: They support the CS since it
clarifies that RV's are not included.

NOTES;

1. The question and answer page that follows this memo should address any
concerns previously stated by the committee.

go0269sE
Ford
3/20/90

Original sponsor(s): Rules/Governor

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 137 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to drivers' license fees, to commer-
7 cial motor vehicles, and to transportation of persons
8 for compensation."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 28.15.271(a) is amended to read:

11 (a) The fees for drivers' licenses and permits, including but
12 not limited to renewals, and all related driver skills tests are as
13 follows:

14 (1) all noncommercial vehicles and motor-driven cycles
15 each license fee [CLASSES OF DRIVERS' LICENSES] \$10;
16 each driver skills test \$ 15;

17 (2) all commercial motor vehicles each license fee .. \$100;
18 each driver skills test \$ 25
19 [MOTOR-DRIVEN CYCLES \$10];

20 (3) instruction permit

21 (4) duplicate of driver's license or instruction
22 permit

23 (5) temporary license and renewal of permit

24 (6) school bus driver's endorsement renewal [PERMIT] . \$ 3.

25 * Sec. 2. AS 28.15.271 is amended by adding new subsections to read:

26 (c) The fee for a driver skills test must be paid at the time an
27 appointment for the skills test is made or before the skills test is
28 given, whichever is earlier. The department may not refund a driver
29 skills test fee if the applicant cancels the appointment, fails to

1 appear at the appointed day and time, or fails to pass the skills
2 test.

3 (d) The fees collected by the department under this section
4 shall be deposited in the general fund. The Department of Adminis-
5 tration shall separately account for the fees collected under this
6 section and deposited in the general fund. The annual estimated
7 balance in the account may be used by the legislature to make appro-
8 priations for the administration of this chapter.

9 * Sec. 3. AS 28.33 is amended by adding new sections to read:

10 ARTICLE 2. COMMERCIAL VEHICLE OPERATORS.

11 Sec. 28.33.100. LICENSE TO OPERATE COMMERCIAL MOTOR VEHICLE.

12 (a) A person may not operate a commercial motor vehicle until the
13 person applies for and is issued a license for that purpose under
14 AS 28.15.041. The department may not issue a license to operate a
15 commercial motor vehicle unless the applicant

16 (1) is at least 19 years of age;

17 (2) has held a valid driver's license at least one year
18 before the date of application;

19 (3) has successfully completed all required driving tests
20 and written and physical examinations;

21 (4) either does not have a driver's license issued by
22 another jurisdiction or surrenders all driver's licenses issued by
23 other jurisdictions.

24 (b) In addition to the information required under AS 28.15.111,
25 a commercial driver's license shall include information determined by
26 the United States Secretary of Transportation to be appropriate to
27 identify the licensee, including the licensee's social security num-
28 ber.

29 (c) A person who has been a state resident for 30 days or longer

1 may not drive a commercial motor vehicle under the authority of a
2 commercial driver's license issued by another jurisdiction.

3 (d) The licensing requirements of this section are in addition
4 to the requirements imposed on a school bus driver under AS 28.15.046.

5 Sec. 28.33.110. NOTIFICATION REQUIREMENTS FOR DRIVERS OF COMMER-
6 CIAL MOTOR VEHICLES. (a) A driver of a commercial motor vehicle
7 holding a commercial driver's license issued by the state who is
8 convicted of violating a federal or state law or local ordinance
9 relating to motor vehicle traffic control in this or another state, or
10 a federal, provincial, territorial, or municipal law relating to motor
11 vehicle traffic control in Canada, other than parking violations,
12 shall notify the driver's employer, in writing, of the conviction
13 within 30 days after the date of conviction.

14 (b) A driver whose operating privilege is suspended, revoked, or
15 canceled by a state, who loses the privilege to operate a commercial
16 motor vehicle in a state for any period, or who is disqualified from
17 operating a commercial motor vehicle for any period, shall notify the
18 driver's employer of that fact before the end of the business day
19 following the day the driver received notice of the suspension, revo-
20 cation, cancellation, loss, or disqualification.

21 (c) A person who applies for employment as a commercial motor
22 vehicle driver shall

23 (1) provide the person's prospective employer, at the time
24 of application for employment, with the following information for the
25 10 years preceding the date of application:

26 (A) a list of the names and addresses of employers for
27 which the applicant was a driver of a commercial motor vehicle;

28 (B) the dates between which the applicant drove for
29 each employer;

- 1 (C) the reason for leaving each employer;
- 2 (2) certify that the information provided under this sub-
- 3 section is true and complete; and
- 4 (3) provide additional information required by the employ-
- 5 er.

6 Sec. 28.33.120. RESPONSIBILITIES OF EMPLOYERS OF COMMERCIAL

7 MOTOR VEHICLE DRIVER. An employer of a commercial motor vehicle

8 driver

9 (1) shall require an applicant for employment to provide

10 the information required under AS 28.33.110(c);

11 (2) may not knowingly allow, require, permit, or authorize

12 a driver to operate a commercial motor vehicle during a period in

13 which

14 (A) the driver's license is suspended, revoked, or

15 canceled by a state;

16 (B) the driver has lost the privilege to operate a

17 commercial motor vehicle in a state;

18 (C) the driver has been disqualified from operating a

19 commercial motor vehicle; or

20 (D) the driver has more than one driver's license.

21 Sec. 28.33.300. DEFINITIONS. In this chapter,

22 (1) "disqualification" means a withdrawal of the privilege

23 to drive a commercial motor vehicle;

24 (2) "disqualified" means that a person's privilege to drive

25 a commercial motor vehicle has been withdrawn.

26 * Sec. 4. AS 28.40.100(a) is amended by adding new paragraphs to read:

27 (19) "commercial motor vehicle" means a motor vehicle or a

28 combination of a motor vehicle and one or more other vehicles used for

29 commercial purposes and

1 (A) used to transport passengers or property;
2 (B) used upon a land highway or vehicular way connect-
3 ed to

4 (i) the land connected state highway system; or
5 (ii) a land highway or vehicular way with an
6 average daily traffic volume greater than 499; and

7 (C) that

8 (i) has a gross vehicle weight rating or gross
9 combination weight rating greater than 26,000 pounds;

10 (ii) is designed to transport more than 15 passen-
11 gers, including the driver; or

12 (iii) is used in the transportation of materials
13 found by the United States Secretary of Transportation to be
14 hazardous for purposes of 49 U.S.C. 1801 - 1813 (Hazardous
15 Materials Transportation Act);

16 (D) except that the following vehicles meeting the
17 criteria in (A) - (C) of this paragraph are not commercial vehi-
18 cles:

19 (i) emergency or fire equipment that is necessary
20 to the preservation of life or property;

21 (ii) farm vehicles that are controlled and operat-
22 ed by a farmer; used to transport agricultural products,
23 farm machinery, or farm supplies to or from that farmer's
24 farm; not used in the operations of a common or contract
25 motor carrier; and used within 150 miles of the farmer's
26 farm; and

27 (iii) recreational vehicles used exclusively for
28 purposes other than commercial purposes;

29 (20) "commercial purposes" means activities for which a

1 person receives direct monetary compensation or activities for which a
2 person receives no direct monetary compensation but that are inci-
3 dental to and done in furtherance of the person's primary business;

4 (21) "gross combination weight rating" means the value
5 specified by the manufacturer as the loaded weight of a combination
6 vehicle, except that if a value has not been specified by the manufac-
7 turer, the gross combination weight rating is determined by adding the
8 gross vehicle weight rating of the power unit and the total weight of
9 the towed unit and the load on the towed unit;

10 (22) "gross vehicle weight rating" means the value specified
11 by the manufacturer as the loaded weight of a single vehicle.

12 * Sec. 5. AS 28.15.041(b) and 28.15.041(c) are repealed.
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FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: Commercial vehicle driver BRU: Motor Vehicles
licensing
 Sponsor: Governor/Senate Rules Component: Driver Services, Field
 Requestor: Senate State Affairs Services

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	153.1	239.7	239.7	239.7	239.7	239.7
TRAVEL	16.8	16.8	14.3	14.3	14.3	14.3
CONTRACTUAL	66.4	44.5	16.3	16.3	16.3	16.3
SUPPLIES	2.0	.5	.5	.5	.5	.5
EQUIPMENT	180.0	1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES	195.0	195.0	97.5	97.5	97.5	97.5
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	613.3	497.5	369.3	369.3	369.3	369.3

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	695.0	695.0	287.5	287.5	287.5	687.5
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	81.8	81.8	81.8	-0-
FEDERAL FUNDS	60.0	71.0	-0-	-0-	-0-	-0-
OTHER/PROG RCPT	553.3	426.5	287.5	287.5	287.5	-0-
TOTAL	613.3	497.5	369.3	369.3	369.3	369.3

POSITIONS:

FULL-TIME	7	7	7	7	7	7
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: (Attach a separate page if necessary)

(See attached)

Prepared by: Jay Dulany
 Division: Motor Vehicles

Phone: 269-5551
 Date: 02/28/90

Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Date: 2-28-90
 page 1 of 15

Handwritten:
2/28/90

Current Alaska law [AS 28.15.041 (c)] requires issuance of a driver's license for operation of commercial motor vehicles. This section has never been implemented due to lack of funding. However, the federal Commercial Motor Vehicle Safety Act (CMVSA) of 1986 now requires all states to have uniform commercial driver licensing systems which include knowledge and road tests for the size and configuration of commercial vehicle to be operated. The main purpose of SB 137 is to reword current Alaska law to bring the State into compliance with the Federal CMVSA of 1986.

The development of a Commercial Driver License (CDL) Program in Alaska is now in the planning process. This fiscal note is based on the best possible estimate of numbers of persons who will need to be examined prior to issuance of a license to operate a commercial motor vehicle. Start-up year (FY91) figures for this fiscal note reflect full costs for equipment, which will not carry forward to the following years. Staff will be hired several months into FY91.

—Staff—

Six Motor Vehicle Representative IIIs (MVR IIIs) are necessary to carry out the CDL testing and licensing activities. Plans are to begin hiring the MVR IIIs in November 1990 to allow two months' training and orientation time prior to the planned testing and licensing start-up date of January 1, 1991. These MVR IIIs need to be experienced in licensing procedures and law as well as trained in the highly specialized area of testing in a variety of commercial vehicles.

In order to maintain uniformity in testing procedures, examiner training is being provided at the national level, with two representatives from each state attending the two-week sessions. These representatives, in turn, will return to their home states to conduct training workshops with the MVR IIIs who will be doing the hands-on skills tests. These representatives and their in-state trainers will need adequate travel funds to conduct the necessary training.

The increased volume of licenses that will be issued will greatly affect the records management workload. An additional staff member, a Documents Processing Clerk II, will need to be hired at the start-up of the testing and licensing program to perform this function and additional requirements in regard to the exchange of records among states.

—Testing—

Three separate classes of commercial licenses and six different endorsements will be issued. The CDL basic knowledge test is estimated to require up to an hour to complete. Additionally, specialized tests of lesser duration are required for the six endorsements: double/triple trailer, tank vehicle, hazardous material, passenger vehicle, school bus, and hazardous materials in a tank vehicle. To expedite administration of the knowledge tests, many states are using Automated Testing Devices, in which traffic situations are simulated on a video screen and multiple choice answers are selected on a keyboard. Alaska now has these test machines, but CDL testing requirements have created a need for more

sophisticated machines, plus monitors for scoring purposes. These test machines will save valuable examiner time which will be already over-taxed by the lengthy and complex skills test.

The road test requires about 1 and 1/2 hours to administer, provided that highway conditions to perform the requisite maneuvers can be found within a reasonable proximity. Additional land areas will be needed to conduct off-road maneuvers, and in some areas structures, such as loading docks, will need to be constructed, rented, or simulated. The minimal number of land areas needed to provide any reasonable convenience to driver applicants is ten sites of approximately 1/2 football field in size.

—Costs—

The Division of Motor Vehicles (DMV) estimates approximately 10,000 drivers statewide will need to be licensed by the federally-mandated deadline of April 1992. This requires placing DMV staff in key geographic areas (Anchorage, Fairbanks, Soldotna, Juneau, and Mat-Su) and periodic testing/monitoring trips to outlying areas in these regions. The CDL tests are demanding, and it is anticipated that many drivers will need retesting before they pass. California began its testing program January 1, 1989; the initial failure rate on both the skills and knowledge test was 57 percent.

To help cover costs of planning and implementing the CDL Program, the federal government has provided some grant monies to each state. Some of these monies have been reflected in the operating budget, and the remainder is reflected in this fiscal note.

Although implementing the CDL Program will require approximately \$600,000 to start up, and over half that much to maintain, the penalty for noncompliance is the forfeiture of five percent (for Alaska about \$6.1 million) of a state's federal highway funds the first year and ten percent for every year of noncompliance thereafter. Implementation will also make our highways safer for the general motoring public.

—Revenues—

Using the current license fee structure, unrestricted revenues for the first two years of issuing commercial licenses are expected to average \$50,000 annually (5,000 licenses/year x \$10.00/license). Unrestricted revenues for ensuing years are expected to bring in \$10,000 annually (1,000 new licenses/year x \$10.00/license).

The DMV believes that commercial driver license fees should be raised to a level that would fund this program. If commercial driver license fees were increased to \$100.00/license, the revenues for the first two years of issuing commercial licenses would average \$500,000 annually (5,000 licenses/year x \$100.00/license). Revenues for ensuing years would then bring in \$100,000 annually (1,000 new licenses/year x \$100.00/license). Renewals of CDLs five years after the initial licensing (FY96) will bring in additional revenues. The higher license fees would be consistent with what other states are charging, and is still for less than the State currently charges for licenses in other professions.

In addition to the \$100.00 fee for the CDL, a \$25.00 fee for the skills test will need to be assessed because the test is so time-consuming and in many cases will need to be attempted more than once. The DMV intends to "grandfather" all qualified drivers through the skills test, but estimates approximately 1,500 drivers per year will remain to be tested in each of the first two years of issuing commercial licenses. This would amount to an additional \$37,500 annually in revenues for each of those first two years (1,500 skills tests/year x \$25.00/test). Revenues for ensuing years would then bring in \$22,500 (900 skills tests/year x \$25.00/test).

Since driver license activity is increasing at all of the licensing offices, the DMV believes there is a need to assess skills test fees for all driver applicants. Those seeking a license to drive a private automobile, light truck or motorcycle would be assessed \$15.00/test for the 30-45 minute test. An estimated 10,500 regular skills tests would be administered during each of those first two start-up years. This would bring in an additional \$157,500 in revenues for each of those two years (10,500 regular skills tests/year x \$15.00/skills test). Revenues for ensuing years would then bring in \$165,000 (11,000 regular skills tests/year x \$15.00/test), since it is anticipated the number of new drivers seeking licenses will increase.

Part of the increase in revenue indicated above will be used as program receipts to fund the program.

—Revenues—

FY91/92

5,000 CDL's @ \$100/ea	\$500,000
1,500 CDL skills testes @ \$25/ea	37,500
10,500 regular skills tests @ \$15/ea	<u>157,500</u>
Total	\$695,000

FY93/94/95

1,000 CDL's @ \$100/ea	\$100,000
900 CDL skills tests @ \$25/ea	22,500
11,000 regular skills tests @ \$15/ea	<u>165,000</u>
Total	\$287,500

FY96

5,000 CDL's @ \$100/ea	\$500,000
900 CDL skills tests @ \$25/ea	22,500
11,000 regular skills tests @ \$15/ea	<u>165,000</u>
Total	\$687,500

FY91 (July 1990-June 1991)

PERSONAL SERVICES

\$153,105

1 Documents Processing Clerk II (6 months) \$15,117
Step A)

6 Motor Vehicle Representative IIIs \$137,988
(Average of Steps A & B) (8 mos., 11/1/90-7/1/91)
1 Southeast (Juneau)
2 Anchorage
1 Fairbanks
1 Soldotna
1 Mat-Su

TRAVEL

\$16,340

Examiner Training (3 staff to national training program;
local training in-State) \$13,640

Testing/Monitoring \$ 3,200
(3 trips/region/6 mos. to other DMV offices.)

CONTRACTUAL SERVICES

\$66,400

Telephone/postage \$ 3,200

Liaison & Support Services \$10,000

Fall Marketing Campaign (1990) \$ 5,000

Printing (Tests, Manuals, license aps.) \$15,000

CDLIS user fees (5,000 records @\$4.00/record) \$20,000
(1/1/91-6/30/91)

Polaroid \$ 4,200
(5,000 licenses @\$0.83/license photo)

Truck rental for examiner training \$ 9,000

SUPPLIES

\$2,000

EQUIPMENT

\$180,000

Automated testing devices:

14 automated testing devices @ \$10,000 ea. \$140,000
5 master controls @ \$7,500 ea. \$ 37,500

(Automated testing devices are necessary for administration of the knowledge test in major offices.)

Office equipment (furnishings for 5 positions; desk, chair, file cabinet)	\$1,000
Miscellaneous	\$1,500
Eg., 32 parking cones (2-4 per each test site) @ approx. 16.00/ea	\$500
Other	\$1,000

LAND AND STRUCTURES \$195,000

Lease space for off-road testing; approx. 1/2 football field in size at 10 sites statewide for 2 days/week. \$195,000

TOTAL \$613,345

FY92 (July 1991-June 1992)

<u>PERSONAL SERVICES</u>		<u>\$239,666</u>
1 Documents Processing Clerk II (Average of Steps A & B)	\$30,593	
6 Motor Vehicle Representative IIIs (Average of Steps A & B)	\$209,073	
1 Southeast (Juneau)		
2 Anchorage		
1 Fairbanks		
1 Soldotna		
1 Mat-Su		
<u>TRAVEL</u>		<u>\$16,800</u>
In-service training	\$10,000	
Testing/Monitoring (6 trips/region/year to other DMV offices)	\$6,400	
Mileage	400	
<u>CONTRACTUAL SERVICES</u>		<u>\$44,500</u>
Liaison & Support Services	\$10,000	
Public Information	\$5,000	
Printing (Tests & Manuals)	\$5,000	
Commercial Driver License Information System (CDLIS) user fees, 5,000 records @\$4.00/record	\$20,000	
Polaroid, 5,000 licenses @ \$.90/document	\$4,500	
<u>SUPPLIES</u>		<u>\$ 500</u>
<u>EQUIPMENT</u>		<u>\$1,000</u>
<u>LAND AND STRUCTURES</u>		<u>\$195,000</u>
<u>TOTAL</u>		<u>\$497,466</u>

FY93 and future fiscal years

<u>PERSONAL SERVICES</u>		<u>\$239,666</u>
1 Documents Processing Clerk II (Average of Steps A & B)	\$30,597	
6 Motor Vehicle Representative IIIs (Average of Steps A & B)	\$209,073	
2 Southeast (Juneau, Ketchikan)		
4 Anchorage		
2 Fairbanks		
1 Kenai		
1 Mat-Su		
<u>TRAVEL</u>		<u>\$14,300</u>
In-service training	\$7,500	
Testing/Monitoring (6 trips/region/year to other DMV offices)	\$6,400	
Mileage	400	
<u>CONTRACTUAL SERVICES</u>		<u>\$16,280</u>
Liaison & Support Services	\$5,000	
Public Information	\$2,000	
Printing (Tests & Manuals)	\$5,000	
CDLIS user fees, 200 records @\$4.00/record	\$800	
Polaroid, 200 licenses @ \$.90/ license document	\$180	
Training--1 week, trainer and truck time	\$3,300	
<u>SUPPLIES</u>		<u>\$500</u>
<u>EQUIPMENT</u>		<u>\$1,000</u>
<u>LAND AND STRUCTURES</u>		<u>\$97,500</u>
<hr/>		
<u>TOTAL</u>		<u>\$369,246</u>

Position Title Motor Vehicle Representative III			No. of Positions 1	Range/Step 10A	Barg. Unit GGU
Time Status Perm. FT	Staff Months 8		Location Juneau		Election District 4
Type of Expenditure			Amount		
1			2		3
Salary*			22,020		////////////////////
Benefits*			11,324		////////////////////
Premium Pay (Included in Above)			////////////////////		////////////////////
Other			////////////////////		////////////////////
Total Personal Services			////////////////////		22,007
Travel					2,473
Contractual					1,200
Commodities					182
Equipment					1,000
Other					-0-
Total Cost					26,862
Funding Source for Total Cost					
Federal Receipts 1002					-0-
G.F. Match 1003					-0-
General Fund 1004					26,862
Program Receipts/GF 1005					-0-
I-A Receipts 1007					-0-
CIP Receipts 1061					-0-
Other					-0-
* Personal Services Salary and Benefits Costs are from PACS.					
			Justification		
			This position will administer road tests and knowledge examinations to drivers of highly specialized classes of commercial vehicles. The MVR III will conduct the road tests in the type of commercial vehicle which the driver will be operating under the license for which he is applying. Three classes of commercial licenses will be issued with six additional endorsements. The MVR III will be thoroughly familiar with the operation of the vehicles for which these licenses and endorsements will be issued.		
			Pertinent facts related to the testing and licensing procedure include:		
			The basic road test and pre-trip inspection require 1.5 hours to administer.		
			10,000 drivers will need to be licensed by April 1992.		
			The first state to conduct commercial driver tests had a failure rate of 57%, necessitating extensive retesting.		
			The MVR III will also conduct vehicle safety inspections prior to administering the road test. After the test has been completed, the MVR III will determine whether applicants should receive operator's licenses and any endorsements for which they are applying.		
			In addition to testing and licensing duties, the MVR III also monitors quality control and error correction in the administration of these duties. Inquiries from citizens and public agencies regarding commercial driver's licenses and safety will be responded to by the MVR III where appropriate.		

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Motor Vehicles
 COMPONENT Driver Services

Page 10 of 15
 Revised Date

FY 91

Position Title Motor Vehicle Representative III		No. of Positions 2	Range/Step 10B	Barg. Unit GGU
Time Status Perm. FT	Staff Months 2 positions @ 8 months each = 16	Location Anchorage		Election District 7-15
Type of Expenditure		Justification		
		This position will administer road tests and knowledge examinations to drivers of highly specialized classes of commercial vehicles. The MVR III will conduct the road tests in the type of commercial vehicle which the driver will be operating under the license for which he is applying. Three classes of commercial licenses will be issued with six additional endorsements. The MVR III will be thoroughly familiar with the operation of the vehicles for which these licenses and endorsements will be issued.		
Amount		Pertinent facts related to the testing and licensing procedure include:		
1	2	3	The basic road test and pre-trip inspection require 1.5 hours to administer.	
Salary*	45,532	////////////////////	10,000 drivers will need to be licensed by April 1992.	
Benefits*	23,025	////////////////////	The first state to conduct commercial driver tests had a failure rate of 57%, necessitating extensive retesting.	
Premium Pay (Included in Above)	////////////////////	////////////////////	The MVR III will also conduct vehicle safety inspections prior to administering the road test. After the test has been completed, the MVR III will determine whether applicants should receive operator's licenses and any endorsements for which they are applying.	
Other	////////////////////	////////////////////	In addition to testing and licensing duties, the MVR III also monitors quality control and error correction in the administration of these duties. Inquiries from citizens and public agencies regarding commercial driver's licenses and safety will be responded to by the MVR III where appropriate.	
Total Personal Services	////////////////////	45,181		
Travel		4,946		
Contractual		2,400		
Commodities		364		
Equipment		2,000		
Other		-0-		
Total Cost		54,891		
Funding Source for Total Cost				
Federal Receipts	1002	-0-		
G.F. Match	1003	-0-		
General Fund	1004	54,891		
Program Receipts/GF	1005	-0-		
I-A Receipts	1007	-0-		
CIP Receipts	1061	-0-		
Other		-0-		
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Motor Vehicles
 COMPONENT Field Services

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 Revised Date

FY 91

Position Title Motor Vehicle Representative III		No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status Perm. FT	Staff Months 8	Location Fairbanks		Election District 18-21
Type of Expenditure		Amount		
1	2	3		
Salary*	25,620	////////////////////		
Benefits* 12,297	12,297	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other -0-	////////////////////	////////////////////		
Total Personal Services	////////////////////	25,025		
Travel		2,473		
Contractual		1,200		
Commodities		182		
Equipment		1,000		
Other		-0-		
Total Cost		29,880		
Funding Source for Total Cost				
Federal Receipts 1002		-0-		
G.F. Match 1003		-0-		
General Fund 1004		29,880		
Program Receipts/GF 1005		-0-		
I-A Receipts 1007		-0-		
CIP Receipts 1061		-0-		
Other		-0-		
* Personal Services Salary and Benefits Costs are from PACS.				

Justification
This position will administer road tests and knowledge examinations to drivers of highly specialized classes of commercial vehicles. The MVR III will conduct the road tests in the type of commercial vehicle which the driver will be operating under the license for which he is applying. Three classes of commercial licenses will be issued with six additional endorsements. The MVR III will be thoroughly familiar with the operation of the vehicles for which these licenses and endorsements will be issued.

Pertinent facts related to the testing and licensing procedure include:
The basic road test and pre-trip inspection require 1.5 hours to administer.
10,000 drivers will need to be licensed by April 1992.
The first state to conduct commercial driver tests had a failure rate of 57%, necessitating extensive retesting.

The MVR III will also conduct vehicle safety inspections prior to administering the road test. After the test has been completed, the MVR III will determine whether applicants should receive operator's licenses and any endorsements for which they are applying.

In addition to testing and licensing duties, the MVR III also monitors quality control and error correction in the administration of these duties. Inquiries from citizens and public agencies regarding commercial driver's licenses and safety will be responded to by the MVR III where appropriate.

**REQUEST FOR
NEW POSITION**

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FY 91

Position Title Motor Vehicle Representative III			No. of Positions 1	Range/Step 10B	Barg. Unit GGU
Time Status Perm FT	Staff Months 8		Location Kenai/Soldotna		Election District 5
Type of Expenditure			Justification		
			This position will administer road tests and knowledge examinations to drivers of highly specialized classes of commercial vehicles. The MVR III will conduct the road tests in the type of commercial vehicle which the driver will be operating under the license for which he is applying. Three classes of commercial licenses will be issued with six additional endorsements. The MVR III will be thoroughly familiar with the operation of the vehicles for which these licenses and endorsements will be issued.		
Amount			Pertinent facts related to the testing and licensing procedure include:		
1	2	3	The basic road test and pre-trip inspection require 1.5 hours to administer.		
Salary*	24,120	////////////////////	10,000 drivers will need to be licensed by April 1992.		
Benefits*	11,892	////////////////////	The first state to conduct commercial driver tests had a failure rate of 57%, necessitating extensive retesting.		
Premium Pay (Included in Above)	////////////////////	////////////////////	The MVR III will also conduct vehicle safety inspections prior to administering the road test. After the test has been completed, the MVR III will determine whether applicants should receive operator's licenses and any endorsements for which they are applying.		
Other -0-	////////////////////	////////////////////	In addition to testing and licensing duties, the MVR III also monitors quality control and error correction in the administration of these duties. Inquiries from citizens and public agencies regarding commercial driver's licenses and safety will be responded to by the MVR III where appropriate.		
Total Personal Services	////////////////////	23,767			
Travel		2,473			
Contractual		1,200			
Commodities		182			
Equipment		1,000			
Other		-0-			
Total Cost		28,622			
Funding Source for Total Cost					
Federal Receipts	1002	-0-			
G.F. Match	1003	-0-			
General Fund	1004	28,622			
Program Receipts/GF	1005	-0-			
I-A Receipts	1007	-0-			
CIP Receipts	1061	-0-			
Other		-0-			
* Personal Services Salary and Benefits Costs are from PACS.					

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Position Title Motor Vehicle Representative III			No. of Positions 1	Range/Step 10A	Barg. Unit GGU
Time Status Perm FT	Staff Months 8		Location Mat-Su		Election District 16
Type of Expenditure			Amount		
1	2	3			
Salary*	22,716	////////////////////			
Benefits*	11,512	////////////////////			
Premium Pay (Included in Above)	////////////////////	////////////////////			
Other	////////////////////	////////////////////			
Total Personal Services	////////////////////	22,591			
Travel		2,473			
Contractual		1,200			
Commodities		182			
Equipment		-0-			
Other		-0-			
Total Cost		26,446			
Funding Source for Total Cost			-0-		
Federal Receipts	1002	-0-			
G.F. Match	1003	-0-			
General Fund	1004	26,446			
Program Receipts/GF	1005	-0-			
I-A Receipts	1007	-0-			
CIP Receipts	1061	-0-			
Other		-0-			
* Personal Services Salary and Benefits Costs are from PACS.					

Justification

This position will administer road tests and knowledge examinations to drivers of highly specialized classes of commercial vehicles. The MVR III will conduct the road tests in the type of commercial vehicle which the driver will be operating under the license for which he is applying. Three classes of commercial licenses will be issued with six additional endorsements. The MVR III will be thoroughly familiar with the operation of the vehicles for which these licenses and endorsements will be issued.

Pertinent facts related to the testing and licensing procedure: 1) The basic road test and pre-trip inspection require 1.5 hrs to administer. 2) 10,000 drivers will need to be licensed by April 1992. 3) The first state to conduct commercial driver tests had a failure rate of 57%, necessitating extensive retesting.

The MVR III will also conduct vehicle safety inspections prior to administering the road test. After the test has been completed, the MVR III will determine whether applicants should receive operator's licenses and any endorsement for which they are applying.

In addition to testing and licensing duties, the MVR III also monitors quality control and error correction in the administration of these duties. Inquiries from citizens and public agencies regarding commercial driver's licenses and safety will be responded to by the MVR III where appropriate.

REQUEST FOR
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FY 91

Position Title Document Processing Clerk II			No. of Positions 1	Range/Step 8A	Barg. Unit GGU
Time Status Perm. FT	Staff Months 6		Location Juneau		Election District 4
			Justification		
Type of Expenditure			Amount		
1			2		3
Salary*			19,572		////////////////////
Benefits*			10,663		////////////////////
Premium Pay (Included in Above)			////////////////////		////////////////////
Other -0-			////////////////////		////////////////////
Total Personal Services			////////////////////		15,117
Travel					-0-
Contractual					1,200
Commodities					182
Equipment					1,000
Other					-0-
Total Cost					17,499
Funding Source for Total Cost					
Federal Receipts 1002					-0-
G.F. Match 1003					-0-
General Fund 1004					17,499
Program Receipts/GF 1005					-0-
I-A Receipts 1007					-0-
CIP Receipts 1061					-0-
Other					-0-
* Personal Services Salary and Benefits Costs are from PACS.					

For an estimated 10,000 licenses which need to be issued within a 15-month time span beginning in January 1991, the Documents Processing Clerk will perform the following:

- Send appropriate letter to licensee when necessary.
- Prepare documents for microfilming.
- Data entry of documents onto retrieval index system after microfilming.
- Data entry of driver licenses returned from another state to maintain records as required by Commercial Motor Vehicle Safety Act of 1986 for one license/one record concept.
- Send record to new licensing state when necessary.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
BRU Motor Vehicles
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FY 91

REQUEST: FISCAL NOTE

Revision Date:
Title: An Act relating to commercial vehicle driver licensing

Agency Affected: DOT&PF
BRU:

Sponsor:
Requestor:

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: This bill establishes a requirement for a holders of commercial drivers licenses to include their social security number in order that these persons may be cross referenced by other states. The Federal Highway Administration has mandated that the states failing to comply with the Commercial Driver License Program by October 1993 be subject to a 5% forfeiture of federal-aid, increasing to 10% the following and subsequent years.

Prepared by: Jeffery C. Ottesen
Division: Engineering and Operations Standards

Phone: 465-2951
Date: February 22, 1989

Approved by Commissioner: *[Signature]*
Agency: Department of Transportation and Public Facilities

Date: 3/6/89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)



*Department of Transportation
and Public Facilities*

POSITION PAPER

BILL NO: SB 137

APPROVED:

A handwritten signature in black ink, appearing to be "M. L. S. H. G.", written over a horizontal line.

TITLE: An Act relating to commercial
vehicle driver licensing

DATE: March 8, 1989

The Department of Transportation and Public Facilities supports this legislation as proposed by the Department of Public Safety. The basic thrust of this legislation is to ban the possession of more than one commercial driver's license. At issue is the practice of individuals with bad driving records obtaining several driver's licenses and then hiding their poor performance by distributing traffic violations among them. By requiring that each state, when issuing a commercial driver license, include the individual's social security number, it will be possible to establish a national clearinghouse which will contain the complete driving records of commercial drivers.

The bill further places special qualifications on operators of vehicles transporting hazardous materials that require placarding under federal regulations.

1. It is a mandatory requirement of the Federal Highway Administration. Following October, 1993 states not in compliance with the Commercial Driver License Program risk forfeiting 5% of their federal-aid highway funding in the first year and 10% in subsequent years.
2. It promotes a higher degree of safety on Alaska's roadways by assuring that every licensed driver of large trucks and buses has an acceptable pattern of driving behavior, as well as assuring that drivers transporting hazardous materials are competent.

Passage of this bill would not create any know fiscal burdens on the department.

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 137

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to commercial vehicle driver licens-
7 ing."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 28.15.021 is amended to read:

10 Sec. 28.15.021. PERSONS EXEMPT FROM DRIVER LICENSING. The
11 following persons are exempt from driver licensing under this chapter:

12 (1) an employee of the United States government while
13 operating a motor vehicle owned by or leased to the United States
14 government and being operated on official business, unless the employ-
15 ee is required by the United States government or an agency of that
16 government to have a state driver's license;

17 (2) a nonresident who is at least 16 years of age and who
18 has a valid driver's license issued by another jurisdiction; however,
19 an Alaska driver's license must be obtained by the end of a 90-day
20 period after entry into the state;

21 (3) a member of the armed forces of the United States who
22 has a valid driver's license issued by another jurisdiction if [WHEN]
23 the permanent residence of the member is maintained in that jurisdic-
24 tion;

25 (4) a person when driving an implement of husbandry, as
26 defined by regulation, which is only temporarily driven or moved on a
27 highway unless that vehicle is a commercial motor vehicle.

28 * Sec. 2. AS 28.15.041(c) is amended to read:

29 (c) A person may not drive a commercial motor vehicle until the

1 person applies for and is issued a license for that purpose under (a)
2 of this section. The department may not issue a license under this
3 subsection unless the applicant is at least 19 years of age, has held
4 a valid driver's license at least one year, and has successfully
5 completed all required driving tests and written and physical examina-
6 tions. In this subsection, "commercial motor vehicle" has the meaning
7 given in AS 28.40.100 [AS 28.32.900].

8 * Sec. 3. AS 28.15.111(a) is amended to read:

9 (a) Upon successful completion of the application and all
10 required examinations, and upon payment of the required fee, the
11 department shall issue to every qualified applicant a driver's license
12 indicating the type or general class of vehicles which the licensee
13 may drive. The license shall display

14 (1) a distinguishing number assigned to the license;

15 (2) the licensee's full name, address, date of birth, brief
16 physical description, and color photograph; [AND]

17 (3) either a facsimile of the signature of the licensee or
18 a space upon which the licensee must write the licensee's usual signa-
19 ture with pen and ink. A license is not valid until signed by the
20 licensee. If facilities are not available for the taking of the
21 photograph required under this section, the department shall endorse
22 on the license, the words "valid without photograph; [.]" and

23 (4) if the license is to drive a commercial motor vehicle,
24 information determined by the United States Secretary of Transporta-
25 tion to be appropriate to identify the licensee, including the per-
26 son's social security number.

27 * Sec. 4. AS 28.40.100(a) is amended by adding a new paragraph to read:

28 (20) "commercial motor vehicle" means a motor vehicle or a
29 combination of a motor vehicle and other vehicles

1 (A) used in commerce to transport passengers or prop-
2 erty;
3 (E) used upon a land highway or vehicular way connect-
4 ed to
5 (i) the land-connected state highway system; or
6 (ii) a land highway or vehicular way with an
7 average daily traffic volume greater than 499; and
8 (C) which
9 (i) has a gross vehicle weight rating greater
10 than 26,000 pounds;
11 (ii) is designed to transport more than 15 passen-
12 gers, including the driver; or
13 (iii) is used in the transportation of materials
14 found by the United States Secretary of Transportation to be
15 hazardous for purposes of 49 U.S.C. 1801 -- 1813 (Hazardous
16 Materials Transportation Act);
17 (D) except that the following vehicles meeting the
18 criteria in (A) -- (C) of this paragraph are not commercial
19 vehicles:
20 (i) emergency or fire equipment that is necessary
21 to the preservation of life or property; and
22 (ii) farm vehicles that are controlled and operat-
23 ed by a farmer; used to transport agricultural products,
24 farm machinery, or farm supplies to or from that farmer's
25 farm; not used in the operations of a common or contract
26 motor carrier; and used within 150 miles of the farmer's
27 farm.

Effective dates.
49 USC app.
2702.

SEC. 12003. NOTIFICATION REQUIREMENTS.

(a) NOTIFICATION OF VIOLATIONS.—

(1) TO STATES.—Effective July 1, 1987, each person who operates a commercial vehicle, who has a driver's license issued by a State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) in any other State shall notify a State official designated by the State which issued such license of such violation, within 30 days after the date such person is found to have committed such violation.

(2) TO EMPLOYERS.—Effective July 1, 1987, each person who operates a commercial vehicle, who has a driver's license issued by a State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) shall notify his or her employer of such violation, within 30 days after the date such person is found to have committed such violation.

(b) NOTIFICATION OF SUSPENSIONS.—Effective July 1, 1987, each employee who has a driver's license suspended, revoked, or cancelled by a State, who loses the right to operate a commercial motor vehicle in a State for any period, or who is disqualified from operating a commercial motor vehicle for any period shall notify his or her employer of such suspension, revocation, cancellation, lost right, or disqualification, within 30 days after the date of such suspension, revocation, cancellation, lost right, or disqualification.

(c) NOTIFICATION OF PREVIOUS EMPLOYMENT.—

(1) GENERAL RULE.—Effective July 1, 1987, subject to paragraph (2) of this subsection, each person who operates a commercial motor vehicle and applies for employment as an operator of a commercial motor vehicle with an employer shall notify at the time of such application the employer of his or her previous employment as an operator of a commercial motor vehicle.

(2) PERIOD OF PREVIOUS EMPLOYMENT.—The Secretary shall establish by regulation the period for which previous employment must be notified under paragraph (1), except that such period shall not be less than a 10-year period ending on the date of application for employment.

Regulations.

Effective date.
State and local
governments.
49 USC app.
2703.

SEC. 12004. EMPLOYER RESPONSIBILITIES.

Effective July 1, 1987, no employer shall knowingly allow, permit, or authorize an employee to operate a commercial motor vehicle in the United States during any period—

(1) in which such employee has a driver's license suspended, revoked, or cancelled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or

(2) in which such employee has more than 1 driver's license, except during the 10-day period beginning on the date such employee is issued a driver's license and except whenever a State law enacted on or before June 1, 1986, requires such employee to have more than one driver's license.

The second exception in paragraph (2) shall not be effective after December 31, 1989.

SEC. 12005. TESTING OF OPERATORS.

(a) ESTABLISHMENT OF MINIMUM FEDERAL STANDARDS.—Not later than July 15, 1988, the Secretary shall issue regulations to establish

49 USC app.
2704.
Regulation

minimum Federal standards for testing and ensuring the fitness of persons who operate commercial motor vehicles. Such regulations—

(1) shall establish minimum Federal standards for written tests and driving tests of persons who operate such vehicles;

(2) shall require a driving test of each person who operates or will operate a commercial motor vehicle in a vehicle which is representative of the type of vehicle such person operates or will operate;

(3) shall establish minimum Federal testing standards for operation of commercial motor vehicles and, if the Secretary considers appropriate to carry out the objectives of this title, may establish different minimum testing standards for different classes of commercial motor vehicles;

(4) shall ensure that each person taking such tests has a working knowledge of (A) regulations pertaining to safe operation of a commercial motor vehicle issued by the Secretary and contained in title 49 of the Code of Federal Regulations, and (B) any safety system of such vehicle;

(5) in the case of a person who operates or will operate a commercial motor vehicle carrying a hazardous material, shall ensure—

(A) that such person is qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to motor vehicle transportation of such material issued by the Secretary under the Hazardous Materials Transportation Act; and

(B) that such person has a working knowledge of—

(i) such regulations,
(ii) handling of such material,
(iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of such material, and

(iv) appropriate response procedures to be followed in such emergencies;

(6) shall establish minimum scores for passing such tests;

(7) shall ensure that each person taking such tests is qualified to operate a commercial motor vehicle under the regulations issued by the Secretary and contained in title 49 of the Code of Federal Regulations to the extent such regulations are applicable to such person; and

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to each person who passes such tests; and

(B) such person to have a copy of such certification in his or her possession whenever such person is operating a commercial motor vehicle.

(b) REQUIREMENT FOR OPERATION OF CMV.—

(1) GENERAL RULE.—Except as provided under paragraph (2), no person may operate a commercial motor vehicle unless such person has taken and passed a written and driving test to operate such vehicle which meets the minimum Federal standards established by the Secretary under subsection (a).

(2) EXCEPTION.—The Secretary may issue regulations which provide that a person—

Federal Law

Regulations

(A) who passes a driving test for operation of a commercial motor vehicle in accordance with the minimum standards established under subsection (a), and

(B) who has a driver's license which is not suspended, revoked, or cancelled,

may operate such a vehicle for a period not to exceed 90 days.

(3) **EFFECTIVE DATE.**—Paragraph (1) shall take effect on such date as the Secretary shall establish by regulation. Such date shall be as soon as practicable after the date of the enactment of this title but not later than April 1, 1992.

(c) **BASIC GRANT PROGRAM.**—

(1) **ELIGIBILITY FOR FISCAL YEARS 1987, 1988, AND 1989.**—The Secretary may make a grant to a State in any of fiscal years 1987, 1988, and 1989—

(A) if the State enters into an agreement with the Secretary to develop a program for testing and ensuring the fitness of persons who operate commercial motor vehicles; and

(B) if the State has in effect and enforces in such fiscal year a law which provides that any person with a blood alcohol concentration of 0.10 percent or greater when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol.

(2) **ELIGIBILITY AFTER FISCAL YEAR 1989.**—The Secretary may make a grant to a State in a fiscal year beginning after September 30, 1989—

(A) if the State enters into an agreement with the Secretary—

(i) to adopt and administer in such fiscal year a program for testing and ensuring the fitness of persons who operate commercial motor vehicles in accordance with all of the minimum Federal standards established by the Secretary under subsection (a); and

(ii) to require that operators of commercial motor vehicles have passed written and driving tests which comply with such minimum standards; and

(B) if the State has in effect and enforces in such fiscal year a law which provides that any person with a blood alcohol concentration of 0.10 percent or greater when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol.

(3) **ADMINISTRATION OF DRIVING TEST.**—A State—

(A) may administer driving tests referred to in paragraph (2) and section 12009(a); or

(B) may enter into an agreement, approved by the Secretary, to administer such tests with a person (including a department, agency or instrumentality of a local government) which meets such minimum standards as the Secretary shall establish by regulation—

(i) if the agreement allows the Secretary and the State each to conduct random examinations, inspections, and audits of such testing without prior notification; and

(ii) if the State conducts at least annually one onsite inspection of such testing.

(4) **MINIMUM AMOUNT OF GRANT.**—The Secretary shall determine the amount of grants in a fiscal year to be made under this

State and local governments.

subsection to a State eligible to receive such grants in the fiscal year; except that—

(A) such State shall not be granted less than \$100,000 under this subsection in the fiscal year; and

(B) to the extent that any States are granted more than \$100,000 per State in the fiscal year under this subsection, the Secretary shall ensure that such States are treated equitably.

(5) **LIMITATION ON USE OF FUNDS.**—

(A) **IN FISCAL YEARS 1987, 1988, AND 1989.**—A State receiving a grant under this subsection in fiscal year 1987, 1988, or 1989 may only use the funds provided under such grant for developing a program for testing and ensuring the fitness of persons who operate commercial motor vehicles.

(B) **THEREAFTER.**—A State receiving a grant under this subsection in any fiscal year beginning after September 30, 1989, may only use the funds provided under such grant for testing operators of commercial motor vehicles.

(6) **DEVELOPMENT OF TESTING PROGRAM DESCRIBED.**—For purposes of this subsection and subsection (d), development of a program for testing and ensuring the fitness of persons who operate commercial motor vehicles includes but is not limited to studies of the number of vehicles which will need to be tested under such program in a calendar year, studies of facilities at which testing of such persons could be conducted, and studies of additional resources (including personnel) which will be necessary to conduct such testing.

(7) **FUNDING.**—There shall be available to the Secretary to carry out this subsection \$5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

(d) **SUPPLEMENTAL GRANT PROGRAM.**—

(1) **ELIGIBILITY AND PURPOSES.**—The Secretary may make in a fiscal year grants to States eligible to receive grants under subsection (c) in such fiscal year. A grant made under this subsection in fiscal year 1987, 1988, or 1989 shall be used for developing a program for testing and ensuring the fitness of persons who operate commercial motor vehicles. A grant made under this subsection in any fiscal year beginning after September 30, 1989, shall be used for testing operators of commercial motor vehicles.

(2) **DISTRIBUTION.**—Funds granted under this subsection in a fiscal year beginning after September 30, 1989, shall be distributed among the States eligible to receive grants under subsection (c) in such fiscal year on the basis of the number of written and driving tests administered, and the number of drivers' licenses for operation of commercial motor vehicles, issued in the preceding fiscal year.

(3) **FUNDING.**—There shall be available to the Secretary to carry out this subsection—

(A) \$3,000,000 from funds made available to carry out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration for each of fiscal years 1987, and 1988;

Post, p. 31

State and government

(B) \$3,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1989, 1990, and 1991.

(e) LIMITATIONS ON GRANT PROGRAMS.—

(1) MAINTENANCE OF EFFORT.—The Secretary may not make a grant to any State under this section unless such State agrees that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for testing of operators of commercial motor vehicles will be maintained at a level which does not fall below the average level of such expenditure for its last two fiscal years preceding the date of the enactment of this title.

(2) PERIOD OF AVAILABILITY.—Funds made available to carry out this subsection shall remain available for obligation by the State for the fiscal year for which such funds are made available. Any of such funds not obligated before the last day of such period shall no longer be available for obligation by such State and shall be available to the Secretary for carrying out the purposes of this title. Funds made available pursuant to this section shall remain available until expended.

(3) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant to a State under this section shall be deemed to be a contractual obligation of the United States for payment of the amount of the grant.

SEC. 12006. COMMERCIAL DRIVER'S LICENSE.

Not later than July 15, 1988, the Secretary, after consultation with the States, shall issue regulations establishing minimum uniform standards for the issuance of commercial drivers' licenses by the States and for information to be contained on such licenses. Such standards shall, at a minimum, require that—

- (1) each person who is issued a commercial driver's license passes a written and driving test for the operation of a commercial motor vehicle which complies with the minimum Federal standards established by the Secretary under section 12005(a);
- (2) the commercial drivers' licenses are, to the maximum extent practicable, tamper proof; and
- (3) each commercial driver's license contain the following information:

- (A) the name and address of the person to whom such license is issued and a physical description of such person;
- (B) the social security number or such other number or information as the Secretary determines appropriate to identify such person;
- (C) the class or type of commercial motor vehicle or vehicles which such person is authorized to operate under such license;
- (D) the name of the State which issued such license; and
- (E) the dates between which such license is valid.

SEC. 12007. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.

(a) DEADLINE.—Not later than January 1, 1989, the Secretary shall either enter into an agreement under subsection (b) for operation of, or establish under subsection (c), an information system which will serve as a clearinghouse and depository of information pertaining to the licensing and identification of operators of commercial motor vehicles and the disqualification of such operators from operating

commercial motor vehicles. In carrying out this section, the Secretary consult the States.

(b) AGREEMENT FOR USE OF NON-FEDERAL SYSTEM.—

(1) REVIEW.—Not later than January 1, 1988, the Secretary shall conduct a review of information systems utilized by 1 or more States pertaining to the driving status of operators of motor vehicles and other State-operated information systems for the purpose of determining whether or not any of such systems could be utilized to carry out this section.

(2) AGREEMENT.—If the Secretary determines that one of the information systems reviewed under paragraph (1) could be utilized to carry out this section and the State or States utilizing such system agree to the use of such system for carrying out this section, the Secretary may enter into an agreement with such State or States for the use of such system in accordance with the provisions of this section and section 12009(c).

(3) TERMS OF AGREEMENT.—Any agreement entered into under this subsection shall contain such terms and conditions as the Secretary considers necessary to carry out the objectives of this title.

(c) ESTABLISHMENT.—If the Secretary does not enter into an agreement under subsection (b), the Secretary shall establish an information system pertaining to the driving status and licensing of operators of commercial motor vehicles in accordance with the provisions of this section.

(d) MINIMUM INFORMATION.—The information system under this section shall, at a minimum, include the following information concerning each operator of a commercial motor vehicle:

- (1) Such information as the Secretary considers appropriate to ensure identification of such operator.
- (2) The name and address of such operator and a physical description of such operator.
- (3) The social security number of such operator or such other number or information as the Secretary determines appropriate to identify such operator.
- (4) The name of the State which issued the driver's license to such operator.
- (5) The dates between which such license is valid.
- (6) Whether or not such operator has or has had a driver's license which authorized such person to operate a commercial motor vehicle suspended, revoked, or cancelled by a State, has lost the right to operate a commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle.

(e) AVAILABILITY OF INFORMATION.—

(1) TO STATE.—Upon request of a State, the Secretary or the operator of the information system, as the case may be, may make available to such State information in the information system under this section.

(2) TO THE EMPLOYEE.—Upon request of an employee, the Secretary or the operator of the information system, as the case may be, may make available to such employee information in the information system relating to such employee.

(3) TO EMPLOYER.—Upon request of an employer or prospective employer of an employee and after notification of such employee, the Secretary or the operator of the information system, as the case may be, may make available to such em-

by any other State or has been disqualified from operating a commercial motor vehicle by any other State or the Secretary, SEC. 12010. GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary may make a grant to a State in a fiscal year if the State enters into an agreement with the Secretary to participate in such fiscal year in the commercial driver's license program established by this title and the information system required by this title and to comply with the requirements of section 12009.

(b) MINIMUM AMOUNT OF GRANT.—The Secretary shall determine the amount of grants in a fiscal year to be made under this section to a State eligible to receive such grants in the fiscal year; except that—

(1) such State shall not be granted less than \$100,000 under this section in the fiscal year; and

(2) to the extent that any States are granted more than \$100,000 per State in the fiscal year under this section, the Secretary shall ensure that such States are treated equitably.

(c) LIMITATION ON USE OF FUNDS.—A State receiving a grant under this section may only use the funds provided under such grant for issuing commercial driver's licenses and complying with the requirements of section 12009.

(d) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant to a State under this section shall be deemed to be a contractual obligation of the United States for payment of the amount of the grant.

(e) PERIOD OF AVAILABILITY.—Funds made available to carry out this section shall remain available for obligation by the State for the fiscal year for which such funds are made available. Any of such funds not obligated before the last day of such period shall no longer be available to such State and shall be available to the Secretary for carrying out the purposes of this title. Funds made available pursuant to this section shall remain available until expended.

(f) FUNDING.—There shall be available to the Secretary to carry out this section \$5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1989, 1990, and 1991.

SEC. 12011. WITHHOLDING OF HIGHWAY FUNDS FOR STATE NONCOMPLIANCE.

(a) FIRST YEAR.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of title 23, United States Code, on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1992, throughout which the State does not substantially comply with any requirement of section 12009(a) of this Act.

(b) AFTER THE FIRST YEAR.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of such title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1992, throughout which the State does not substantially comply with any requirement of section 12009(a) of this Act.

(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NON-COMPLIANCE.—

(1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—

(A) PERIOD OF AVAILABILITY.—Any funds withheld under this section from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

(i) If such funds would have been apportioned under section 104(b)(5)(B) of such title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(ii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of such title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No funds withheld under this subsection from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1), the State substantially complies with all of the requirements of section 12009(a) of this Act for a period of 365 days, the Secretary shall on the day following the last day of such period apportion to such State the withheld funds remaining available for apportionment to such State.

(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year succeeding the fiscal year in which such funds are apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of such title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of such title.

(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not substantially complied with all of the requirements of section 12009(a) of this Act for a 365-day period, such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) of such title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of such title.

SEC. 12012. PENALTIES.

(a) NOTICE OF VIOLATION.—Paragraph (1) of section 521(b) of title 49, United States Code, is amended by inserting "or section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986" after "the Motor Carrier Safety Act of 1984" and by striking out "section" the second place it appears and inserting in lieu thereof "sections".

(b) CIVIL PENALTIES.—Paragraph (2) of such section is amended, by inserting "(A) IN GENERAL.—" before "Except as", by inserting "(other than subparagraph (B))" before ", except for recordkeeping

23 USC 104.

23 USC 104.
23 USC 118.

local
nts.
pp.

207-186.

pp.

PAT - TRUCKER'S ASSOC.
strongly supports this
bill.

TIMES 3-18-91

Trucker licensing troubles 33 states

WASHINGTON (AP) — Thirty-three states may be unable to meet new commercial driver's license requirements designed to keep unsafe trucks off the road, a congressional report said Monday.

The General Accounting Office estimated that as many as 360,000 commercial truckers could lose their driving privileges unless state licensing programs are accelerated.

The federal highway official overseeing the program said, however, that states are doing "a terrific job" and all plan to meet the April 1, 1992, deadline for issuing federally approved licenses to truck drivers.

The new commercial driver's license law would apply federal standards to state licensing in the hope of cutting down on the 4,500 annual highway fatalities involving large trucks. That's 10 percent of the na-

tion's fatalities, while trucks make up only 4.5 percent of vehicles on the road.

Previously, several states required only ordinary driver's licenses for truckers. Requirements were inconsistent from state to state, leading some truckers to get licensed in the most lenient states.

Thirteen states have indicated they cannot meet the April 1992 deadline, the GAO
See Trucks, page C-4

Drivers

Continued from page C-1

tion, a state-operated pool for high-risk drivers that has piled up a \$3.1 billion debt. A \$222 per car annual tab charged to every state motorist to keep the pool from bankruptcy will be dropped as of March 31, 1991.

The law requires the insurance industry to pay \$1.4 billion

of the pool's debt. Florio said that insurance companies, which at one point had assigned more than half of New Jersey drivers to the pool, bilked the poorly operated JUA and must now pay the money back. The law bars insurance companies from charging higher premiums to make up the cost of paying off the debt.

Insurers said they are not to blame for the state-created fund, and promise to block the measure in court within a month.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF TOURISM

NOT IN COMM. Buckets, copies
available

STEVE COWPER, GOVERNOR

P. O. BOX E
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465 2010

TELEX: 45331

March 20, 1990

RESPONSE FROM DMV:

Honorable Pat Pourchot
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Pourchot:

Re: SB 137

1. Reducing capacity from 16
down to 11 would have no
impact on this situation
due to VAN SIZE: road test
is not any different

2. If you were to try to
include, would impact a lot of
NON-commercial drivers because
a van this size is:
3 rows of seats + 2 bucket seats

Enclosed you will find a correspondence file from Ms. Ruth E. Swanson, a tourist who wrote representing a group of eleven passengers on a commercial passenger van running from Anchorage to Skagway. The description of this trip points up a certain need for accountability of operators of such vehicles, at least in terms of safety requirements.

I understand that SB 137 addresses such needs, but I am told by the motor vehicle department that only 16 passenger and larger vehicles are covered in this proposed legislation. Why should no protection be required for the paying passengers of a smaller vehicle? The van described in this complaint would not be covered by SB 137. Can that be altered?

Thank you for your interest.

Sincerely,



Phyllice Bradner
Publication Specialist

PB/11p3156T
031990a
Enclosure

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF TOURISM

STEVE COWPER, GOVERNOR

P. O. BOX E
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2010

TELEX: 45331

March 20, 1990

Ms. Ruth E. Swanson
129 N. Meade Street
Appleton, WI 54911

Dear Ms. Swanson:

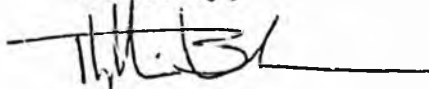
We have received your packet of correspondence documenting the recent trip that you and your fellow passengers took from Anchorage to Skagway. It certainly does sound like the trip was both unsafe and aggravating.

I have been attempting to locate a state agency which regulates the operation of commercial passenger vehicles such as Alaska-Denali Transit operates and I have discovered that there are no special licenses or regulations! There is, however, a bill in our Legislature which addresses this obvious need, and I have sent a copy of your correspondence file to the people interested in passing such legislation.

I have also sent a copy of your letters to the Department of Public Safety, as it is the State Troopers' responsibility to examine vehicles for unsafe equipment such as the cracked windshield you described.

We are pleased to hear that you enjoyed visiting our great state despite your experience with Alaska-Denali Transit. Thank you very much for contacting us, we do care how service companies treat our visitors and we do promote safety on our public roads. Hopefully your letter will make a difference.

Sincerely,



Phyllice Bradner
Public Information

PB/11p3154T
031990a

cc: Senator Pat Pourchot
Shari Kochman, Legislative Staff Assistant, Governor's Office
Gail Horetski, Deputy Commissioner, Department of Public Safety

JAN. 22 1990

January 11, 1990

*Myrtle
pls. thank her again
for comments
Twp.*

Dana Brockway
Director
STATE OF ALASKA
Department of Commerce & Economic Development
Division of Tourism
P. O. BOX E
Juneau, Alaska 99811-0800

Re: enclosed correspondence

After mailing off the questionnaire to you I have been thinking about my 1988 trip to Alaska.

I was distressed by the portion of my return trip, that from Anchorage to Skagway. I wrote a letter, as spokesperson for those of us who traveled that segment together, and sent it to the Department of Transportation in Juneau. I did not receive the courtesy of an answer.

While I was in Anchorage, in September of 1989, I dropped off a copy at the DOT office in Anchorage, by the airport. My daughter and I were en route to Hawaii and were scheduled to head back for Wisconsin immediately after our return to Alaska. I did not have the opportunity to return to the DOT office to see if they were able to follow up and locate the original correspondence.

So - I am sending a copy to you in the belief that you are interested in the reputation of your various transportation systems. I would appreciate it if you would please follow up by checking with both the Juneau and the Anchorage record/correspondence files and and fill me in as to its fate.

Thank you for the for-get-me-not pin, symbol of a state I found greater than its promises, which brightened my pre-dawn arrival from Hawaii- at the airport.

Confidently,

Ruth E. Swanson

Ruth E. Swanson
129 North Meade Street
Appleton, WI 54911
(414) 734-3300

for Anchorage. If not, I would be equally truthful with my criticisms. He was forewarned.

At this time he introduced me to Steve Mannix, one of the two drivers to be on my trip, who appeared to be competent and pleasant. Later, when we talked openly (on the last day of the trip) Steve and his co-pilot - Ron Smith, told me that Terryl had been operating the service for 4 years and that "in 1987 had 10 drivers in his employ". They were agreed that his ideas were good, but that he had lost the other drivers and was going to lose the two of them after this trip. They felt he was much too careless in the maintenance of the physical equipment and in his management of the business/money end of the enterprise. They will receive copies of this letter and the enclosures and are free to add any comments. They also said that he had taken the "better" van for himself on his trip to Prudhoe.

I paid for my ticket and we left. That night Kathleen called to say that she accepted his offer and was asked to be at the office by 6 AM on Friday. On Thursday evening he called to say that it would be more like 10:30 AM and she planned to be there by 10 AM. Our friend took her (plus gear) over and we said our farewells. At 7:30 PM when my friend and I were returning from a trip to the Matanuska Glacier, we spotted the van outside a grocery store and found Terryl still purchasing supplies. Kathleen said, in an aside, "He seems to be the most unorganized person I've ever met".

ADVERTISED TRIP

Passengers asked to meet at the Captain Cook Hotel, in downtown Anchorage at 10 AM, Saturday 7/16.

Stops would be made for picture-taking: scenery & animals.

Arrive in Tok in time for dinner, eat at local restaurant and stay overnight at the Gateway Hotel.

Leave Tok at 8 AM on Sunday, 7/17 (after breakfast) for Beaver Creek, Yukon Terr., Canada

TRIP- AS TRAVELED

Some passengers met as scheduled but the driver, Steve, had to make several side trips to pick up others. Some resentment was generated among those who made the effort to meet at the appointed spot. Left Anchorage at 11:30 AM.

Radiator overheated about halfway to Tok. Driver pulled off the highway, tried various ways to wash out the blocking substance. Several passing drivers stopped to offer help and advice. Problem seemed to be solved but it overheated again, luckily with sight of a resort building which held both restaurant and rest rooms and which provided shelter during rain showers.

Steve and Ron took the van "into town to be worked on", came back in about 2 hours with temporary operability of the van. We reached Tok at about 10:30 PM, pulled up to the Gateway where we registered and paid for our lodging - no evening meal! All the passengers, except "Bill" Stone (60s) and I, took their luggage to their rooms and retired. He and I had discovered that the van had left, the drivers taking it to "their mechanic who is available 24 hours a day". Bill and I waited at the front door, enjoying the fresh night air until 11:30 when the drivers came back to sleep - the mechanic "had not been able to check the van and/or repair it." Reason: "landslides (I understand that is an "act-of-God") on the ALCAN HWY had increased his workload drastically."

At 8 AM Ron loaded our luggage, at 10 Steve came out of the hotel and suggested we find "brunch" at one of the local restaurants, then cross the highway and enjoy the small museum, films, etc. at the Visitor Center. They would "be back in an hour or so with a replacement for the radiator, or, treatment of the present one to insure our getting on our way

adequacies in the maintenance of the vehicles which were certainly not checked and brought up to safety standards after each trip. His unwillingness to listen seriously, or, to act upon their suggestions regarding mechanical, financial and public relations problems by being truthful to all concerned and acting with common sense and integrity to guarantee the safety of drivers, passengers and vehicles *caused them to lose faith in him*

We were agreed that the idea of the van service was a good one but his present conduct was unforgivable in someone dealing with human lives. The Engles know of a van line with similar goals which is operating safely, courteously and profitably in Alaska, and they, too, are going to write to you and, possibly, to the Anchorage newspaper and/or others.

We had one more segment of the trip - to drop off the young Swiss woman at Whitehorse where people were expecting her. Because of the increasing time constraints we drove directly to Skagway instead of backtracking to Haines Junction and then down to Haines (the shorter, easier and "original" route.

Sections of the Chilkoot Pass (in the Yukon Territory and in British Columbia) were under construction/repair and again we followed a lead car over a rock/mud path looking thousands of feet down into the gorge at our left and up the precipitous slopes on our right. When we reached the Canadian/US border we had about a 15 minute pause at Customs then went on to Skagway -arriving about 45 minutes before the ferry's departure.

A copy of this letter is being sent to each of the people involved, for whom I have addresses:

Terryl Miller, Steve Mannix and Ron Smith

Each of the passengers on the list

My daughter and one of the passengers on the Prudhoe trip

I am also sending one to Susan Johnson of Ypsilanti, Michigan. She was on the southbound ferry when I recounted my "horror" story and said she had ridden in the same van in June. She had noted the same faults with the vehicle and with the management of the business. So, the negligence was (at minimum) at least 30 days old when our party signed on.

I am holding the copy of this letter which is addressed to the Anchorage newspaper until I hear from you about your action/s regarding Terryl Miller.

Sincerely (from a concerned traveler)

Ruth E. Swanson

Ruth E. Swanson (Mrs. Robert W.)
129 North Meade Street
Appleton, Wisconsin 54911
(414) 734-3300

Enclosures: Sample of T. Miller's ad picked up on ferry
Photocopy of my receipt for passage on van
" " " " " " " ferry
" " " " from Gateway Motel, Tok, AK
" " list of passengers on van (minus 2)
" " pages from ferry schedule
" " complaints from Kathleen & from a
passenger on the Prudhoe trip

5.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF TOURISM

STEVE COWPER, GOVERNOR

P. O. BOX E
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2010

TELEX: 45331

March 20, 1990

Honorable Pat Pourchot
Alaska State Senate
P.O. Box 4
Juneau, AK 99811

Dear Senator Pourchot:

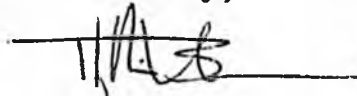
Re: SB 137

Enclosed you will find a correspondence file from Ms. Ruth E. Swanson, a tourist who wrote representing a group of eleven passengers on a commercial passenger van running from Anchorage to Skagway. The description of this trip points up a certain need for accountability of operators of such vehicles, at least in terms of safety requirements.

I understand that SB 137 addresses such needs, but I am told by the motor vehicle department that only 16 passenger and larger vehicles are covered in this proposed legislation. Why should no protection be required for the paying passengers of a smaller vehicle? The van described in this complaint would not be covered by SB 137. Can that be altered?

Thank you for your interest.

Sincerely,



Phyllice Bradner
Publication Specialist

PB/11p3156T
031990a
Enclosure

August 8, 1988

STATE of ALASKA
Department of Transportation & Public Facilities
Juneau, Alaska 99811

To the Authority

responsible for licensing:

The ALASKA-DENALI TRANSIT
Passenger Van Service
Terry Miller, Owner (907) 273-3234
P. O. Box 4557
Anchorage, AK 99510

I wish to bring to your attention these considered complaints (by a recent visitor and guest in your ^{respective} state) against Terry Miller, owner of at least 2 vans, used by his passenger van service - operating (presumably with a valid license) in the state of Alaska and the Yukon Territory.

False advertising
Badly maintained (unsafe) vehicle
Unsafe driving practices
Unsatisfactory communications with passengers (all adults)
Over-booking
Taking payment for 2 other destinations than those listed when other passengers purchased their tickets.

I am very conscious that this is lengthy and detailed but I felt it necessary. Your courtesy and patience, ^{and appreciation} in reading and considering the data in this letter.

1. I responded to a printed advertisement (picked up on the ALASKA MARINE HIGHWAY ferry "Columbia" on the northbound trip, 7/1/88.
2. This led to my booking passage (ticket - \$99) on ALASKA-DENALI TRANSIT van to travel one-way from "Anchorage to Haines/Skagway" from 10 AM, Saturday, 7/16/88 via Tok (AK), Beaver Creek and Haines Junction (Yukon Territory, Canada) to arrive in Haines (AK) on Sunday, 7/17 in time for a night's rest and a morning look at Haines before I boarded the ferry at 11:30 AM.
3. My original ferry ticket had been from Seattle to Haines and back to Seattle. Because of the routing I purchased a ticket for the Haines to Skagway section of the Inner Passage and traded in my original return for one from Skagway to Seattle (additional cost \$24).

My daughter Kathleen and I were visiting friends living in Anchorage. I was looking for an alternative mode of transportation back to catch the ferry at Haines. On Monday, using a telephone number listed on Terry's ad, I called and left a message on his recording machine. He called back and I went to his office (accompanied by Kathleen) to discuss the trip. I am 67 and not naive, nor is Kathleen (25), he was personable and we were impressed by the written description/agenda and the stated goals which Terry had given us. They read as an intelligently planned expedition (as did the projected 7-day "promotional" trip to Prudhoe Bay (3 passengers - 2 of them women).

Terry and Kathleen had been discussing photography and he then asked her, since she was staying in Anchorage for the coming year, if she would be interested in going on the Prudhoe trip as his aide in setting up and taking down camp, helping with meals and taking photographs. She agreed to think about it, to discuss it with me and to let him know her decision by evening. Had we not felt comfortable with him and the plans presented we would not have agreed to go on the trips. I told him if the trip lived up to expectations I would be glad to tell other tourists headed

Off and on for the 5 or 6 hours we were notified that "all was being done that could be done and we will be on our way as soon as possible."

Meantime, back at the Visitor Center, we were hearing about the landslides (earth, boulders, trees, etc.) on the ALCAN HWY which posed another problem: time constraints and possible re-routing. At that time we learned that 3 of our passengers (from Austria) had been promised drop-off at Dawson City, and 1 (from Switzerland) at Whitehorse (neither city had been listed on our itinerary!). DC was several hundred miles out of the way for those of us whose schedules required meeting the ferry. Some visitors to the Center, just off the road from DC, swore the gravel road between Tok and DC was "so bad, we would rather die than ever travel on it again" and "there is a 6 to 12 hour wait at the Yukon River ferry for traffic going to Whitehorse". Much of this was due to the re-directed traffic from the trouble stretch of the ALCAN.

Steve assured us that the drivers wished to be "democratic" on the decision of which route, and to abide with the choice of the majority. He stated clearly that the drivers felt the long way over the gravel road to DC, even with the delay at the Yukon ferry would be the safer way (but we probably would not make ~~our~~ ferry). Since he had 3 passengers for DC and 1 for Whitehorse the rest of the passengers felt he had some bias for that route. The vote, based on the official statements at the Visitor Center that groups of vehicles were being escorted around the problem area on the ALCAN as of 2 PM (Alaska time), was for the more direct route: Tok to Beaver Creek and the ALCAN to Haines Jct. Bill Stone offered \$40 each to each of the 4 passengers concerned but they elected to come with the rest. Two women (whose names are not on my list because they had taken off earlier with someone) and Kim and Les Engle who were offered a ride (from a couple met earlier on their travels) to the ferry. They accepted, explained to us and the driver and left. We were now a comfortable van load (9) - which in our opinion should have been the maximum for the van for the whole trip.

About 4 PM we left Tok and drove through the mountains to Beaver Creek, across the Canadian border. We arrived there at about 10 PM/sunset and Customs officials stated flatly that the groups were stopped for the night. Steve told us that he had learned (unofficially) "small groups are still being allowed through at intervals, alternating directions."

Leave Beaver Creek Sunday PM on the ALCAN for Haines Jct. and Haines where we board the northbound ferry, van and all, to go to Skagway. Those of us bound for Seattle would remain on the ship when it turned to go south.

It was decided by the group to go on. We drove through rain on mountain roads. I had noticed signs posted along the highway that said "vehicle lights must be on!" The rest of the group was asleep - I was not, even though I had had only about 4 hours of sleep at Tok. It was twilight and at first I was uncertain, but as it grew darker, I was sure the headlights were not on and I questioned the drivers. They said it was to "conserve the batteries" which was not reassuring. I asked them to please turn ~~the~~ on and they did so. We later learned that the tarpaulin over the luggage was inadequate to the hours of rain and the contents of some of the pieces had become wet. Several other things bothered me: the drivers

wore no seatbelts; they failed to stop at railroad crossings; they tail-gated, especially on down grades; and on several occasions they were both leaning over a cassette player/radio on the dashboard fussing with it, seemingly paying no attention to the road. In my opinion, (with hundreds of thousands of driving experience) the co-pilot should have attended to it and the driver kept his eyes on the road and his hands on the wheel.

At Destruction Bay, an appropriate name, on the shore of Kluane Lake, we pulled up at the rear of a line of standing vehicles - one of the "groups". Steve talked to someone and found out that about 100 vehicles were being released from the south end of the danger zone, and, when they had passed us we would start south shepherded by a lead car with a light on top. There were huge caterpillar tractors working on constructing a by-pass around the washed out bridge. They worked through the 2+ hours we waited for the go-ahead signal. One driver took his sleeping bag to the roof of the van, the other slept in the co-pilot seat. The passengers slept upright in the straight seats, without headrests. The lights of the vehicles passing us kept me awake and in that time I mentally reviewed all that had occurred.

The following items are in addition to the problems I have already touched upon:

- a badly cracked windshield
- the only door for the passengers to open, for escape, was inoperable from the inside.

We had had a number of close calls - what would have happened if the drivers had been injured or killed in an accident? We the passengers (if we survived in condition to do so) would have had to try to exit over them to get out through one of their doors, or, broken one or more of the side windows to enable at least one of us to be on the outside to open either that door or the emergency one at the rear of the van.

I sweated through the parade of RVs and campers headed north, wondering what the condition of the temporary detour routes would be after their passage over them. As the pre-dawn light showed the rain clouds floating north, out of our path, a rapping warned us that the line was preparing to move. From about 4:30 to about 6:30 AM, we slowly - a car's length apart - navigated over the mud and boulder by-passes, wondering if/when we would make a rapid descent into the lake at arm's reach to the left or be buried in more of the rain-soaked overburden on the mountains to our right. A short way along, hugging the cliff between two tongues of debris sprawled halfway across the highway, we stopped to let some stragglers from the south inch by us. For the rest of the time we crept around more debris and by-passed more wash-outs. We emerged from the emergency zone and hurried into Haines Junction greatly in need of the restrooms and of breakfast. At this meal I sat with the drivers and spelled out the reactions of the passengers and heard the drivers' side of the story. They had tried to convince Terryl of the in-

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF TOURISM

STEVE COWPER, GOVERNOR

P. O. BOX E
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2010

TELEX: 45331

December 13, 1989

Ms. Ruth Swanson
129 N. Meade St.
Appleton, WI 54911

MLD
12/26/89

Dear Ms. Swanson:

We hope you enjoyed your recent trip to Alaska. Now that you're home and have had an opportunity to reflect on your experiences in our State, we would like your opinions about your visit.

Your name was randomly selected from a list of individuals who helped us when they first arrived in Alaska by completing a short "Visitor Arrival Survey." For the results of our research to be complete and truly representative, we would like you to complete and return the enclosed questionnaire. Your responses will remain confidential and will not be individually identified in any way.

As you no doubt discovered, Alaska is a big state with a lot to offer visitors---from fishing for king salmon to hiking in Denali Park, from opera to panning for gold. What did you do? How did you like it? Please take a few minutes and let us know.

We hope that the information you provide us will help make future visits to Alaska more enjoyable and more interesting.

Thank you for your cooperation.

Sincerely,

Dana Brockway
Director



August 15, 1958

Thank you.

Keith E. Swanson

P.S. The "natural" hazards would not have been nearly so anxiety provoking if the knowledge of an unpredictably faulty vehicle had not been omnipresent.

I do regret the delay in completing and in mailing off the accompanying letter.

There were stopovers in Seattle, Vancouver, B.C., Minneapolis + Rochester ~~MI~~ on my way home and guests when I arrived.

I do feel it is vital for authorities to receive such commentaries - for their own protection.

The other notes are to members of the "expedition" which accompanied their copies of the letter!

8/13/88

Dear JORG

Here's your copy of my letter - hope it has some impact on tightening up regulation on such risk takers w/ human lives!

Have a great year

& hope to see you in Wisconsin sometime in the next few years

Ruth Swanson

8/13/88

Dear "Bill"

Here's your copy of THE DOCUMENT! Hope it was to the point and has some impact on the regulation of such ventures in the future.

If the spirit moves you to send in your comments, please do

Ruth Swanson

8/13/88

Dear Nancy

Here's your copy of THE DOCUMENT! Hope it was to the point and has some impact on the regulation of such ventures in the future

Hope to see you again

Ruth Swanson

If the spirit moves you to send in your comments - please do.

C.S.

8/13/88

Dear Susan

Here is THE DOCUMENT!

Hope it is to the point & has some impact.

Have had a wild HOT trip here - 100° in Seattle, 102° in Vancouver, 105° in Minneapolis and 100+ price amounts in Wisconsin - a few others but not enough. Had 4 days in Deer County - an air-conditioned penthouse in Lake Michigan - but see the best of best housing & scenery before a

act of great awe in 13 hours/1 day here. Have fun - hope you in Sept. & country!

8/13/88

Dear Ken —

Enclosed is my letter. As I have
said to Steve - I have tried to be
fair to all of us - feel free to peruse
your own comments/observations. I
refer to my added note to the Dept of the
"the national" regarding roads not being
nearly as critical - pointing out the flaws
of the infrastructure jointly vehicle had
from anti-buses. Feel free to - Paul Swan

8/13/88

Dear Ken + Joe

Enjoyed sharing time, thoughts and
comparison with you.
Here is the document which I hope
was a fair and to the point as possible.
Please feel free to add your own comments
if possible. I hope we have some
input. I hope + one of the passengers
(like in public group, or in letter) are
adding things to my original letter.
With a revision again -

8/13/88

Dear Steve

Here is the Document! I've tried
to be fair and as to the point as possible.
Please feel free to add your own comments/
observations - photocopy + send in to the
Department of Transportation.

Lots of luck

Ruth Swanson

Dear Jerry
Wish I could have written as long
an accolade - but I did tell you I would
send a criticism whichever the trip
wasn't.

There are too many people needing
an economical ride (such as you offered),
many from foreign countries, who do
not deserve such risk when it could
be avoided.

Regretfully,

Ruth Swanson

00100

Unorganized - Temyl | MY DAUGHTER'S NOTES ON
THE PRUDHOE BAY TRIP

✓ no camping gear - extra tents, bags,
camp stove (relied on wood sources - lacking
at several places esp. Prudhoe Bay), not enough
utensils for all esp. spoons, dishes not
enough / dirty (plates, glasses, sugar ^{old} on spoons)

✓ no idea how much food to take for 1 wk
asked me: I haven't done it before - blamed
others when certain items weren't gotten -
"you had your chance" attitude

✓ not enough containers for storage ^{upon}
(1 cooler), not enough ice, or fresh water ^{just a}
(inadequate containers - dirty (I washed)
coffee jars, wine jug - paper bags / card-
board boxes - not taken care of - fell apart
cause left in rain

✓ not enough pots / pans - wrong sizes

✓ asked passengers to be prompt but he
wasn't - didn't call to tell them - introd.
self 2nd day of trip - left "smoothie
over" of anger to me: Steve

✓ doesn't return messages promptly

✓ didn't have adequate tarp (w/o holes) or
rope to tie things on top of van

✓ bought C.B. a "must" on ~~Danta~~ Dalton
highway w/o knowing if it worked or how to

connect it (relied on passenger - Herb)
↳ only 2 spare tires after quoting that
on other trips he had 14 flats (Herb
usually changed the tires)

↳ didn't follow schedule - raced through
the night until 5am to Fox & had a
beer (therefore left Blues late. ∴ no
breakfast at Cache Creek)

↳ didn't provide showers (tree)

↳ didn't know where to camp & when
we did usually 20ft - 50ft from road -
v. dusty w/ trucks racing by
(exception was first night near Brooks range -
where he got angry at passengers for
relaxing) - supposedly music/poetry
reading was to be done

↳ camp always after 8pm - dinner
between 10pm - 11pm

↳ breakfast/lunch after same cause
late to bed, late to rise (esp. Terry)

↳ drank: drove ① Hogs Bros. before getting
passengers ② Howling Dog ③ Goldfoot while
waiting for van to be serviced

↳ careless drivers - passed cars/trucks
on curves (double yellow lines), crept up on
rear of cars, passed in fog & dust

↳ allowed food to go bad - lack of ice. (didn't clean cooler when told about it) ②

↳ tried to blame me when cooking wasn't up to par (I was "help" not "the" cook)

↳ knew the van wasn't in good shape something wrong w/ wiring - knew the van that went to Haines had radiat. problems

✓ almost wouldnt provide 2nd driver for Haines trip & knew 1 driver couldnt drive non-stop esp. in disaster conditions, didnt care if passengers wouldnt reach connections
wouldnt tell them the truth about the situation

↳ didnt have emergency \$ for that trip
↳ " " " " appropriate first aid for our
↳ " " " " tools for fixing van or know-how

↳ bad attitude - uncaring, not listening do what he wants

↳ told Dawn & me "no money needed" drove beyond ^{except} postcard type stuff - I spent \$35

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CHECKLIST FOR

(State Name)

CDL PROGRAM

IMPLEMENTATION

COMPLETED BY: _____
TITLE: _____
DATE: _____

INSTRUCTIONS: Check in the YES column if the state meets this item from the CCL regulations; check the NO column if they do not meet the regulation. If the item is not found or not contained in the legislation/regulations leave the space blank. For example if the state did not adopt .04 BAC in the initial CCL legislation, question D1(a) would be blank. Items left blank in sections D, and X do not effect the confirmation of the testing and licensing portion of the CCL program.

In the Reference space provided or on an attached sheet, indicated the reference in state legislation or regulation where answer can be found.

<u>Question Number</u>	<u>Question</u>	<u>YES</u>	<u>NO</u>
SUBPART B: LICENSE REQUIREMENTS			
	Does the State		
B1	Conform with the single license provision for all CMV operators? Reference _____	_____	_____
B2	Eliminate by December 31, 1989 any State laws requiring more than one license? Reference _____	_____	_____
B3	Require all CMV operators to hold valid CCLs by April 1, 1992? Reference _____	_____	_____
B4	Issue CCLs only to persons domiciled in the State (except in the case of Nonresident CCLs issued to residents of foreign countries)? Reference _____	_____	_____
B5	If B4 is NO: Do all CCLs that are issued to persons domiciled in other States bear an expiration date no later than March 31, 1992? Reference _____	_____	_____
B6	Issue CCL learner's permits? Reference _____	_____	_____
B7	If B6 is YES: Must the learner's permit holder		
a	be accompanied at all times by a valid CCL holder, while in behind-the-wheel training in a CMV on public roads or highways? Reference _____	_____	_____
b	either hold a valid automobile driver's license, or have passed such vision, sign/symbol, and knowledge tests as the State ordinarily administers to applicants for automobile driver's licenses? Reference _____	_____	_____
c	is the learner's permit issued only for a limited period of time? Reference _____	_____	_____
SUBPART D: DISQUALIFYING OFFENSES AND PENALTIES (for acts committed in a CMV)			
<u>Long-term disqualifying offenses for CMV drivers: Alcohol</u>			
D1	Does the definition of driving under the influence of alcohol include commission of any one or more of the following acts:		
a	Driving a CMV while the person's alcohol concentration is 0.04% or more; or Reference _____	_____	_____
b	Driving under the influence of alcohol, as prescribed by State law; or Reference _____	_____	_____
c	Refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of §383.51. Reference _____	_____	_____

Question
Number

Question

YES

NO

D2 Implied consent to alcohol testing

a Are all *CMV* operators deemed to have consented, by the act of driving a *CMV*, to such testing as is required by the State or any jurisdiction in the enforcement of §383.51?

Reference _____

b Is implied consent to alcohol testing, per §383.131, in the driver's manual?

Reference _____

D3 Are the penalties for convictions of driving under the influence of alcohol as follows:

a First offense: one year's disqualification

Reference _____

b First offense if hazardous materials are involved: three year's disqualification

Reference _____

c Second offense (in combination with any long-term disqualifying offense): lifetime disqualification

Reference _____

D4 Is the 24-hour out-of-service sanction placed on any *CMV* operator who is found to have any measured alcohol concentration or detected presence of alcohol, or who violates any other provision of §392.5?

Reference _____

First
Offense:
One Year^o

Second
Offense*:
Life

First
Offense:
Life

Other long-term disqualifying offenses

D5 For each of the following offenses, are the penalties shown at right?

(*Three years if hazardous materials are involved)

(*Second offense" may reflect any combination of long-term disqualifying offenses, including blood alcohol as described above and the four offenses listed below).

a Operating a *CMV* under the influence of a controlled substance.

Y__ N__

Y__ N__

Reference _____

b Leaving the scene of an accident involving a *CMV*.

Y__ N__

Y__ N__

Reference _____

c Committing a felony involving the use of a *CMV*, except as specified in "d" below.

Y__ N__

Y__ N__

Reference _____

d Using a *CMV* in committing a felony involving manufacturing, distributing, or dispensing a controlled substance.

Y__ N__

Reference _____

Short-term disqualifying offenses

D6 For each of the following short-term disqualifying offenses, are the penalties shown at right? (**Second and third offenses may be any combination of those listed below.)

- a Excessive speeding involving any single offense for any speed of 15 miles per hour or more above the posted speed limit
Reference _____ Y__ N__ Y__ N__
- b Reckless driving as defined by State or local law or regulation, including but not limited to offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property
Reference _____ Y__ N__ Y__ N__
- c Improper or erratic traffic lane changes
Reference _____ Y__ N__ Y__ N__
- d Following the vehicle ahead too closely
Reference _____ Y__ N__ Y__ N__
- e A traffic control law violation arising in connection with a fatal traffic accident
Reference _____ Y__ N__ Y__ N__

SUBPART E: TESTING AND LICENSING PROCEDURES - For Initial, Transfer, Renewal, Upgrade and Non-Resident Transactions

§383.71 and §383.73

<u>Question Number</u>	<u>Question</u>	YES	NO
E1	Does the State ensure, by applicant certification and/or alternative methods, that		
a	All applicants are properly classified as between: those who operate or expect to operate in interstate or foreign commerce or are otherwise subject to Part 391 of the FMCSRs; and those who are not; AND Reference _____	_____	_____
b	Those applicants who are subject to Part 391 of the FMCSRs meet the qualification requirements of Part 391. Reference _____	_____	_____
c	The motor vehicle in which the applicant takes his/her driving test is representative of the vehicle group in which the person operates or intends to operate (except in the case of substitutions as provided in §383.77)? Reference _____	_____	_____
d	"Check" that the vehicle being tested in is representative of the vehicle group as provided in §383.73(a)(2)? Reference _____	_____	_____
e	The applicant is not subject to any disqualifications, suspensions, revocations, or cancellations as contained in §383.51, and that he/she does not have a driver's license from another State? Reference _____	_____	_____
E2	Is the applicants' driving record, as maintained by his/her current State of licensure, if any, checked for any disqualification, suspension, revocation, or cancellation actions; and the ensure the person does not have a driver's license from more than one State? Reference _____	_____	_____
E3	Is CDLIS checked to determine whether the driver applicant already has a CDL? Reference _____	_____	_____

Question Number	Question	YES	NO
E4	Is NCR checked to determine whether the driver applicant has been <u>disqualified</u> from operating a motor vehicle (other than a CMV); has had a license (other than a CDL) suspended, revoked, or cancelled for cause in the 3-year period ending on the date of application; or has been convicted of any offenses contained in §202(a)(3) of the NCR Act of 1982? Reference _____	_____	_____
E5	According to the standards of Subparts F, G, H and J of Part 383, is the applicant required to:		
	a Pass a knowledge test or tests for the type of motor vehicle the person operates or expects to operate? Reference _____	_____	_____
	b Pass a driving skills test taken in a motor vehicle which is representative of the vehicle group (and endorsement, if applicable) in which the person operates or expects to operate;		
	or Provide evidence that he/she has successfully passed a requisite driving test administered by an authorized third party;		
	or Fulfilled the substitution requirements outlined in §383.77? Reference _____	_____	_____
	c Provide the information required to be included on the CDL, and/or provided to the CDLIS? Reference _____	_____	_____
	d Surrender to the State any licenses issued by other States, or any non-CDL driver's licenses issued by the State? Reference _____	_____	_____
<u>For License Transfers Only</u>			
E6	Is an applicant required to apply for transfer of his/her CDL within no more than 30 days after establishing domicile in the State? Reference _____	_____	_____
E7	Is a transfer applicant wishing to retain a hazardous materials endorsement required within the 2 years preceding the transfer applications, to either pass the test for such endorsement as specified in §383.121, or successfully complete a hazardous materials test or training given by a third party that is deemed by the State to substantially cover the same knowledge base as that described in §383.121? Reference _____	_____	_____
<u>For License Renewals Only</u>			
E8	Is a renewal applicant wishing to retain a hazardous materials endorsement required to pass the test for such endorsement as specified in §383.121? Reference _____	_____	_____
<u>Procedures Applicable to All Licensing Actions</u>			
Does the State			
E9	Issue the CDL only <u>after</u> completing the procedures requisite to each CDL licensing action? Reference _____	_____	_____
E10	Notify the operator of the CDLIS of each CDL licensing action within the ten-day period beginning on the date of license issuance or modification? Reference _____	_____	_____
E11	Suspend, cancel, or revoke the person's CDL or pending application, for a period of not less than 60 days, within 30 days after discovering falsification of any of the information or certifications required to be supplied by him/her under §383.71(a) or Subpart J of Part 383? Reference _____	_____	_____

Question
Number

Question

YES

NO

E12 Allow any person who has a valid CDL which is not suspended, revoked, or cancelled, and who is not disqualified from operating a CMV, to operate a CMV in the State, provided that the CDL is for the class properly endorsed for the vehicle being driven?
Reference _____

Third Party Testing (§383.75)

E13 Are one or more third parties authorized to administer the skills test as specified in Subparts F, G, and H or Part 383?
Reference _____

If "E13" is YES:

E14 Are the tests given by each third party the same as those which would otherwise be given by the State?
Reference _____

E15 Does the agreement between the State and each third party contain ALL of the following five provisions ("a" through "e" below)?

a Allow the FHWA, its representative, and the State to conduct random inspections and audits without prior notice.

Reference _____

b Require the State to conduct on-site inspections at least annually.

Reference _____

c Require all third party examiners to meet the same qualification and training standards as the State examiners, to the extent necessary to conduct skills tests in compliance with Subparts G and H.

Reference _____

d Require annually, either State employees to take the tests actually administered by the third party as if the State employee were a test applicant, or the State test a sample of drivers who were examined by the third party to compare pass fail results.

Reference _____

e Reserves for the State the right to take prompt and appropriate remedial action against any third party tester when such third party fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the third party contract.

Reference _____

E16 Is the applicant required to provide evidence to the State that they have successfully passed the third party driving tests?

Reference _____

Substitute for Driving Skills Tests (§383.77)

E17 Is the applicant permitted to substitute their driving record in combination with driving experience, in place of the driving skills test, as permitted in §383.77?
Reference _____

If E17 is YES:

E18 Does the applicant certify that, during the two-year period preceding the application, he/she has had none of the following:

a more than one license (except as per §383.21(b))

Reference _____

b Any suspension, revocation, or cancellation of any kind of driver's license.

Reference _____

c Any convictions for any type of motor vehicle for the disqualification offenses contained §383.51.

Reference _____

Question Number	Question	YES	NO
d	Any violation of State or local law relating to motor vehicle traffic control (other than a parking violations) arising in connection with any traffic accident. Reference _____	_____	_____
e	Any record of an accident in which he/she was recorded as being at fault. Reference _____	_____	_____
E19	Is the applicant required to provide evidence and certify that the following two items are true:		
a	He/she is regularly employed in a job requiring operation of a CMV. Reference _____	_____	_____
b	He/she has either: Previously taken and passed a skills test given by a State with a classified licensing and testing system, and the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or Operated, for at least two years immediately preceding application for a CDL, a vehicle representative of the CMV the driver applicant operates or expects to operate. Reference _____	_____	_____

SUBPART F: VEHICLE GROUPS AND ENDORSEMENTS

Vehicle Groups

F1	Are commercial vehicles classified into three primary vehicle groups? [The State has the discretion to divide these three primary vehicle groups into subgroups, as long as the following four questions are answered YES.] Reference _____	_____	_____
F2	Are these three primary groups designated as "Group A", "Group B", and "Group C"? Reference _____	_____	_____
F3	Are the vehicle groups defined as follows? <u>Group A</u> —Any combinations of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided that the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds. Reference _____ <u>Group B</u> —Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Reference _____ <u>Group C</u> —Any single vehicle less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. This group applies to vehicles which are placarded for hazardous materials or designated to transport 16 or more persons, including the operator. Reference _____	_____	_____
F4	Must the applicant pass the driving skills test (or evidence two years experience, under §383.77(b)(3)) in a vehicle meeting the definition of the vehicle group for which the license is to be issued — i.e., a "representative vehicle"? Reference _____	_____	_____

Endorsements—Are drivers needing endorsements under §383.93 required to:

	Double/ Triple Trailers	Passenger Vehicles	Tank Vehicles	Hazardous Materials
F5 obtain such endorsements on their CDLs? Reference _____	Y__ N__	Y__ N__	Y__ N__	Y__ N__
F6 take and pass specialized knowledge tests to obtain such endorsement? Reference _____	Y__ N__	Y__ N__	Y__ N__	Y__ N__

F7 take and pass the skills test in a representative passenger CMV?
Reference _____

Y__ N__

<u>Question Number</u>	<u>Question</u>	<u>YES</u>	<u>NO</u>
------------------------	-----------------	------------	-----------

Air Brake Restriction

F8	If an applicant either fails the air brake component of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, is the CDL restricted to operating a CMV not equipped with air brakes? Reference _____	_____	_____
----	--	-------	-------

The following questions on Subparts G and H are procedural information, and not likely to be found in legislation.)

SUBPART G: REQUIRED KNOWLEDGE AND SKILLS

Required Knowledge

G1	Is the knowledge testing program based on the Essex Corporation materials from its contract to the AAMVA Committee of States? Reference _____	_____	_____
----	--	-------	-------

If "G1" is NO, then complete the section on Testing Methods at the end of this checklist and the knowledge supplement [a separate appendix to this checklist].

Required Skills

G2	Is the skills testing program based on the Essex Corporation materials from its contract to the AAMVA Committee of States? Reference _____	_____	_____
----	---	-------	-------

If "G2" is NO, then complete the section on Testing Methods at the end of this checklist and the skills supplements [a separate appendix to this checklist].

SUBPART H: TESTS

Driver Information manuals

H1	Is a driver manual(s) available to all CDL applicants containing information on how to obtain a CDL and endorsements? Reference _____	_____	_____
----	--	-------	-------

H2	Is the manual based on the Essex Corporation materials under its contract to the AAMVA Committee of States? Reference _____	_____	_____
----	--	-------	-------

If "H2" is NO, then complete the section on Testing Methods at the end of this checklist and the skills supplement [a separate appendix to this checklist].

Examiner Procedures

H3	Are the examiners qualified to administer tests on the basis of training or other experience? Reference _____	_____	_____
----	--	-------	-------

H4	Do examiners use standardized scoring sheets for the skills tests, as well as standardized driving instructions for the applicants? Reference _____	_____	_____
----	--	-------	-------

H5	Are examiners provided with an Examiner manual containing details on testing and any other State-imposed requirements? Reference _____	_____	_____
----	---	-------	-------

Question
Number

Question

YES

NO

H6 Is the Examiner Manual based on the Essex Corporation materials under its contract to the AAMVA Committee of States?
Reference _____

If "H6" is NO, then complete the section on Testing Methods at the end of this checklist and the skills supplement [a separate appendix to this checklist] complete the following questions.

SUBPART J: CDL DOCUMENT

J1 Is the following information on the face of the CDL document?

a Prominent statement "Commercial Driver's License" or "CDL"
Reference _____

b Person's full name, signature, and mailing address
Reference _____

c Date of Birth (month, day, and year), sex, and height
Reference _____

d Driver's color photograph
Reference _____

e State license number
Reference _____

f Issuing state name
Reference _____

g Issuance and expiration dates
Reference _____

h The highest primary group of CM's the driver is authorized to operate (A, B, or C)
Reference _____

i Endorsement(s), if any, indicated as follows: "T" for double/triple trailers; "P" for passenger; "N" for tank vehicle; "H" for hazardous materials; "X" for a combination of the tank vehicle and the hazardous materials endorsements.
Reference _____

j Additional endorsement codes, at the discretion of the State, with full explanation somewhere on the CDL document.
Reference _____

J2 Does the State issue Nonresident CDLs?
Reference _____

J3 If J2 is YES, then:

Does the license conspicuously and unmistakable display the word "Nonresident Commercial Driver's License" or "Nonresident CDL"? (The word "Nonresident" may be noncontiguous with the balance of the designation.)
Reference _____

J4 If the driver is restricted to operating only vehicles not equipped with air-brakes, does the State clearly indicate that restriction?
Reference _____

J5 Is the Social Security Number required on the application (except a Nonresident (DL applicant)?
Reference _____

J6 Is the Social Security number provided to the CDLIS?
Reference _____

J7 Is the CDL at least as tamperproof as possible by the same method employed on noncommercial driver's licenses?
Reference _____

Number

Question

YES

NO

CHECKLIST SECTION X: STATE REQUIREMENTS OF CM/SA NOT YET PROMULGATED AS REGULATIONS

- X1 Are appropriate penalties devised (and imposed where applicable) for operating a CM/ without holding a CDL; while having a driver's license suspended, revoked, or cancelled; or while being disqualified from operating a CM/?
Reference _____
- X2 Within 10 days after disqualifying a CDL holder from operating a CM/ for 60 days or more, or after suspending, revoking, or cancelling such CDL, is the operator of the CDLIS and the State which issued the CDL notified?
Reference _____
- X3 If a CM/ operator licensed in another State violates a State or local law related to motor vehicle traffic control (other than a parking violation) in the State, does the State within 10 days so notify the State which issued the driver's license?
Reference _____
- X4 Does the state use other means, or have procedures to ensure applicants meet the requirements of Part 391 (medical fitness qualifications)? If yes describe these means on the last page.
Reference _____

CHECKLIST SECTION Y: WAIVERS

Farmers

- Y1 Has the State waived farmers from the provisions of 49 CFR Part 383?
Reference _____
If "Y1" is YES:
- Y2 Has the State limited the waiver to farm vehicle operators whose vehicles meet all the following requirements?
 - a Controlled and operated by a farmer;
Reference _____
 - b Used to transport either agricultural products, farm machinery, farm supplies or any combination thereof to or from a farm;
Reference _____
 - c Not used in the operations of a common or contract motor carrier; and
Reference _____
 - d Used within 150 miles of the person's farm.
Reference _____

Firefighters

- Y11 Has the State waived, from the provisions of 49 CFR Part 383, drivers of emergency or fire equipment which is necessary to the preservation of life or property or to the execution of emergency governmental functions?
Reference _____

Revised December 11, 1989

COMPLETED BY: _____ DATE _____

TITLE: _____

Question
Number

Question

YES

NO

TESTING METHODS

If the answer to either G1 or G2 is NO, then complete the following questions.

T1 Are the knowledge tests appropriate to CDL applicants with the following groups and endorsements:

a A basic knowledge test or tests suitable to all applicants in Vehicle Groups A, B, or C. [The decision whether to construct separate basic tests for each vehicle group is up to the State, except as provided below.]

b A combination vehicle component, as described in §383.111(h), and included in or taken simultaneously with the basic knowledge test for all Group A applicants.

c An air brake component, to be routinely included in or taken simultaneously with the basic knowledge test(s), except that the State may elect to omit the air brake component for persons who intend to accept the air brake restriction.

[The existence of endorsement knowledge test is treated under Subpart F.]

T2 Is the skills test or tests appropriate to CDL applicants in Vehicle Groups A, B, or C? [The decision whether to construct separate skills tests for each vehicle group is up to the State]

[The existence of endorsement knowledge tests is treated under Subpart F.]

T3 Are all knowledge and skills tests based solely on the information contained in the Driver Manual?

T4 Have the knowledge tests been measured for validity and reliability?

T5 Does each basic knowledge test, exclusive of the air brake component but inclusive (in the case of Class A) of the combination vehicle component, contain at least 30 questions?

T6 Does the each endorsement test, as well as the air brake component of the basic knowledge test, contain a sufficient number of questions to test the driver applicant's knowledge of the required subject matter with validity and reliability?

T7 Do skills tests have administrative procedures designed to achieve interexaminer reliability, sufficient to ensure fairness of pass/fail rates?

Minimum passing Scores

T8 Is the minimum passing score 80% on each knowledge test?

T9 Must an applicant demonstrate successful performance of all skills listed in §383.113 to pass each skills test?

T10 Are applicant's failed if they do not obey traffic laws, or causes an accident during the test?

T11 Is the minimum passing score 80% on the air brake component of the knowledge test?

Question
Number

Question

YES

NO

If the answer to H2 is NO, then complete the following questions.

T12 Does the Driver Manual contain all of the following information?

- a The driver, State, and any other relevant requirements contained in Subpart E of part 383 "Testing and Licensing Procedures." _____
- b Vehicle groups and endorsements as specified in Subpart F of part 383 _____
- c Details on testing procedures, including the purpose of the tests, how to respond, any time limits for taking the test, and any other special procedures determined by the State. _____
- d Directions for taking the tests. _____

If the answer to H14 is NO, then complete the following questions.

T13 Does the Examiner manual contain all of the following:

- a Information on the driver, State, and any other relevant requirements contained in Subpart E of Part 383, "Testing and Licensing Procedures." _____
- b Details on information which must be given to the applicant. _____
- c Details on how to conduct the tests. _____
- d Scoring procedures and minimum passing scores. _____
- e Information for selecting driving test routes. _____
- f List of the skills to be tested. _____
- g Instructions on where and how the skills will be tested. _____
- h How performance of the skills will be scored. _____
- i Causes for automatic failure of skills tests. _____

APPENDIX TO SUBPART G, NUMBER G1—REQUIRED CIL KNOWLEDGE CATEGORIES
(CIL Test Assessment Summary)

For each knowledge category noted below, (1) indicate the pages in the driver's manual where the area is covered and (2) the specific test question(s) from the State test(s) which address the knowledge area. Please refer to Section 383 Subpart G of the Federal Regulations for the specific knowledge elements under each category.

BASIC KNOWLEDGE:
(For All Applicants)

	Page(s) in Manual Where Covered	Specific Questions From Test Which Cover Area	Total Test Quest.
Safe Operations Regulations	_____	_____	_____
Safety Control Systems	_____	_____	_____
Control Systems	_____	_____	_____
Basic Control	_____	_____	_____
Shifting	_____	_____	_____
Jacking	_____	_____	_____
Visual Search	_____	_____	_____
Communication	_____	_____	_____
Speed Management	_____	_____	_____
Space Management	_____	_____	_____
Night Operation	_____	_____	_____
Extreme Driving Conditions	_____	_____	_____
Hazard Perception	_____	_____	_____
Emergency Maneuvering	_____	_____	_____
Skid Control and Recovery	_____	_____	_____
Cargo & Vehicle Control	_____	_____	_____
Vehicle Inspections	_____	_____	_____
Hazardous Materials	_____	_____	_____
Air Brake	_____	_____	_____
Combination Vehicles	_____	_____	_____

	Page(s) in Manual Where Covered	Specific Questions From Test Which Cover Area	Total Test Quest.
DOUBLE/TRIPLE ENDORSEMENT:			
Assembly/ hookup of Units	_____	_____	_____
Placement of Heaviest Trailer	_____	_____	_____
Handling/Stability Characteristics	_____	_____	_____
Problems in Traffic Operations	_____	_____	_____
TANK VEHICLE ENDORSEMENT:			
Cargo Surge	_____	_____	_____
Braking Procedures	_____	_____	_____
Baffled/Non-Baffled Handling	_____	_____	_____
Tank Type and Construction	_____	_____	_____
Product densities vs Cargo Surge	_____	_____	_____
Effects of Road Grade/Curvature	_____	_____	_____
Emergency Systems	_____	_____	_____
Retest/Marking Requirements	_____	_____	_____
HAZARDOUS MATERIALS ENDORSEMENT:			
Hazardous Materials Regulations	_____	_____	_____
Hazardous Materials Handling	_____	_____	_____
Operation of Emergency Equipment	_____	_____	_____
Emergency Response Procedures	_____	_____	_____
PASSENGER ENDORSEMENT:			
Loading/Unloading Passengers	_____	_____	_____
Use of Emergency Exits	_____	_____	_____
Responses to Emergency Situations	_____	_____	_____
Railroad Crossings/Drawbridges	_____	_____	_____
Braking Procedures	_____	_____	_____

APPENDIX TO SUBPART G, NUMBER G2—REQUIRED ODL SKILLS
(ODL Skill Test Assessment Summary)

For each skill noted below, (1) indicate which skills are covered in the skills test and (2) if applicable, indicate whether the specific component of the test is performed "on-street" or "off-street".

BASIC VEHICLE CONTROL SKILLS:	Part of Test which tests for Skill	On-Street	Off-Street
Start	_____	_____	_____
Stop	_____	_____	_____
Move the vehicle forward	_____	_____	_____
Move the vehicle backward	_____	_____	_____
Other:	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
SAFE DRIVING SKILLS:			
Proper visual search methods	_____	_____	_____
Appropriate use of signals	_____	_____	_____
Speed control for weather conditions	_____	_____	_____
Speed control for traffic conditions	_____	_____	_____
Ability to position the motor vehicle correctly when changing lanes	_____	_____	_____
Ability to position the motor vehicle correctly when turning.	_____	_____	_____
Other:	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

AIR BRAKE SKILLS:

Pre-trip inspection skills

Included?

Yes

No

Locate and verbally identify
air brake operating controls
and monitoring devices

—

—

Determine the motor vehicle's
brake system condition for
proper adjustments and that
air system connections between
motor vehicles have been properly
made and secured

—

—

Inspect the low pressure warning
device(s) to ensure that they will
activate in emergency situations

—

—

Ascertain, with the engine running,
that the system maintains an
adequate supply of compressed air

—

—

Determine that required minimum air
pressure build up time is within
acceptable limits and that required
alams and emergency devices
automatically deactivate at the
proper pressure level

—

—

Operationally check the brake
system for proper performance

—

—

Driving skills

Applicants complete the skills
tests (383.113) in a representative
vehicle equipped with air brakes.

—

—

RELATIONSHIP BETWEEN CDL REVIEW PHASES AND CHECKLIST ITEMS

<u>Review Phase</u>	<u>Subparts of Checklist Pertaining to Each Phase</u>								
	B	D	E	F	G	H	J	X	Y
Test Verification			†	o	o	o			
CDL Confirmation	o		o	o	o	o	o		
Compliance Review	o	o	o	o	o	o	o	o	o
Program Maintenance Verification	o	o	o	o	o	o	o	o	o

Note: "o" indicates that the checklist subpart pertains to the phase.

† Test Verification phase addresses only the portions of Subpart E pertaining to Section 383.75 (third party testing).

SUBPARTS

B - License Requirements

D - Disqualifying Offenses

E - Testing & Licensing Procedures

F - Vehicle Groups & Endorsements

G - Required Knowledge and Skills

H - Tests

J - CDL Document

X - State Requirements of CMVSA Not Yet Promulgated as Regulations

Y - Waivers

THE COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

THE ACT - WHY?

On October 26, 1986, Congress passed the Commercial Motor Vehicle Safety Act of 1986. The goal of the Act is to improve highway safety by insuring that drivers of large trucks and buses are qualified to operate those vehicles on the highway. The Act retained the State's right to issue a driver's license, but established minimum national standards which States must meet when licensing Commercial Motor Vehicle (CMV) drivers.

It is widely recognized that driving certain commercial motor vehicles requires special skills, knowledge, training and other qualifications. In 18 States and the District of Columbia, however, any person licensed to drive an automobile can also legally drive a tractor-trailer or a bus. As a result, too many drivers are operating motor vehicles they may not be qualified to drive. Also, many drivers have been able to obtain drivers' licenses from more than one State and hide or spread violations or convictions among several driving records and continue to drive. The Act attempts to correct these situations by making it illegal (effective July 1, 1987) to hold more than one license and requiring States to adopt testing and licensing standards for truck and bus drivers which check a person's ability to operate the type of vehicle he/she plans to operate.

It is important to note that the Act does not require that drivers obtain a separate Federal license; it merely requires that States upgrade their existing testing and licensing programs -- if necessary -- to conform with the Federal standards.

The licenses will continue to be issued by the States. The impact that these regulations will have on the commercial motor vehicle drivers will vary somewhat from State to State depending on how the States' current testing and licensing practices compare with the Federal Standards. Some

of the States, like New York, already test drivers in the type of vehicle the person intends to operate. As such, these States may not have to make significant changes to their testing procedures in order to meet the minimum standards. We believe that drivers who live in any of these States will see little or no changes from what they have been required to do in the past. Certainly drivers who live in States which now allow drivers to operate commercial vehicles without special testing requirements will see the greatest changes.

THE DRIVER

Drivers must have the new CDL in order to drive a Commercial Motor Vehicle after April 1, 1992.

The Federal penalty to a driver who violates this provision is a \$2,500 civil penalty or up to \$5,000 or imprisonment as a criminal penalty. An employer is also subject to these penalties, if he or she uses a driver to operate a CMV without the proper license.

During the last 18 months the FHWA has developed and issued the standards for testing and licensing CMV drivers. Among other things, the standards require that States issue Commercial Driver's Licenses (CDLs) to their commercial motor vehicle operators after the driver passes a knowledge and skills tests administered by the State about the type of vehicle to be operated. Drivers need CDLs if they are in interstate, intrastate, or foreign commerce and drive a vehicle that meets one of these definitions:

- A vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more;
- A vehicle designed to transport 16 or more persons including the driver;
- A vehicle regardless of size that is transporting hazardous materials in an amount that requires placarding under the Hazardous Materials Transportation Act.

HOW STATES WILL IMPLEMENT THE FEDERAL REQUIREMENT (CONTINUED)

1) He/she has previously taken a behind-the-wheel skills test in a representative vehicle; or

2) He/she has operated a representative vehicle, for at least 2 years immediately preceding application for a CDL.

Third Party Testing: (This applies only to Skills Testing)

Other States, employers, training facilities, Governmental departments and agencies, and private institutions can serve as third party testers for the State.

- Tests must be the same as those given by the State.
- Examiners must meet same qualifications as State examiners.
- States must conduct an on-site inspection at least once a year.
- At least annually, State employees must evaluate the programs by taking third party tests as if they were test applicants, or by testing a sample of drivers tested by the third party and then comparing pass/fail rates.
- The State's agreement must allow FHWA and the State to conduct random examinations, inspections, and audits without prior notice.

Knowledge & Skills Tests:

States will develop their own tests which must be at least as stringent as the Federal standards. Model driver's manuals and tests have been prepared and distributed to the States to use, if they wish.

States shall determine specific methods of scoring the tests.

Basic knowledge test must contain at least 30 questions.

To pass, applicants must correctly answer at least 80 percent of the questions on the knowledge test. For the skills test, applicants must successfully perform all the skills (listed in Sec. 383.113).

The skills test must be taken in a vehicle representative of the type of vehicle that the applicant operates or expects to operate.

Commercial Driver's License Document:

A State will determine the license fee, how long the license is good for, most renewal procedures, and will also continue to decide the age and medical qualifications of its intrastate commercial drivers. Interstate drivers would need to meet the longstanding Federal age and medical qualification.

All CDL's must contain the following information:

- The words "Commercial Driver's License" or "CDL";
- The driver's full name, signature, and mailing address;
- The driver's date of birth, sex, and height
- Color photograph of the driver;
- The driver's State license number;
- The name of the State which issued the license;
- The date of issuance and the date of the expiration of the license;
- The group(s) of vehicles that the driver is authorized to drive;
- Notation of the "air brake" restriction, if issued;

OTHER REQUIREMENTS (CONTINUED)

- A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation). (Serious traffic violations exclude vehicle weight and defect violations.)

The period of disqualification is as follows:

- a minimum of 60 days if the driver is found to have committed 2 serious traffic violations within a 3-year period involving a CMV.
- a minimum of 120 days for 3 serious traffic violations within a 3-year period.

State Program Verification

The following sequence describes a States' implementation of the entire CDL program, including issuing CDLs. While some States will be able to achieve this, many States may find it prudent or necessary to "phase in" parts of the program before they are ready to issue CDLs, using one of several options. These include:

A State may administer CDL knowledge and skills test to drivers prior to the completion of the CDLIS connection. The test results would be stored, and when the State is able to complete the CDLIS connection and check the driver in the system, the driver would be mailed a CDL. Some States may choose to issue an interim document, but such a document may not be marked "CDL" or "Commercial Driver's License." The license could later be endorsed as CDL or exchanged for the CDL when the CDLIS connection and driver checks are successfully completed.

A State may implement only the CDLIS Inquiry and Status Check functions to check drivers applying under the State's existing licensing program for commercial operators. This permits the State a longer time to identify and resolve any problems in development or installation of the State software and telecommunications. The State would begin issuing CDLs when the testing and licensing program and the remaining CDLIS transactions are ready.

These options help provide maximum flexibility under the Federal regulation and the Act. States are encouraged to use these and other options to progress toward compliance with the Act.

Sequence of CDL Implementation

Step 1 State Requests Testing Program Review

Explanation Ideally at least 30 days before testing is scheduled to begin.

Step 2 FHWA Completes Test Verification

Explanation FHWA reviews tests (knowledge and/or skills) the State plans to administer to verify they meet the standard. This must be completed for the State to claim credit for any CDL tests (knowledge and /or skills) in 90/91 Supplemental Grants.

Step 3 FHWA Completes CDL Confirmation

Explanation After FHWA meets with the State and reviews its testing and licensing program for compliance with the standards, a letter will be sent confirming compliance. If the State plans to issue CDLs at the same time they begin testing, the letter must precede activation of CDLIS for production.

Step 4 State Signs Network Contract With AAMVAnet

Explanation The State must sign a contract with AAMVAnet/Nebraska prior to getting an account ID to begin network/CDLIS testing.

Step 5 AAMVAnet Activates CDLIS

Explanation When testing with CDLIS is satisfactorily completed and the testing and licensing program is confirmed by FHWA, the State will be notified by New York, on behalf of AAMVAnet, that they can be a CDLIS production State.

Step 6 AAMVAnet Activates AAMVAnet for Production

Explanation When the State has satisfactorily completed testing with the network; has received notification from New York that they are ready to be a CDLIS production State; and their testing

THE DRIVER (continued)

A State may decide to waive firefighters and certain farmers from the CDL requirements. All active duty military drivers were waived by the Federal Highway Administrator.

The Federal Standard requires States to issue a CDL to drivers according to the following vehicle classification, referred to as VEHICLE GROUPS.

Group A - (Combination Vehicle) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

Group B - (Heavy Straight Truck) Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

Group C - (Small Vehicle) Any single unit vehicle less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Any size vehicle placarded for hazardous materials or designed to transport 16 or more persons, including the driver if the vehicle is not covered by Group A or B.

Drivers who operate special types of commercial motor vehicles will also need to pass additional tests and obtain an ENDORSEMENT on their CDL as follows:

T - Double/Triple Trailers.
(Knowledge test only)

P - Passenger.
(Knowledge & Skills tests)

N - Tank Vehicle.
(Knowledge Test only)

H - Hazardous Materials.
(Knowledge test only)

X - Combination of Tank Vehicle and Hazardous Materials.

RESTRICTIONS

"Air Brake" (Knowledge & Skills tests)

HOW STATES WILL IMPLEMENT THE FEDERAL REQUIREMENTS

Grandfathering Provision:

States will have the option to "grandfather" drivers with good driving records from the skills test according to these criteria:

Driver has a current license at time of application.

Driver has a good driving record and previously passed an acceptable skills test; OR Driver has a good driving record in combination with certain driving experience.

For "grandfathering" a Good Driving Record means:

A driver can certify that, during the two-year period immediately prior to applying for a CDL he/she:

- Has not had more than one license;
- Has not had any license suspended, revoked, or canceled;
- Has not had any violation of State or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which he/she was at fault.

For "grandfathering" Driving Experience means:

A driver can provide evidence and certify that:

- He/she is regularly employed in a job requiring operation of a CMV, and that either:

HOW STATES WILL IMPLEMENT THE FEDERAL REQUIREMENT (CONTINUED)

- The endorsement(s) for which the driver has qualified;

States may issue learner's permits for purposes of behind-the-wheel training on public highways as long as learner's permit holders are required to be accompanied by someone with a valid CDL appropriate for that vehicle and the learner's permits are issued for limited time periods.

OTHER REQUIREMENTS

There are a variety of other requirements related to this legislation which affect the commercial drivers and their employers. These include:

Clearinghouse

States must arrange to "tie" into an information system and driver clearinghouse to exchange information about commercial motor vehicle drivers and traffic violations. A State would use the system to check a driver's record and make certain that the applicant does not already have a CDL. Employers can have access to this clearinghouse.

BAC Standards

The FHWA has also established 0.04 percent as the alcohol level at or above which a CMV driver is deemed to be driving under the influence of alcohol and subject to the disqualification sanctions in the Act.

Notifications

Within 30 days of a conviction of any traffic violation, except parking, drivers must notify employers, regardless of the nature of the violation or the type of vehicle which was driven at the time.

If a driver's license is suspended, revoked, or canceled, or if he/she is disqualified from driving, employers must be notified.

Employers must get information from prospective employees on all driving jobs they may have held for the past 10 years, if any.

Employers may not knowingly use a driver who has more than one license or whose license is suspended or revoked. Violation of this requirement may result in civil or criminal penalties.

Disqualifications

Drivers may be disqualified from driving a commercial motor vehicle for one year for convictions of:

- the first offense of driving a CMV under the influence of alcohol or a controlled substance; or
- leaving the scene of an accident; or
- Using a CMV to commit a felony.

If the conviction results from a violation received while the driver is operating a CMV that is placarded for hazardous materials, the minimum disqualification is 3 years. A second conviction of the above will disqualify the driver for life. If the CMV is used to commit a felony involving the manufacture, distribution, or dispensing of controlled substances the driver will also be disqualified for life.

Drivers may also be disqualified for serious traffic violations, which means conviction, when operating a commercial motor vehicle of:

- Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
- Reckless driving, as defined by State or local law or regulation including but not limited to offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;
- Improper or erratic traffic lane changes;
- Following the vehicle ahead too closely; or

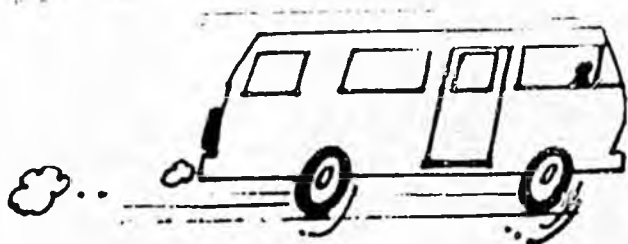
**STATE PROGRAM VERIFICATION
(CONTINUED)**

and licensing program has been confirmed by FHWA, they will be activated in the network as a production State.

Step 7 State Issues CDLs

Explanation State tests and issues licenses according to the Federal standards, including checks and updates of CDLIS. Only CDLs issued according to the standard count in determining 90/91 Supplemental Grants.

Note: Step 4 - Network Contract - can occur at any time the State is prepared to begin CDLIS or network testing and not necessarily in the exact sequence shown.



As promised...

Attached is a letter sent to
Diana Kelm, Commercial Drivers
License Coordinator, requesting
some language changes for SB137.

*To Sandra
Kirk SB137*

a service of



**Recreation Vehicle
Industry Association**

P.O. Box 2999 • 1896 Preston White I
Reston, Virginia 22090 • (703) 620-26



Recreation Vehicle Industry Association

P.O. Box 2999 • 1896 Preston White Drive • Reston, Virginia 22090
TELEPHONE (703) 620-6003 • TELEFAX (703) 620-5071

October 24, 1989

Diana Kelm
CDL Coordinator
Division of Motor Vehicles
P. O. Box 20
Juneau, Alaska 99802

RECEIVED OCT 30 1989

Dear Diana:

Based on our telephone conversations, it is my understanding that the Alaska Dept. of Motor Vehicles does not intend to require the people who drive RVs over 26,001 pounds GVWR to get a commercial drivers license.

While RVIA is pleased that the department and SB 137 do not intend to require commercial licensing of RV drivers, we find that the language of SB 137 can be construed to require commercial licensing of RV drivers.

The basis of this finding is as follows:

1. The ruling of the federal highway administration (the federal agency charged with administering the commercial motor vehicle safety act of 1986) that RVs are not covered by that federal law does not negate the authority of the states to extend the federal licensing and other requirements for commercial drivers.
2. As introduced, the definition in SB 137 of "commercial motor vehicle" contains the words, "used in commerce." However, SB 137 does not contain a definition for the word, "commerce" nor does one currently exist in Alaska statutes. Without a definition for commerce, it can be construed that any vehicle weighing more that 26,000 pounds GVWR is a commercial vehicle.

Accordingly, SB 137 needs to be amended to make it clear that drivers of RVs and other vehicles used for personal purposes are not subject to commercial licensing standards.

This can be accomplished by either of the following alternative amendments:

Alternative 1: Page 3, part D. Amend this section to clearly state that RVs are not commercial vehicles. Add the following language after line 27:

(iii) recreation vehicles used solely as personal/family conveyances.

or

Alternative 2: Page 3, part D. Amend this section to clearly state that RVs are not commercial vehicles. Add the following language after line 27:

(iii) vehicles used solely and exclusively for private non-business use.

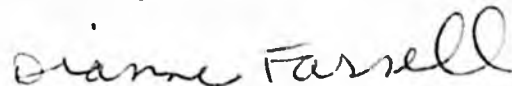
or

Alternative 3: Page 3, part D. Amend this section to clearly state that RVs are not commercial vehicles. Add the following language after line 27:

(iii) vehicles that are equipped to serve as temporary living quarters for recreational, camping or travel purposes and are used solely as a family/personal conveyance.

I hope to hear from you shortly. Please call me at (800) 336-0154.

Sincerely,



Dianne Farrell
Vice President
Government Affairs

SB 137, RELATING TO COMMERCIAL VEHICLE DRIVER LICENSING

NOTIFIED TO TESTIFY:

DIANA KELM, DEPT. PUBLIC SAFETY (AND GAIL HORETSKI)

STEVE MORENO, F.H.W.A. (TO ANSWER QUESTIONS ONLY)

BRUCE FRIETAG, D.O.T. (TASK FORCE MEMBER -- FOR QUESTIONS ONLY)

RESA JERREL, A.G.C.

BARB MAGNUSON, DOUGLAS TRUCKING

OTHERS (SEE WITNESS LIST)

Talked to Bill Fitch, new Exec. Dir. Truckers Assoc. (in Anch). Nobody is lobbying for them this year, but he was going to try to round up a couple members here in Juneau.

F.Y.I.

TO DATE, D.P.S. HAS RECEIVED TWO \$100,000 FEDERAL GRANTS FOR DEVELOPMENT OF THE LICENSING PROGRAM. WILL APPLY FOR AN ADDITIONAL \$100,000 GRANT IN EACH OF THE NEXT 3 YEARS. THEY EXPECT THAT STATE FUNDS WILL ALSO BE NEEDED.

WORK TO DATE HAS BEEN DONE UNDER GUIDANCE OF A TASK FORCE (TRUCKERS ASSOCIATION, F.H.W.A., ETC.).

ANTICIPATE LICENSING 7-10,000 COMMERCIAL DRIVERS IN ALASKA; 5.5 MILLION NATIONWIDE.

ALASKA IS ONE OF 19 STATES WITHOUT A COMMERCIAL LICENSE CURRENTLY.

SB 137 DEFINES COMMERCIAL VEHICLE TO EXCLUDE THOSE DRIVEN OFF THE MAIN HIGHWAY SYSTEM. THE FEDERAL LAW DOES NOT SPECIFICALLY ALLOW SUCH AN EXCLUSION -- ALASKA NEEDS TO GET A SPECIAL WAIVER. THE WAIVER HAS BEEN REQUESTED BUT NO FORMAL RESPONSE HAS BEEN RECEIVED. VERBAL INDICATIONS ARE THAT THE WAIVER WILL BE APPROVED.

THE FEDERAL LAW PROVIDES THAT ONCE THE COMMERCIAL LICENSING PROGRAM IS IN PLACE, ALL STATES MUST HAVE IN EFFECT A 0.04% BLOOD ALCOHOL CONCENTRATION LEVEL FOR "DRIVING UNDER THE INFLUENCE" FOR COMMERCIAL DRIVERS. ALASKA DOES NOT MEET THIS STANDARD; ADDITIONAL LEGISLATION MAY BE NECESSARY NEXT YEAR TO COMPLY WITH THIS REQUIREMENT. D.P.S. IS PURPOSELY NOT PURSUING IT AT THIS TIME.

*3.12.90
waiver
granted by
Feds*

SB 137

HB ~~137~~³¹⁷ Alcohol related require

HB 317

Laurie Otto drafting CS for
Disqualifications based
on Federal spec's
→ must pass w/in 2 years

SB 137 - April 1, 1992 deadline for
DRIVERS

→ As of 2.28.90 only 6 states
have met new federal requirements.

→ Regulation changes will be required
in addition to statute changes.
A. Class of licenses.

● Steve Morino FHWA Juneau

→ ● NEW FISCAL NOTE

● FEES

→ Church School Buses - will not be
exempt



US Department
of Transportation
Federal Highway
Administration

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

Title XII, Public Law 99-570

TITLE XII—COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

Commercial
Motor Vehicle
Safety Act of
1986.
49 USC app. 2701
note.

SECTION 12001. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Commercial Motor Vehicle Safety Act of 1986”.

(b) **TABLE OF CONTENTS.**—

- Sec. 12001. Short title.
- Sec. 12002. Limitation on number of driver's licenses.
- Sec. 12003. Notification requirements.
- Sec. 12004. Employer responsibilities.
- Sec. 12005. Testing of operators.
- Sec. 12006. Commercial driver's license.
- Sec. 12007. Commercial driver's license information system.
- Sec. 12008. Federal disqualifications.
- Sec. 12009. Requirements for State participation.
- Sec. 12010. Grant program.
- Sec. 12011. Withholding of highway funds for State noncompliance.
- Sec. 12012. Penalties.
- Sec. 12013. Waiver authority.
- Sec. 12014. Commercial motor vehicle safety grants.
- Sec. 12015. Truck brake regulations.
- Sec. 12016. Radar demonstration project.
- Sec. 12017. Limitation on statutory construction.
- Sec. 12018. Regulations.
- Sec. 12019. Definitions.

SEC. 12002. LIMITATION ON NUMBER OF DRIVER'S LICENSES.

Effective July 1, 1987, no person who operates a commercial motor vehicle shall at any time have more than one driver's license, except during the 10-day period beginning on the date such person is issued a driver's license and except whenever a State law enacted on or before June 1, 1986, requires such person to have more than one driver's license. The second exception in the preceding sentence shall not be effective after December 31, 1989.

Effective date.
State and local
governments.
49 USC app.
2701.

Effective dates.

SEC. 12003. NOTIFICATION REQUIREMENTS.49 USC app.
2702.**(a) NOTIFICATION OF VIOLATIONS.—**

(1) **TO STATES.**—Effective July 1, 1987, each person who operates a commercial vehicle, who has a driver's license issued by a State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) in any other State shall notify a State official designated by the State which issued such license of such violation, within 30 days after the date such person is found to have committed such violation.

(2) **TO EMPLOYERS.**—Effective July 1, 1987, each person who operates a commercial vehicle, who has a driver's license issued by a State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) shall notify his or her employer of such violation, within 30 days after the date such person is found to have committed such violation.

(b) NOTIFICATION OF SUSPENSIONS.—Effective July 1, 1987, each employee who has a driver's license suspended, revoked, or cancelled by a State, who loses the right to operate a commercial motor vehicle in a State for any period, or who is disqualified from operating a commercial motor vehicle for any period shall notify his or her employer of such suspension, revocation, cancellation, lost right, or disqualification, within 30 days after the date of such suspension, revocation, cancellation, lost right, or disqualification.

(c) NOTIFICATION OF PREVIOUS EMPLOYMENT.—

(1) **GENERAL RULE.**—Effective July 1, 1987, subject to paragraph (2) of this subsection, each person who operates a commercial motor vehicle and applies for employment as an operator of a commercial motor vehicle with an employer shall notify at the time of such application the employer of his or her previous employment as an operator of a commercial motor vehicle.

Regulations.

(2) **PERIOD OF PREVIOUS EMPLOYMENT.**—The Secretary shall establish by regulation the period for which previous employment must be notified under paragraph (1), except that such period shall not be less than a 10-year period ending on the date of application for employment.

Effective date.
State and local
governments.
49 USC app.
2703.**SEC. 12004. EMPLOYER RESPONSIBILITIES.**

Effective July 1, 1987, no employer shall knowingly allow, permit, or authorize an employee to operate a commercial motor vehicle in the United States during any period—

(1) in which such employee has a driver's license suspended, revoked, or cancelled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or

(2) in which such employee has more than 1 driver's license, except during the 10-day period beginning on the date such employee is issued a driver's license and except whenever a State law enacted on or before June 1, 1986, requires such employee to have more than one driver's license.

The second exception in paragraph (2) shall not be effective after December 31, 1989.

49 USC app.
2704.
Regulations.**SEC. 12005. TESTING OF OPERATORS.**

(a) ESTABLISHMENT OF MINIMUM FEDERAL STANDARDS.—Not later than July 15, 1988, the Secretary shall issue regulations to establish

minimum Federal standards for testing and ensuring the fitness of persons who operate commercial motor vehicles. Such regulations—

(1) shall establish minimum Federal standards for written tests and driving tests of persons who operate such vehicles;

(2) shall require a driving test of each person who operates or will operate a commercial motor vehicle in a vehicle which is representative of the type of vehicle such person operates or will operate;

(3) shall establish minimum Federal testing standards for operation of commercial motor vehicles and, if the Secretary considers appropriate to carry out the objectives of this title, may establish different minimum testing standards for different classes of commercial motor vehicles;

(4) shall ensure that each person taking such tests has a working knowledge of (A) regulations pertaining to safe operation of a commercial motor vehicle issued by the Secretary and contained in title 49 of the Code of Federal Regulations, and (B) any safety system of such vehicle;

(5) in the case of a person who operates or will operate a commercial motor vehicle carrying a hazardous material, shall ensure—

(A) that such person is qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to motor vehicle transportation of such material issued by the Secretary under the Hazardous Materials Transportation Act; and

(B) that such person has a working knowledge of—

(i) such regulations,

(ii) handling of such material,

(iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of such material, and

(iv) appropriate response procedures to be followed in such emergencies;

(6) shall establish minimum scores for passing such tests;

(7) shall ensure that each person taking such tests is qualified to operate a commercial motor vehicle under the regulations issued by the Secretary and contained in title 49 of the Code of Federal Regulations to the extent such regulations are applicable to such person; and

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to each person who passes such tests; and

(B) such person to have a copy of such certification in his or her possession whenever such person is operating a commercial motor vehicle.

(b) REQUIREMENT FOR OPERATION OF CMV.—

(1) **GENERAL RULE.**—Except as provided under paragraph (2), no person may operate a commercial motor vehicle unless such person has taken and passed a written and driving test to operate such vehicle which meets the minimum Federal standards established by the Secretary under subsection (a).

(2) **EXCEPTION.**—The Secretary may issue regulations which provide that a person—

Regulations.

(A) who passes a driving test for operation of a commercial motor vehicle in accordance with the minimum standards established under subsection (a), and

(B) who has a driver's license which is not suspended, revoked, or cancelled,

may operate such a vehicle for a period not to exceed 90 days.

(3) **EFFECTIVE DATE.**—Paragraph (1) shall take effect on such date as the Secretary shall establish by regulation. Such date shall be as soon as practicable after the date of the enactment of this title but not later than April 1, 1992.

State and local governments.

(c) **BASIC GRANT PROGRAM.**—

(1) **ELIGIBILITY FOR FISCAL YEARS 1987, 1988, AND 1989.**—The Secretary may make a grant to a State in any of fiscal years 1987, 1988, and 1989—

(A) if the State enters into an agreement with the Secretary to develop a program for testing and ensuring the fitness of persons who operate commercial motor vehicles; and

(B) if the State has in effect and enforces in such fiscal year a law which provides that any person with a blood alcohol concentration of 0.10 percent or greater when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol.

(2) **ELIGIBILITY AFTER FISCAL YEAR 1989.**—The Secretary may make a grant to a State in a fiscal year beginning after September 30, 1989—

(A) if the State enters into an agreement with the Secretary—

(i) to adopt and administer in such fiscal year a program for testing and ensuring the fitness of persons who operate commercial motor vehicles in accordance with all of the minimum Federal standards established by the Secretary under subsection (a); and

(ii) to require that operators of commercial motor vehicles have passed written and driving tests which comply with such minimum standards; and

(B) if the State has in effect and enforces in such fiscal year a law which provides that any person with a blood alcohol concentration of 0.10 percent or greater when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol.

(3) **ADMINISTRATION OF DRIVING TEST.**—A State—

(A) may administer driving tests referred to in paragraph (2) and section 12009(a); or

(B) may enter into an agreement, approved by the Secretary, to administer such tests with a person (including a department, agency or instrumentality of a local government) which meets such minimum standards as the Secretary shall establish by regulation—

(i) if the agreement allows the Secretary and the State each to conduct random examinations, inspections, and audits of such testing without prior notification; and

(ii) if the State conducts at least annually one onsite inspection of such testing.

(4) **MINIMUM AMOUNT OF GRANT.**—The Secretary shall determine the amount of grants in a fiscal year to be made under this

subsection to a State eligible to receive such grants in the fiscal year; except that—

(A) such State shall not be granted less than \$100,000 under this subsection in the fiscal year; and

(B) to the extent that any States are granted more than \$100,000 per State in the fiscal year under this subsection, the Secretary shall ensure that such States are treated equitably.

(5) LIMITATION ON USE OF FUNDS.—

(A) IN FISCAL YEARS 1987, 1988, AND 1989.—A State receiving a grant under this subsection in fiscal year 1987, 1988 or 1989 may only use the funds provided under such grant for developing a program for testing and ensuring the fitness of persons who operate commercial motor vehicles.

(B) THEREAFTER.—A State receiving a grant under this subsection in any fiscal year beginning after September 30, 1989, may only use the funds provided under such grant for testing operators of commercial motor vehicles.

(6) DEVELOPMENT OF TESTING PROGRAM DESCRIBED.—For purposes of this subsection and subsection (d), development of a program for testing and ensuring the fitness of persons who operate commercial motor vehicles includes but is not limited to studies of the number of vehicles which will need to be tested under such program in a calendar year, studies of facilities at which testing of such persons could be conducted, and studies of additional resources (including personnel) which will be necessary to conduct such testing.

(7) FUNDING.—There shall be available to the Secretary to carry out this subsection \$5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1987, 1988, 1989, 1990, and 1991.

Post, p. 3207-186.

(d) SUPPLEMENTAL GRANT PROGRAM.—

State and local governments.

(1) ELIGIBILITY AND PURPOSES.—The Secretary may make in a fiscal year grants to States eligible to receive grants under subsection (c) in such fiscal year. A grant made under this subsection in fiscal year 1987, 1988, or 1989 shall be used for developing a program for testing and ensuring the fitness of persons who operate commercial motor vehicles. A grant made under this subsection in any fiscal year beginning after September 30, 1989, shall be used for testing operators of commercial motor vehicles.

(2) DISTRIBUTION.—Funds granted under this subsection in a fiscal year beginning after September 30, 1989, shall be distributed among the States eligible to receive grants under subsection (c) in such fiscal year on the basis of the number of written and driving tests administered, and the number of drivers' licenses for operation of commercial motor vehicles, issued in the preceding fiscal year.

(3) FUNDING.—There shall be available to the Secretary to carry out this subsection—

(A) \$3,000,000 from funds made available to carry out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration for each of fiscal years 1987, and 1988;

(B) \$3,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1989, 1990, and 1991.

49 USC app.
2304.
State and local
governments.

(e) LIMITATIONS ON GRANT PROGRAMS.—

(1) MAINTENANCE OF EFFORT.—The Secretary may not make a grant to any State under this section unless such State agrees that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for testing of operators of commercial motor vehicles will be maintained at a level which does not fall below the average level of such expenditure for its last two fiscal years preceding the date of the enactment of this title.

(2) PERIOD OF AVAILABILITY.—Funds made available to carry out this subsection shall remain available for obligation by the State for the fiscal year for which such funds are made available. Any of such funds not obligated before the last day of such period shall no longer be available for obligation by such State and shall be available to the Secretary for carrying out the purposes of this title. Funds made available pursuant to this section shall remain available until expended.

(3) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a grant to a State under this section shall be deemed to be a contractual obligation of the United States for payment of the amount of the grant.

49 USC app.
2705.
State and local
governments.
Regulations.

SEC. 12006. COMMERCIAL DRIVER'S LICENSE.

Not later than July 15, 1988, the Secretary, after consultation with the States, shall issue regulations establishing minimum uniform standards for the issuance of commercial drivers' licenses by the States and for information to be contained on such licenses. Such standards shall, at a minimum, require that—

(1) each person who is issued a commercial driver's license passes a written and driving test for the operation of a commercial motor vehicle which complies with the minimum Federal standards established by the Secretary under section 12005(a);

(2) the commercial drivers' licenses are, to the maximum extent practicable, tamper proof; and

(3) each commercial driver's license contain the following information:

(A) the name and address of the person to whom such license is issued and a physical description of such person;

(B) the social security number or such other number or information as the Secretary determines appropriate to identify such person;

(C) the class or type of commercial motor vehicle or vehicles which such person is authorized to operate under such license;

(D) the name of the State which issued such license; and

(E) the dates between which such license is valid.

49 USC app.
2706.

SEC. 12007. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.

(a) DEADLINE.—Not later than January 1, 1989, the Secretary shall either enter into an agreement under subsection (b) for operation of, or establish under subsection (c), an information system which will serve as a clearinghouse and depository of information pertaining to the licensing and identification of operators of commercial motor vehicles and the disqualification of such operators from operating

commercial motor vehicles. In carrying out this section, the Secretary consult the States.

(b) AGREEMENT FOR USE OF NON-FEDERAL SYSTEM.—

State and local governments.

(1) **REVIEW.**—Not later than January 1, 1988, the Secretary shall conduct a review of information systems utilized by 1 or more States pertaining to the driving status of operators of motor vehicles and other State-operated information systems for the purpose of determining whether or not any of such systems could be utilized to carry out this section.

(2) **AGREEMENT.**—If the Secretary determines that one of the information systems reviewed under paragraph (1) could be utilized to carry out this section and the State or States utilizing such system agree to the use of such system for carrying out this section, the Secretary may enter into an agreement with such State or States for the use of such system in accordance with the provisions of this section and section 12009(c).

(3) **TERMS OF AGREEMENT.**—Any agreement entered into under this subsection shall contain such terms and conditions as the Secretary considers necessary to carry out the objectives of this title.

(c) **ESTABLISHMENT.**—If the Secretary does not enter into an agreement under subsection (b), the Secretary shall establish an information system pertaining to the driving status and licensing of operators of commercial motor vehicles in accordance with the provisions of this section.

(d) **MINIMUM INFORMATION.**—The information system under this section shall, at a minimum, include the following information concerning each operator of a commercial motor vehicle:

(1) Such information as the Secretary considers appropriate to ensure identification of such operator.

(2) The name and address of such operator and a physical description of such operator.

(3) The social security number of such operator or such other number or information as the Secretary determines appropriate to identify such operator.

(4) The name of the State which issued the driver's license to such operator.

(5) The dates between which such license is valid.

(6) Whether or not such operator has or has had a driver's license which authorized such person to operate a commercial motor vehicle suspended, revoked, or cancelled by a State, has lost the right to operate a commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle.

(e) AVAILABILITY OF INFORMATION.—

(1) **TO STATE.**—Upon request of a State, the Secretary or the operator of the information system, as the case may be, may make available to such State information in the information system under this section.

(2) **TO THE EMPLOYEE.**—Upon request of an employee, the Secretary or the operator of the information system, as the case may be, may make available to such employee information in the information system relating to such employee.

(3) **TO EMPLOYER.**—Upon request of an employer or prospective employer of an employee and after notification of such employee, the Secretary or the operator of the information system, as the case may be, may make available to such em-

ployer or prospective employer information in the information system relating to such employee.

(4) TO THE SECRETARY.—Upon the request of the Secretary, the operator of the information system shall make available to the Secretary such information pertaining to the driving status and licensing of operators of commercial motor vehicles (including the information required by subsection (d)) as the Secretary may request.

(f) COLLECTION OF FEES.—If the Secretary establishes an information system under this section, the Secretary shall establish a fee system for utilization of the information system. The amount of fees collected pursuant to this subsection in any fiscal year shall as nearly as possible equal the costs of operating the information system in such fiscal year. The Secretary shall deposit fees collected under this subsection in the Highway Trust Fund (other than the Mass Transit Account).

(g) FUNDING.—There shall be available to the Secretary to carry out this section not to exceed \$2,000,000 from funds made available to carry out section 402 of title 23, United States Code, by the National Highway Safety Traffic Administration for each of fiscal years 1987, 1988, and 1989. Such funds shall remain available until expended.

49 USC app.
2707.

SEC. 12008. FEDERAL DISQUALIFICATIONS.

(a) DRUNK DRIVING; LEAVING THE SCENE OF AN ACCIDENT; FELONIES.—

(1) FIRST OFFENSE.—

(A) GENERAL RULE.—Except as provided in subparagraph (B) and paragraph (2), the Secretary shall disqualify from operating a commercial motor vehicle for a period of not less than 1 year each person—

~~(i) who is found to have committed a first violation—~~

(I) of driving a commercial motor vehicle while under the influence of alcohol or a controlled substance, or

(II) of leaving the scene of an accident involving a commercial motor vehicle operated by such person; or

(ii) who uses a commercial motor vehicle in the commission of a felony (other than a felony described in subsection (b)).

(B) SPECIAL RULE.—If the vehicle operated or used in connection with the violation or the commission of the felony referred to in subparagraph (A) i, transporting a hazardous material required by the Secretary to be placarded under section 105 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804), the Secretary shall disqualify the person for a period of not less than 3 years.

(2) SECOND OFFENSE.—

(A) GENERAL RULE.—Subject to subparagraph (B), the Secretary shall disqualify from operating a commercial motor vehicle for life each person—

(i) who is found to have committed more than one violation of driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;

~~(ii) who is found to have committed more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by such person;~~

(iii) who uses a commercial motor vehicle in the commission of more than one felony arising out of different criminal episodes; or

(iv)(I) who is found to have committed a violation described in clause (i) or (ii), and

(II) who is found to have committed a violation described in the other of such clauses or uses a commercial motor vehicle in the commission of a felony.

(B) SPECIAL RULE.—The Secretary may issue regulations which establish guidelines (including conditions) under which a disqualification for life under subparagraph (A) may be reduced to a period of not less than 10 years.

(b) CONTROLLED SUBSTANCE FELONIES.—The Secretary shall disqualify from operating a commercial motor vehicle for life each person who uses a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(c) SERIOUS TRAFFIC VIOLATIONS.—

(1) SECOND VIOLATION.—The Secretary shall disqualify from operating a commercial motor vehicle for a period of not less than 60 days each person who, in a 3-year period, is found to have committed 2 serious traffic violations involving a commercial motor vehicle operated by such person.

(2) THIRD VIOLATION.—The Secretary shall disqualify from operating a commercial motor vehicle for a period of not less than 120 days each person who, in a 3-year period, is found to have committed 3 serious traffic violations involving a commercial motor vehicle operated by such person.

(d) ENFORCEMENT OF DRINKING AND DRIVING REGULATIONS.—

(1) OUT OF SERVICE.—Not later than 1 year after the date of enactment of this title, the Secretary, for purposes of enforcing section 392.5 of the Code of Federal Regulations, shall issue regulations which establish and enforce an out of service period of 24 hours for any person who violates such section.

(2) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—No person shall violate an out-of-service order issued under paragraph (1) of this subsection.

(3) REPORTING REQUIREMENTS.—Not later than 1 year after the date of the enactment of this title, the Secretary shall issue regulations establishing and enforcing requirements for reporting of out-of-service orders issued pursuant to regulations issued under paragraph (1). Regulations issued under this paragraph shall, at a minimum, require an operator of a commercial motor vehicle who is issued such an order to report such issuance to his or her employer and to the State which issued such operator his or her driver's license.

(e) LIMITATION ON APPLICABILITY.—

(1) GENERAL RULE.—Notwithstanding any requirement of subsections (a), (b), and (c) of this section, the Secretary does not have to disqualify from operating a commercial motor vehicle any person who has been disqualified from operating a commercial motor vehicle in accordance with such requirement by the

State and local governments.

State which issued the driver's license which authorized such person to operate such vehicle.

(2) **SATISFACTION OF STATE DISQUALIFICATION.**—For purposes of paragraph (1), suspension, revocation, or cancellation of a driver's license which authorizes a person to operate a commercial motor vehicle by a State shall be treated as disqualification of such person from operating such vehicle.

(f) **BLOOD ALCOHOL CONCENTRATION LEVEL.**—

(1) **STUDY.**—

(A) **NATIONAL ACADEMY OF SCIENCES.**—Not later than 30 days after the date of the enactment of this title, the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the appropriateness of reducing the blood alcohol concentration level at or above which a person when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol from 0.10 to 0.04 percent.

(B) **REPORT.**—In entering into any arrangements with the National Academy of Sciences for conducting the study under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 1 year after the date of the enactment of this title, to the Secretary a report on the results of such study.

(2) **RULEMAKING.**—Not later than 1 year after the date of the enactment of this title, the Secretary shall commence a rulemaking to determine whether or not, for purposes of this section and section 12009 of this Act, the blood alcohol concentration level at or above which a person when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol should be reduced from 0.10 to 0.04 percent (or some other percentage less than 0.10).

(3) **ISSUANCE OF RULE.**—Not later than 2 years after the date of the enactment of this title, the Secretary shall issue a rule which establishes, for purposes of this section and section 12009 of this Act, the blood alcohol concentration level at or above which a person when operating a commercial motor vehicle shall be deemed to be driving while under the influence of alcohol at 0.10 percent or such lesser percentage as the Secretary determines appropriate.

(4) **FAILURE OF THE SECRETARY TO ISSUE RULE.**—If the Secretary does not issue a rule described in paragraph (3) in the 2-year period beginning on the date of the enactment of this title, for purposes of this section and section 12009 of this Act, the blood alcohol concentration level at or above which a person operating a commercial motor vehicle shall be deemed to be driving while under the influence of alcohol shall be 0.04 percent.

49 USC app.
2708.

SEC. 12009. REQUIREMENTS FOR STATE PARTICIPATION.

(a) **IN GENERAL.**—In order not to have funds withheld under section 12011 from apportionment, each State shall comply with the following requirements:

(1) **TESTING PROGRAM.**—The State shall adopt and administer a program for testing and ensuring the fitness of persons to operate commercial motor vehicles in accordance with all of the minimum Federal standards established by the Secretary under section 12005(a).

(2) **TEST STANDARDS.**—The State shall not issue a commercial driver's license to a person unless such person passes a written and driving test for the operation of a commercial motor vehicle which complies with such minimum standards.

(3) **DRIVING WHILE UNDER THE INFLUENCE.**—The State shall have in effect and enforce a law which provides that any person with a blood alcohol concentration level at or above the level established by or under section 12008(f) when operating a commercial motor vehicle is deemed to be driving while under the influence of alcohol.

(4) **CDL ISSUANCE AND INFORMATION.**—The State shall authorize a person to operate a commercial motor vehicle only by issuance of a commercial driver's license which contains the information described in section 12006(a)(3).

(5) **ADVANCE NOTIFICATION OF LICENSING.**—At least 60 days before issuance of a commercial driver's license or such shorter period as the Secretary may establish by regulation, the State shall notify the Secretary or the operator of the information system under section 12007, as the case may be, of the proposed issuance of such license and such other information as the Secretary may require to ensure identification of the person applying for such license.

(6) **INFORMATION REQUEST.**—Before issuance of a commercial driver's license to a person, the State shall request from any other State which has issued a commercial driver's license to such person all information pertaining to the driving record of such person.

(7) **NOTIFICATION OF LICENSING.**—Within 30 days after issuance of a commercial driver's license, the State shall notify the Secretary or the operator of the information system under section 12007, as the case may be, of the issuance.

(8) **NOTIFICATION OF DISQUALIFICATIONS.**—Within 10 days after disqualification of the holder of a commercial driver's license from operating a commercial motor vehicle (or after suspension, revocation, or cancellation of such license) for a period of 60 days or more, the State shall notify—

(A) the Secretary or the operator of the information system under section 12007, as the case may be, and

(B) the State which issued the license,

of such disqualification, suspension, revocation, or cancellation.

(9) **NOTIFICATION OF TRAFFIC VIOLATIONS.**—Within 10 days after a person who operates a commercial motor vehicle, who has a driver's license issued by any other State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) in the State, shall notify a State official designated by the State which issued such license of such violation, within 10 days after the date such person is found to have committed such violation.

(10) **LIMITATION ON LICENSING.**—The State shall not issue a commercial driver's license to a person during a period in which such person is disqualified from operating a commercial motor vehicle or the driver's license of such person is suspended, revoked, or cancelled.

(11) **RETURN OF OLD LICENSES.**—The State shall not issue a commercial driver's license to a person who has a commercial driver's license issued by any other State unless such person first returns the driver's license issued by such other State.

(12) **DOMICILE REQUIREMENT.**—The State shall issue commercial drivers' licenses only to those persons who operate or will operate commercial motor vehicles and are domiciled in the State; except that the State, in accordance with such regulations as the Secretary shall issue, may issue a commercial driver's license to a person who operates or will operate a commercial motor vehicle and who is not domiciled in a State which does issue commercial drivers' licenses.

(13) **PENALTY APPROVAL.**—The State shall impose such penalties as the State determines appropriate and the Secretary approves for operating a commercial motor vehicle while not having a commercial driver's license, while having a driver's license suspended, revoked, or cancelled, or while being disqualified from operating a commercial motor vehicle.

(14) **RECIPROCITY.**—The States shall allow any person—

(A) who has a commercial driver's license—

(i) which is issued by any other State in accordance with the minimum Federal standards for the issuance of such licenses, and

(ii) which is not suspended, revoked, or cancelled; and

(B) who is not disqualified from operating a commercial motor vehicle;

to operate a commercial motor vehicle in the State.

(15) **FIRST OFFENSES.**—The State shall disqualify from operating a commercial motor vehicle for a period of not less than 1 year each person—

(A) who is found to have committed a first violation—

(i) of driving a commercial motor vehicle while under the influence of alcohol or a controlled substance, or

(ii) of leaving the scene of an accident involving a commercial motor vehicle operated by such person; or

(B) who uses a commercial motor vehicle in the commission of a felony (other than a felony described in paragraph (17));

except that if the vehicle being operated or used in connection with such violation or the commission of such felony is transporting a hazardous material required by the Secretary to be placarded under section 105 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804), the State shall disqualify such person from operating a commercial motor vehicle for a period of not less than 3 years.

(16) **SECOND OFFENSES.**—

(A) **GENERAL RULE.**—Subject to subparagraph (B), the State shall disqualify from operating a commercial motor vehicle for life each person—

(i) who is found to have committed more than one violation of driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;

(ii) who is found to have committed more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by such person;

(iii) who uses a commercial motor vehicle in the commission of more than one felony arising out of different criminal episodes; or

(iv)(I) who is found to have committed a violation described in clause (i) or (ii), and

(II) who is found to have committed a violation described in the other of such clauses or uses a commercial motor vehicle in the commission of a felony.

(B) SPECIAL RULE.—The State, in accordance with such guidelines (including conditions) as the Secretary may establish by regulation, may reduce a disqualification for life in accordance with subparagraph (A) to a period of not less than 10 years.

(17) DRUG OFFENSES.—The State shall disqualify from operating a commercial motor vehicle for life each person who uses a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(18) SECOND SERIOUS TRAFFIC VIOLATION.—The State shall disqualify from operating a commercial motor vehicle for a period of not less than 60 days each person who, in a 3-year period, is found to have committed 2 serious traffic violations involving a commercial motor vehicle operated by such person.

(19) THIRD SERIOUS TRAFFIC VIOLATION.—The State shall disqualify from operating a commercial motor vehicle for a period of not less than 120 days each person who, in a 3-year period, is found to have committed 3 serious traffic violations involving a commercial motor vehicle operated by such person.

(20) NATIONAL DRIVER REGISTER INFORMATION.—Before issuing a commercial driver's license to operate a commercial motor vehicle to any person, the State shall request the Secretary for information from the National Driver Register established pursuant to the National Driver Register Act of 1982 (23 U.S.C. 401 note) (after such Register is determined by the Secretary to be operational)—

(A) on whether such person has been disqualified from operating a motor vehicle (other than a commercial motor vehicle);

(B) on whether such person has had a license (other than a license authorizing such person to operate a commercial motor vehicle) suspended, revoked, or cancelled for cause in the 3-year period ending on the date of application for such commercial driver's license; and

(C) on whether such person has been convicted of any of the offenses specified in section 205(a)(3) of such Act.

The State shall give full weight and consideration to such information in deciding whether to issue a commercial driver's license to such person.

(21) OUT OF SERVICE REGULATIONS.—The State shall adopt and enforce any regulations issued by the Secretary under section 12008(d)(1).

(b) SATISFACTION OF STATE DISQUALIFICATION REQUIREMENT.—A State may satisfy the requirements of subsection (a) that the State disqualify a person who operates a commercial motor vehicle if the State suspends, revokes, or cancels the driver's license issued to such person in accordance with the requirements of such subsection.

(c) NOTIFICATION.—Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to any person, the Secretary or the operator of the information system under section 12007, as the case may be, shall notify such State of whether or not such person has a commercial driver's license issued

by any other State or has been disqualified from operating a commercial motor vehicle by any other State or the Secretary.

State and local
governments.
49 USC app.
2709.

SEC. 12010. GRANT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary may make a grant to a State in a fiscal year if the State enters into an agreement with the Secretary to participate in such fiscal year in the commercial driver's license program established by this title and the information system required by this title and to comply with the requirements of section 12009.

(b) **MINIMUM AMOUNT OF GRANT.**—The Secretary shall determine the amount of grants in a fiscal year to be made under this section to a State eligible to receive such grants in the fiscal year; except that—

(1) such State shall not be granted less than \$100,000 under this section in the fiscal year; and

(2) to the extent that any States are granted more than \$100,000 per State in the fiscal year under this section, the Secretary shall ensure that such States are treated equitably.

(c) **LIMITATION ON USE OF FUNDS.**—A State receiving a grant under this section may only use the funds provided under such grant for issuing commercial driver's licenses and complying with the requirements of section 12009.

(d) **CONTRACT AUTHORITY.**—Notwithstanding any other provision of law, approval by the Secretary of a grant to a State under this section shall be deemed to be a contractual obligation of the United States for payment of the amount of the grant.

(e) **PERIOD OF AVAILABILITY.**—Funds made available to carry out this section shall remain available for obligation by the State for the fiscal year for which such funds are made available. Any of such funds not obligated before the last day of such period shall no longer be available to such State and shall be available to the Secretary for carrying out the purposes of this title. Funds made available pursuant to this section shall remain available until expended.

(f) **FUNDING.**—There shall be available to the Secretary to carry out this section \$5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1989, 1990, and 1991.

Post, p. 3207-186.

49 USC app.
2710.

SEC. 12011. WITHHOLDING OF HIGHWAY FUNDS FOR STATE NONCOMPLIANCE.

(a) **FIRST YEAR.**—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of title 23, United States Code, on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1992, throughout which the State does not substantially comply with any requirement of section 12009(a) of this Act.

(b) **AFTER THE FIRST YEAR.**—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of such title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1992, throughout which the State does not substantially comply with any requirement of section 12009(a) of this Act.

(c) **PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.**—

(1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—

(A) PERIOD OF AVAILABILITY.—Any funds withheld under this section from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

(i) If such funds would have been apportioned under section 104(b)(5)(B) of such title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

23 USC 104.

(ii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of such title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No funds withheld under this subsection from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—

If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1), the State substantially complies with all of the requirements of section 12009(a) of this Act for a period of 365 days, the Secretary shall on the day following the last day of such period apportion to such State the withheld funds remaining available for apportionment to such State.

(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year succeeding the fiscal year in which such funds are apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of such title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of such title.

23 USC 104.

23 USC 118.

(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not substantially complied with all of the requirements of section 12009(a) of this Act for a 365-day period, such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) of such title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of such title.

SEC. 12012. PENALTIES.

(a) NOTICE OF VIOLATION.—Paragraph (1) of section 521(b) of title 49, United States Code, is amended by inserting "or section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986" after "the Motor Carrier Safety Act of 1984" and by striking out "section" the second place it appears and inserting in lieu thereof "sections".

(b) CIVIL PENALTIES.—Paragraph (2) of such section is amended, by inserting "(A) IN GENERAL.—" before "Except as", by inserting "(other than subparagraph (B))" before ", except for recordkeeping

violations", and by striking out the last two sentences and inserting in lieu thereof the following:

Claims.

"(B) VIOLATIONS PERTAINING TO CDLS.—Any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986 shall be liable to the United States for a civil penalty not to exceed \$2,500 for each offense.

"(C) DETERMINATION OF AMOUNT.—The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance."

(c) POSTING OF NOTICE.—Paragraph (3) of such section is amended by inserting "or section 12002, 12003, 12004, or 12005(b) of the Commercial Motor Vehicle Safety Act of 1986" after "the Motor Carrier Safety Act of 1984".

(d) OUT OF SERVICE ORDERS.—Paragraph (5)(A) of such section is amended by inserting "or section 12002, 12003, 12004, or 12005(b) of the Commercial Motor Vehicle Safety Act of 1986" after "the Motor Carrier Safety Act of 1984" and by striking out "section" the second place it appears and inserting in lieu thereof "sections".

(e) CRIMINAL PENALTIES.—Paragraph (6) of such section is amended by inserting "(A) IN GENERAL.—" before "Any person" and by adding at the end thereof the following:

"(B) VIOLATIONS PERTAINING TO CDLS.—Any person who knowingly and willfully violates—

"(i) any provision of section 12002, 12003(b), 12003(c), 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986 or a regulation issued under such section, or

"(ii) with respect to notification of a serious traffic violation as defined under section 12019 of such Act, any provision of section 12003(a) of such Act or a regulation issued under such section 12003(a),

shall, upon conviction, be subject for each offense to a fine not to exceed \$5,000 or imprisonment for a term not to exceed 90 days, or both."

(f) CONFORMING AMENDMENTS.—(1) Paragraph (2) of such section is amended by inserting "CIVIL PENALTY.—" after "(2)", by indenting subparagraph (A), as designated by subsection (b) of this section, and aligning such subparagraph with subparagraph (B), as added by such subsection (b).

(2) Paragraph (6) of such section is amended by inserting "CRIMINAL PENALTIES.—" after "(6)" and by indenting subparagraph (A), as designated by subsection (e) of this section, and aligning such subparagraph with subparagraph (B), as added by such subsection (e).

(g) TECHNICAL AMENDMENTS.—(1) Paragraph (6) of such section is further amended by striking out "for a fine" and inserting in lieu thereof "to a fine".

(2) Paragraph (13) of such section is amended by striking out "section 4" and inserting in lieu thereof "section 204".

SEC. 12013. WAIVER AUTHORITY.

Notwithstanding any other provision of this title, after notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any provision of this title or any regulation issued under this title with respect to class of persons or class of commercial motor vehicles if the Secretary determines that such waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. Any waiver under this section shall be published in the Federal Register, together with reasons for such waiver.

49 USC app.
2711.

Federal
Register,
publication.

SEC. 12014. COMMERCIAL MOTOR VEHICLE SAFETY GRANTS.

Section 404 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2304) is amended to read as follows:

"AUTHORIZATIONS

"Sec. 404. (a)(1) To carry out the purposes of section 402 of this title, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$10,000,000 for fiscal year 1984, \$20,000,000 for fiscal year 1985, and \$30,000,000 for fiscal year 1986.

49 USC app.
2304.
49 USC app.
2302.

"(2) Subject to section 9503(c)(1) of the Internal Revenue Code of 1986, there shall be available to the Secretary to incur obligations to carry out section 402 of this title, out of the Highway Trust Fund (other than the Mass Transit Account), \$50,000,000 per fiscal year for each of fiscal years 1987 and 1988 and \$60,000,000 per fiscal year for each of fiscal years 1989, 1990, and 1991.

"(b) Funds authorized to be appropriated, and funds made available, by this section shall be used to reimburse States pro rata for the Federal share of the costs incurred.

State and local
governments.

"(c) Grants made pursuant to the authority of this part shall be for periods not to exceed one year.

"(d) Notwithstanding any other provision of law, beginning after September 30, 1986, approval by the Secretary of a grant to a State under section 402 shall be deemed a contractual obligation of the United States for payment of the Federal share of the costs incurred by such State in development or implementation or both of programs to enforce commercial motor vehicle rules, regulations, standards, and orders.

Grants.

"(e) Funds authorized to be appropriated, and funds made available, to carry out this section shall remain available for obligation by the Secretary for the fiscal year for which such funds are authorized or made available, as the case may be, and the three succeeding fiscal years.

"(f) On October 1 of each fiscal year beginning after September 30, 1986, the Secretary may deduct, from funds made available for such fiscal year by subsection (a)(2), an amount not to exceed one-half of one percent of the amount of such funds for administering section 402 of this title in such fiscal year."

SEC. 12015. TRUCK BRAKE REGULATIONS.

49 USC app.
2712.

Not late than the 90th day after the date of the enactment of this title, the Secretary shall revise the regulations of the Administrator of the Federal Highway Administration contained in section

393.42(c) of title 49 of the Code of Federal Regulations to require trucks and truck tractors manufactured after July 24, 1980, to have brakes operating on all wheels. The Secretary may provide for a delayed effective date (not exceeding 1 year) for trucks and truck tractors manufactured after July 24, 1980, and before such date of enactment.

49 USC app.
2713.
State and local
governments.

SEC. 12016. RADAR DEMONSTRATION PROJECT.

(a) **PROJECT DESCRIPTION.**—Notwithstanding any other provision of law, the Secretary, in cooperation with State and local law enforcement officials, shall conduct a demonstration project to assess the benefits of continuous use of unmanned radar equipment on highway safety on a section of highway with a high rate of motor vehicle accidents. Such project shall be conducted in northern Kentucky on a hilly section of Interstate Route I-75 between Fort Mitchell and the Brent Spence Bridge over the Ohio River during the 24-month period beginning on the date of the enactment of this title.

(b) **REPORTS.**—

(1) **INTERIM REPORT.**—Not later than 18 months after the date of the enactment of this title, the Secretary shall transmit to Congress an interim report on the results of the demonstration project conducted under subsection (a), together with any recommendations on whether or not to extend the duration of such demonstration project and whether or not to expand the scope of such project.

(2) **FINAL REPORT.**—Not later than 60 days after completion of the demonstration project conducted under subsection (a), the Secretary shall transmit to Congress a final report on the results of such project, together with any such recommendations.

49 USC app.
2714.

SEC. 12017. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed to diminish, limit, or otherwise affect the authority of the Secretary to regulate commercial motor vehicle safety involving motor vehicles with a gross vehicle weight rating of less than 26,001 pounds or such lesser gross vehicle weight rating as determined appropriate by the Secretary under section 12019(6)(A) of this Act.

49 USC app.
2715.

SEC. 12018. REGULATIONS.

(a) **AUTHORITY TO ISSUE.**—The Secretary may issue such regulations as may be necessary to carry out this title.

(b) **COMPLIANCE WITH TITLE 5.**—All regulations under this title shall be issued in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title).

49 USC app.
2716.

SEC. 12019. DEFINITIONS.

For purposes of this title—

(1) **ALCOHOL.**—The term "alcohol" has the meaning the term alcoholic beverage has under section 158(c) of title 23, United States Code.

(2) **DRIVER'S LICENSE.**—The term "driver's license" means a license issued by a State to an individual which authorizes the individual to operate a motor vehicle on highways.

(3) **COMMERCE.**—The term "commerce" means—

(A) trade, traffic, and transportation within the jurisdiction of the United States between a place in a State and a place outside of such State (including a place outside the United States); and

(B) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in subparagraph (A).

(4) **COMMERCIAL DRIVER'S LICENSE.**—The term “commercial driver's license” means a license issued by a State to an individual which authorizes the individual to operate a class of commercial motor vehicle.

(5) **MOTOR VEHICLE.**—The term “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used and on highways, except that such term does not include a vehicle, machine, tractor, trailer, semitrailer operated exclusively on a rail.

(6) **COMMERCIAL MOTOR VEHICLE.**—The term “commercial motor vehicle” means a motor vehicle used in commerce to transport passengers or property—

(A) if the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such a lesser gross vehicle weight rating as the Secretary determines appropriate by regulation but not less than a gross vehicle weight rating of 10,001 pounds;

(B) if the vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act.

A motor vehicle which is used in the transportation of hazardous materials and which has a gross vehicle weight rating of less than 26,001 pounds (or such gross vehicle weight rating as determined appropriate by the Secretary under subparagraph (A)) shall not be included as a commercial motor vehicle pursuant to subparagraph (C) if such hazardous material is listed as hazardous pursuant to section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and is not otherwise regulated by the Department of Transportation or if such hazardous material is a consumer commodity or limited quantity hazardous material as defined under section 171.5 of title 49 of the Code of Federal Regulations. The Secretary may waive the application of the preceding sentence to any motor vehicle or class of motor vehicles if the Secretary determines that such waiver is in the interest of safety.

(7) **CONTROLLED SUBSTANCE.**—The term “controlled substance” has the meaning such term has under section 102 of the Controlled Substances Act (21 U.S.C. 802).

(8) **EMPLOYEE.**—The term “employee” means an operator of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle) who is employed by an employer.

(9) **EMPLOYER.**—The term “employer” means any person (including the United States, a State, or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle.

49 USC app. 1801
note.

49 USC app.
1802.

(10) **FELONY.**—The term “felony” means an offense under State or Federal law that is punishable by death or imprisonment for a term exceeding 1 year.

(11) **HAZARDOUS MATERIAL.**—The term “hazardous material” has the meaning such term has under section 103 of the Hazardous Materials Transportation Act.

(12) **SERIOUS TRAFFIC VIOLATION.**—The term “serious traffic violation” means—

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with a fatal traffic accident; and

(D) any other similar violation of a State or local law relating to motor vehicle traffic control (other than a parking violation) which the Secretary determines by regulation is serious.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(14) **STATE.**—The term “State” means a State of the United States and the District of Columbia.

(15) **UNITED STATES.**—The term “United States” means the 50 States and the District of Columbia.

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman

Sen. Al Adams

Sen. Tim Kelly

Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members

FROM: Senator Pat Pourchot

RF: Wednesday, March 21 Committee Hearing

DATE: March 20, 1990

On Wednesday, March 20 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

Intra-state Telephone Competition:

SB 206, An Act relating to intrastate competition in telecommunications; continuing the existence of the APUC and providing for an effective date.
SB 242, An Act relating to certification of certain telecommunications utilities and to intrastate toll services agreements

The Committee will take testimony on the latest draft on Intrastate Telephone Competition. The draft is intended as compromise legislation which would remove GCI and Alascom initiatives from the November 1990 ballot. Key provisions of the draft are:

- the APUC would be required to authorize competition in intrastate long distance competition by March 31, 1991.
- universal service would be preserved through an access charge mechanism and mandatory geographically averaged rates for retail services.
- competitive long distance telephone service would be allowed statewide by resellers.
- the APUC would have authority to limit facility based competition to high traffic areas.
- the legislation would distinguish between dominant and non-dominant carriers but all carriers would have the same flexibility to lower rates.
- the legislation would remove the exemption under state anti-trust statutes for intrastate long distance carriers.
- the legislation would be declared void if it is ultimately not found to be substantially similar to both the GCI and the Alascom initiatives.

Proposed CS for SB 137, An Act relating to drivers' license fees, to commercial motor vehicles, and to transportation of persons for compensation. SB 137 would bring Alaska into compliance with the Federal Motor Vehicle Safety Act (CMVSA) of 1986. The CMVSA requires that all states have a licensing system for drivers of commercial vehicles. The system must include written and road tests for the size vehicle being operated and all drivers must be licensed by April 1, 1992. The penalty for noncompliance is the withholding of 10% of federal highway funding. The draft contains technical changes, as proposed by the Department of Public Safety, that are required for Alaska to meet federal requirements on licensing of commercial vehicle drivers, places the requirements in Chapter 33 instead of Chapter 15 and includes the new program of charging fees for licensing and testing.

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot, Chairman
RE: February 8 Committee Hearing
DATE: February 7, 1989

On Wednesday, February 8 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SB 59, An Act relating to mandatory use of safety devices in motor vehicles.

SP 59 is scheduled for committee action. The bill would make failure to wear a seatbelt an infraction carrying a fine of up to \$15, and would remove the current exemption of rural areas from the child safety device requirements. A draft committee substitute that sets a maximum \$50 fine for violation of the child safety requirements is attached. Under current statute a violation could carry a fine of up to \$300; the court system's current bail schedule sets the fine at \$50.

SB 32, An Act relating to registration of vehicles owned by charitable organizations.

SB 32 would increase the annual registration fee for vehicles owned by charitable organizations. Current statute establishes a special \$5 fee for vehicles owned by municipalities or charitable organizations. SB 32 would remove charitable organizations from this category, requiring them to pay the standard registration fees.

In 1987 there were 2,481 vehicles registered by charitable organizations. Of these, 906 were passenger cars, 2 were motorcycles, 245 were non-commercial trailers, 1124 were trucks or vans, and 195 were buses. The standard fees for these classes of vehicles are \$35 for a car, \$20 for a motorcycle, \$5 for a non-commercial trailer, \$40 for a truck or van, and \$50-220 for a bus depending on its weight.

The Department of Public Safety estimates a \$82,140 increase in revenues through passage of SB 32.

SB 92, An Act relating to motor vehicles and related functions of the Department of Public Safety and Department of Commerce and Economic Development.

SB 92 would make a variety of improvements to the motor vehicle registration law. In brief, it transfers the licensing authority for motor vehicle dealers from the Department of Public Safety to the Department of Commerce, establishes a procedure for registration of interstate rental trucks and trailers, broadens the non-commercial trailer registration requirements, allows for cancellation of fraudulently obtained identification cards, eliminates the requirement that lien documents be filed with the division of motor vehicles, allows for issuance of handicap parking permits to organizations, and repeals the foreign consul license plate provisions. The Governor's transmittal letter and a sectional analysis, both of which are attached, provide information on each of these provisions.

A draft committee substitute has been prepared to correct three errors identified in the original bill. Page 9, lines 13 and 16 incorrectly indicated the current registration fees; the repeal of AS 28.10.181(g) on page 10, line 24 necessitates the repeal of AS 28.10.421(d)(6).

SB 117, An Act relating to special request university license plates.

SB 117 would authorize the Department of Public Safety to issue license plates representing the state university campuses with the letters "UAA", "UAF", or "UAS". The fee for such plates would be \$50, payable at first issuance and upon replacement. Fees would be separately accounted for and could be appropriated by the legislature for the support of programs at each campus.

In addition to "vanity" plates (\$30), current statute provides for special license plates for Pearl Harbor survivors and former prisoners of war (\$0), members of the Alaska National Guard (\$30), motor vehicle dealers (\$45), elected state officials (\$0), disabled veterans and other handicapped persons (\$0), historic vehicles (\$10), consular officers of foreign governments (\$35), amateur mobile radio station vehicles (\$0), ranchers and farmers (\$35), and Winter Olympics commemoration (\$70).

SB 137, An Act relating to commercial vehicle driver licensing.

SB 137 would bring Alaska into compliance with the Federal Commercial Motor Vehicle Safety Act (CMVSA) of 1986. The CMVSA requires that all states have a licensing system for drivers of commercial vehicles. The system must include written

and road tests for the size vehicle being operated and all drivers must be licensed by April 1, 1992. The penalty for noncompliance is the withholding of 10% of federal highway funding.

SB 137 defines "commercial vehicle" by adopting the federal standards (gross weight rating of 26,001 or more pounds, designed to transport more than 15 passengers, or transporting placarded amounts of hazardous materials) while continuing the state's tradition of less strict regulation of vehicles on roads not connected to the main highway system or to heavily-traveled roads. In addition, the definition specifically excludes farmers and firefighters, as allowed by federal law.

With passage of SB 137, the Department of Public Safety plans to begin issuing commercial vehicle operating licenses by January 1, 1991. SB 137 has a zero fiscal note. According to DPS, total implementation costs cannot be estimated at this time. Federal grant monies will be forthcoming; if supplemental state funds are needed, they will likely appear as an increment in the department's FY 91 operating budget.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE: 465-4322

February 28, 1990

The Honorable Pat Pourchot
Chairman, State Affairs Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Re: SB 137, "An Act Relating
to Commercial Vehicle
Driver Licensing"

Dear Senator Pourchot:

One of the bills presently before the State Affairs Committee is SB 137, an act relating to commercial vehicle driver licensing. This bill was originally introduced last session at the request of the Governor. Over the interim, the nature and scope of the federal requirements in this area have been clarified. We have also decided that the best way to meet the costs of the new program is through license and testing fees. Because of these new developments since the bill was originally introduced we are recommending some changes to the present bill.

I am enclosing a draft of a proposed committee substitute for SB 137. The draft contains technical changes required for Alaska to meet the federal requirements on licensing of commercial vehicle drivers, places the requirements in Chapter 33 instead of Chapter 15, and includes the new fee structure. I have also enclosed an updated fiscal note which reflects the estimated costs of the new commercial vehicle driver licensing program and the revenue that would be generated by the proposed fees.

After your staff has had a chance to review the suggested changes and revised fiscal note, perhaps we could meet to see if you have any concerns about it. Because of deadlines set by federal law, it is extremely important that this

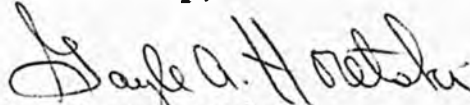
The Honorable Pat Pourchot -2-

February 28, 1990

piece of legislation be adopted this session so the Division of Motor Vehicles can begin issuing commercial driver licenses by January 1, 1991.

Thank you for your consideration of this bill.

Sincerely,

for 
Arthur English
Commissioner

Enclosures: a/s

cc: Laurie Otto
Assistant Attorney General
Department of Law

Shari Kochman
Legislative Staff Assistant
Office of the Governor

"An Act relating to commercial vehicle driver licensing."

*Section 1. AS 28.15.271(a) is amended to read:

(a) The fees for drivers' licenses and permits, including but not limited to renewals, and all related driver skills tests are as follows:

- (1) all [CLASSES OF DRIVERS' LICENSES] non-commercial vehicles and motor-driven cycles
each license fee \$ 10
each driver skills test \$ 15;
- (2) all commercial motor vehicles [MOTOR-DRIVEN CYCLES]
each license fee \$100
each driver skills test \$ 25 [\$10];
- (3) instruction permit \$ 3;
- (4) duplicate of driver's license or instruction permit \$ 3;
- (5) temporary license or renewal of permit . \$ 3;
- (6) school bus driver's [PERMIT] endorsement renewal \$ 3.

*Sec. 2. AS 28.15.271 is amended by adding new subsections to read:

(c) Fees for the driver skills test shall be paid at the time an appointment for the skills test is made, or before the skills test is given, whichever is earlier. No refund may be granted if the applicant cancels the appointment, fails to appear at the appointed day and time, or fails to pass the skills test.

(d) The fees collected by the department under this section shall be deposited in the general fund. The Department of Administration shall separately account for these fees. The annual estimated balance in the account may be used by the legislature to make appropriations for the administration of AS 28.15.

*Sec. 3. AS 28.33 is amended by adding new sections to read:

ARTICLE II. COMMERCIAL VEHICLE OPERATORS

Sec. 28.33.100. LICENSE TO OPERATE COMMERCIAL MOTOR VEHICLE. (a) A person may not operate a commercial motor vehicle until the person applies for and is issued a license for that purpose under AS 28.15.041. The department may not issue a license to operate a commercial motor vehicle unless the applicant

- (1) is at least 19 years of age;
- (2) has held a valid driver's license at least one year;
- (3) has successfully completed all required driving tests and written and physical examinations;

(4) either does not have a driver's license issued by another jurisdiction or surrenders all driver's licenses issued by other jurisdictions.

(b) In addition to the information required under AS 28.15.111, a commercial driver's license shall include information determined by the United States Secretary of Transportation to be appropriate to identify the licensee, including the licensee's social security number.

(c) A person who has been a state resident for 30 days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

*Present
law -
90 days
for new-
commercial*

Sec. 28.33.110. NOTIFICATION REQUIREMENTS FOR DRIVERS OF COMMERCIAL MOTOR VEHICLES. (a) A driver of a commercial motor vehicle holding a commercial driver's license issued by the state who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state, or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations shall notify the driver's employer, in writing, of the conviction within 30 days of the date of conviction.

(b) A driver whose operating privilege is suspended, revoked, or cancelled by any state, who loses the privilege to operate a commercial motor vehicle in any state for any period or who is disqualified from operating a commercial motor vehicle for any period, shall notify the driver's employer of that fact before

the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, loss, or disqualification.

(c) A person who applies for employment as a commercial motor vehicle driver shall

(1) provide the person's employer, at the time of application for employment, with the following information for the ten years preceding the date of application:

(A) a list of the names and addresses of employers for which the applicant was a driver of a commercial motor vehicle;

(B) the dates between which the applicant drove for each employer;

(C) the reason for leaving each employer;

(2) certify that the information provided under this subsection is true and complete; and

(3) provide any additional information required by the employer.

Sec. 28.33.120. RESPONSIBILITIES OF EMPLOYERS OF COMMERCIAL MOTOR VEHICLE DRIVERS. An employer of commercial motor vehicle drivers

(1) shall require all applicants for employment to provide the information required under AS 28.33.110(c);

(2) may not knowingly allow, require, permit, or authorize a driver to operate a commercial motor vehicle during any period in which

(A) the driver's license was suspended, revoked, or cancelled by a state;

(B) the driver has lost the privilege to operate a commercial motor vehicle in a state;

(C) the driver has been disqualified from operating a commercial motor vehicle; or

(D) the driver has more than one driver's license.

Sec. 28.33.900. DEFINITIONS. As used in this chapter,

(1) "disqualification" means a withdrawal of the privilege to drive a commercial motor vehicle;

(2) "disqualified" means that a person's privilege to drive a commercial motor vehicle has been withdrawn.

* Sec. 4. AS 28.40.100(a) is amended by adding new paragraphs to read:

(20) "commercial motor vehicle" means a motor vehicle or a combination of a motor vehicle and one or more other vehicles

(A) used to transport passengers or property;

(B) used upon a land highway or vehicular way connected to

(i) the land-connected state highway system;

or

(ii) a land highway or vehicular way with an average daily traffic volume greater than 499; and

(C) which

(i) has a gross vehicle weight rating or gross combination weight rating greater than 26,000 pounds;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is used in the transportation of materials found by the Secretary of Transportation to be hazardous for purposes of 49 U.S.C. 1801 --1813 (Hazardous Materials Transportation Act);

(D) except that the following vehicles meeting the criteria in (A) --(C) of this paragraph are not commercial vehicles:

(i) emergency or fire equipment that is necessary to the preservation of life or property;

(ii) farm vehicles that are controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from that farmer's farm; not used in the operations of a common or contract motor carrier; and used within 150 miles of the farmer's farm;

(iii) recreational vehicles used exclusively for purposes other than commercial purposes;

(21) "commercial purposes" means activities for which a person receives direct monetary compensation or activities for which a person receives no direct monetary compensation but which are incidental to and done in furtherance of the person's primary business;

(22) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination vehicle, except that if a value has not been specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and the load on the towed unit;

(23) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle.

*Sec. 5. AS 28.15.041(b) and (c) are repealed.

Patrick M. Rodey
Senator

Susie

Alaska State Legislature



Senate

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During Session:
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Juneau, Alaska 99811
(907) 465-3793

DATE: March 14, 1990

TO : Senator Pat Pourchot, Chair
Senate State Affairs Committee

FROM: Senator Patrick Rodey

Pat

RE : Senate Bill 137 - Commercial Vehicle Driver Licensing

I respectfully request that the above-mentioned bill be scheduled for consideration by the Senate State Affairs Committee as soon as possible.

Thank you for your consideration of this request.

49 CFR Part 383

**Commercial Driver's License
Standards: Requirements
and Penalties**

*Current edition as revised
through November 20, 1989*



U.S. Department of Transportation
Federal Highway Administration

**Office of Motor Carrier Standards
Standards Review Division (HCS-20)**

**For Further Information
on 49 CFR Part 383 . . .**

please contact the Standards Review Division, Office of Motor Carrier Standards, Federal Highway Administration, 400 Seventh Street SW., Washington DC 20590. Our telephone number is (202)366-4009. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

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*Figure 1, "Vehicle Groups as Established by FHWA," is on page 27.

†The Appendix to Subpart G, "Required Knowledge and Skills: Sample Guidelines," appears under "Other items" on page 42.

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Authority

Authority: Title XII of Pub. L. 99-570, 100 Stat. 3207-170; 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.02

**Subpart A:
General**

Section 383.1

§ 383.1 Purpose and scope.

(a) The purpose of this part is to help reduce or prevent truck and bus accidents, fatalities, and injuries by requiring drivers to have a single commercial motor vehicle driver's license and by disqualifying drivers who operate commercial motor vehicles in an unsafe manner.

(b) This part:

(1) Prohibits a commercial motor vehicle driver from having more than one commercial motor vehicle driver's license;

(2) Requires a driver to notify the driver's current employer and the driver's State of domicile of certain convictions;

(3) Requires that a driver provide previous employment information when applying for employment as an operator of a commercial motor vehicle;

(4) Prohibits an employer from allowing a person with a suspended license to operate a commercial motor vehicle;

(5) Establishes periods of disqualification and penalties for those persons convicted of certain criminal and other offenses and serious traffic violations, or subject to any suspensions, revocations, or cancellations of certain driving privileges;

(6) Establishes testing and licensing requirements for commercial motor vehicle operators;

(7) Requires States to give knowledge and skills tests to all qualified applicants for commercial drivers' licenses which meet the Federal standard;

(8) Sets forth commercial motor vehicle groups and endorsements;

(9) Sets forth the knowledge and skills test requirements for the motor vehicle groups and endorsements;

(10) Sets forth the Federal standards for procedures, methods, and minimum passing scores for States and others to use in testing and licensing commercial motor vehicle operators; and

(11) Establishes requirements for the State issued commercial license documentation.

Section 383.3

§ 383.3 Applicability.

The rules in this part apply to every person who operates a commercial motor vehicle in interstate, foreign, or intrastate commerce, and to all employers of such persons.

Section 383.5

§ 383.5 Definitions.

As used in this part:

"*Administrator*" means the Federal Highway Administrator, the chief executive of the Federal Highway Administration, an agency within the Department of Transportation.

"*Alcohol*" or "*alcoholic beverage*" means: (a) Beer as defined in 26 U.S.C. 5052(a), of the Internal Revenue Code of 1954, (b) wine of not less than one-half of one per centum of alcohol by volume, or (c) distilled spirits as defined in section 5002(a)(8), of such Code.

"*Alcohol concentration*" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"*Commerce*" means (a) any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States and (b) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (a) of this definition.

"*Commercial driver's license (CDL)*" means a license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR Part 383, to an individual which authorizes the individual to operate a class of a commercial motor vehicle.

"*Commercial driver's license information system (CDLIS)*" means the CDLIS established by FHWA pursuant to Section 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"*Commercial motor vehicle (CMV)*" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle --

(a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

(b) Has a gross vehicle weight rating of 26,001 or more pounds; or

(c) Is designed to transport 16 or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

"*Controlled substance*" has the meaning such term has under section 102(6) of the Controlled Substances Act [21 U.S.C. 802(6)] and includes all substances listed on Schedules I through V of 21 CFR Part 1308, as they may be revised from time to time. Schedule I substances are identified in Appendix D of this subchapter and Schedules II through V are identified in Appendix E of this subchapter.

"*Conviction*" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

"*Disqualification*" means either:

(a) The suspension, revocation, cancellation, or any other withdrawal by a State of a person's privileges to drive a commercial motor vehicle; or

(b) A determination by the FHWA, under the rules of practice for motor carrier safety contained in Part 386 of this title, that a person is no longer qualified to operate a commercial motor vehicle under Part 391; or

(c) The loss of qualification which automatically follows conviction of an offense listed in Section 383.51.

"Driver applicant" means an individual who applies to a State to obtain, transfer, upgrade, or renew a CDL.

"Driver's license" means a license issued by a State or other jurisdiction, to an individual which authorizes the individual to operate a motor vehicle on the highways.

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by State law; or refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of § 383.51(b)(2)(i)(A) or (B), or § 392.5(a)(2).

"Employee" means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors (while in the course of operating a commercial motor vehicle) who are either directly employed by or under lease to an employer.

"Employer" means any person (including the United States, a State, District of Columbia or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle.

"Endorsement" means an authorization to an individual's CDL required to permit the individual to operate certain types of commercial motor vehicles.

"Felony" means an offense under State or Federal law that is punishable by death or imprisonment for a term exceeding 1 year.

"Foreign" means outside the fifty United States and the District of Columbia.

"Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle.

"Hazardous materials" has the meaning such term has under section 103 of the Hazardous Materials Transportation Act.

"Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, semitrailer operated exclusively on a rail.

"Nonresident CDL" means a CDL issued by a State to an individual domiciled in a foreign country.

"**Representative vehicle**" means a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate.

"**Serious traffic violation**" means conviction, when operating a commercial motor vehicle, of:

(a) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;

(b) Reckless driving, as defined by State or local law or regulation, including but not limited to offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;

(c) Improper or erratic traffic lane changes;

(d) Following the vehicle ahead too closely; or

(e) A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation). (Serious traffic violations exclude vehicle weight and defect violations.)

"**State**" means a State of the United States and the District of Columbia.

"**State of Domicile**" means that State where a person has his/her true, fixed, and permanent home and principal residence and to which he/she has the intention of returning whenever he/she is absent.

"**Tank vehicle**" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in Part 171 of this title. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

"**United States**" the term United States means the 50 States and the District of Columbia.

"**Vehicle**" means a motor vehicle unless otherwise specified.

"**Vehicle group**" means a class or type of vehicle with certain operating characteristics.

Section 383.7

§ 383.7 Waiver provisions.

(a) Any person subject to a requirement of this part may petition the Administrator for a waiver of compliance by a class of persons or a class of commercial motor vehicles with such requirement.

(b) Each petition for a waiver under this section shall be made in writing, preferably in triplicate, and shall:

(1) Include the name and complete address of petitioner;

(2) Identify the requirement the petitioner wants waived and any information in support of the request;

(3) Identify the class of persons or class of commercial motor vehicle for which the waiver is sought.

(4) Identify the type of operation addressed in the petition.

(5) Indicate what benefit would be derived from the issuance of a waiver.

(6) Indicate why the petition, if granted, would not diminish the safe operation of commercial motor vehicles.

(7) Include any other pertinent material the Administrator may require.

(c) If the Administrator determines that the petition is without merit, the Administrator may deny the petition. Notice of the denial, with the reasons therefor, will be provided to the petitioner in writing.

(d) If the Administrator determines that the petition may have merit, notice of the petition will be published in the Federal Register, and interested persons will be afforded an opportunity to comment thereon. After such notice and opportunity for comment, the Administrator may grant or deny the petition. Notice of the disposition of the petition, with the reasons therefor, will be published in the Federal Register.

**Subpart B:
Single License Requirement**

Section 383.21

§ 383.21 Number of drivers' licenses.

(a) No person who operates a commercial motor vehicle shall at any time have more than one driver's license.

(b) Exception:

(1) During the 10-day period beginning on the date such person is issued a driver's license, a person may hold more than one driver's license.

(2) A person may have more than one driver's license if a State law enacted before June 1, 1986, required the person to have more than one driver's license. After December 31, 1989, this exception shall not apply.

Section 383.23

§ 383.23 Commercial driver's license.

(a) General rule.

(1) Effective April 1, 1992, no person shall operate a commercial motor vehicle unless such person has taken and passed written and driving tests which meet the Federal standards contained in Subparts F, G, and H of this part for the commercial motor vehicle that person operates or expects to operate.

(2) Effective April 1, 1992, except as provided in paragraph (b) of this section, no person shall operate a commercial motor vehicle unless such person possesses a CDL which meets the standards contained in Subpart J of this part, issued by his/her State or jurisdiction of domicile.

(b) Exception.[1] If a commercial motor vehicle operator is domiciled in a foreign jurisdiction which, as determined by the Administrator, does not test drivers and issue a CDL in accordance with, or similar to, the standards contained in Subparts F, G, and H of this part, the person shall obtain a Nonresident CDL from a State which does comply with the testing and licensing standards contained in such Subparts F, G, and H.

[1] Footnote included in regulatory text:

Effective December 29, 1988, the Administrator determined that commercial drivers' licenses issued by Canadian Provinces and Territories in conformity with the Canadian National Safety Code are in accordance with the standards of this Part. Therefore, under the single license provision of § 383.21, a driver holding a commercial driver's license issued under the Canadian National Safety Code is prohibited from obtaining a Nonresident CDL, or any other type of driver's license, from a State or other jurisdiction in the United States.

(c) Learner's permit. State learner's permits, issued for limited time periods according to State requirements, shall be considered valid commercial drivers' licenses for purposes of behind-the-wheel training on public roads or highways, if the following minimum conditions are met:

(1) The learner's permit holder is at all times accompanied by the holder of a valid CDL; and

(2) He/she either holds a valid automobile driver's license, or has passed such vision, sign/symbol, and knowledge tests as the State issuing the learner's permit ordinarily administers to applicants for automobile drivers' licenses.

**Subpart C:
Notification Requirements
and Employer Responsibilities**

Section 383.31

§ 383.31 Notification of convictions for driver violations.

(a) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation) in a State or jurisdiction other than the one which issued his/her license, shall notify an official designated by the State or jurisdiction which issued such license, of such conviction. The notification must be made within 30 days after the date that the person has been convicted.

(b) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation), shall notify his/her current employer of such conviction. The notification must be made within 30 days after the date that the person has been convicted. If the driver is not currently employed, he/she must notify the State or jurisdiction which issued the license according to §383.31(a).

(c) Notification. The notification to the State official and employer must be made in writing and contain the following information:

- (1) Driver's full name;
- (2) Driver's license number;
- (3) Date of conviction;
- (4) The specific criminal or other offense(s), serious traffic violation(s), and other violation(s) of State or local law relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, or cancellation of certain driving privileges which resulted from such conviction(s);
- (5) Indication whether the violation was in a commercial motor vehicle;

- (6) Location of offense; and
 - (7) Driver's signature.
-

Section 383.33

§ 383.33 Notification of driver's license suspensions.

Each employee who has a driver's license suspended, revoked, or canceled by a State or jurisdiction, who loses the right to operate a commercial motor vehicle in a State or jurisdiction for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify his/her current employer of such suspension, revocation, cancellation, lost privilege, or disqualification. The notification must be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

Section 383.35

§ 383.35 Notification of previous employment.

(a) Any person applying for employment as an operator of a commercial motor vehicle shall provide at the time of application for employment, the information specified in paragraph (c) of this section.

(b) All employers shall request the information specified in paragraph (c) of this section from all persons applying for employment as a commercial motor vehicle operator. The request shall be made at the time of application for employment.

(c) The following employment history information for the 10 years preceding the date the application is submitted shall be presented to the prospective employer by the applicant:

- (1) A list of the names and addresses of the applicant's previous employers for which the applicant was an operator of a commercial motor vehicle;
- (2) The dates the applicant was employed by these employers; and
- (3) The reason for leaving such employment.

(d) The applicant shall certify that all information furnished is true and complete.

(e) An employer may require an applicant to provide additional information.

(f) Before an application is submitted, the employer shall inform the applicant that the information he/she provides in accordance with paragraph (c) of this section may be used, and the applicant's previous employers may be contacted for the purpose of investigating the applicant's work history.

Section 383.37

§ 383.37 Employer responsibilities.

No employer shall knowingly allow, require, permit, or authorize an employee to operate a commercial motor vehicle in the United States during any period --

(a) In which the employee has a commercial motor vehicle driver's license suspended, revoked, or canceled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or

(b) In which the employee has more than one commercial motor vehicle driver's license, except during the 10-day period beginning on the date such employee is issued a driver's license and except, whenever a State law enacted on or before June 1, 1986, requires such employee to have more than one driver's license. The second exception shall not be effective after December 31, 1989.

**Subpart D:
Driver Disqualifications
and Penalties**

Section 383.51

§ 383.51 Disqualification of drivers.

(a) General. A driver who is disqualified shall not drive a commercial motor vehicle. An employer shall not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a commercial motor vehicle.

(b) Disqualification for driving while under the influence, leaving the scene of an accident, or commission of a felony.

(1) General rule. A driver who is convicted of a disqualifying offense specified in paragraph (b)(2) of this section, is disqualified for the period of time specified in paragraph (b)(3) of this section, if the offense was committed while operating a commercial motor vehicle.

(2) Disqualifying offenses. The following offenses are disqualifying offenses:

(i) Driving a commercial motor vehicle while under the influence of alcohol. This shall include:

(A) Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more; or

(B) Driving under the influence of alcohol, as prescribed by State law;
or

(C) Refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of § 383.51(b)(2)(i)(A) or (B), or § 392.5(a)(2).

(ii) Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including all substances listed in Schedules I through V of 21 CFR Part 1308, as they may be amended from time to time. Schedule I substances are identified in Appendix D of this subchapter and Schedules II through V are identified in Appendix E of this subchapter.

(iii) Leaving the scene of an accident involving a commercial motor vehicle;

(iv) A felony involving the use of a commercial motor vehicle, other than a felony described in paragraph (b)(2)(v) of this section; or

(v) The use of a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance when defined as any substance under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) including all substances listed in Schedules I through V of 21 CFR Part 1308, as they may be amended from time to time. Schedule I substances are identified in Appendix D of this subchapter and Schedules II through V are identified in Appendix E of this subchapter.

(3) Duration of disqualification for driving while under the influence, leaving the scene of an accident, or commission of a felony.

(i) First offenders. A driver who is convicted of an offense described in paragraphs (b)(2)(i) through (b)(2)(iv) of this section, is disqualified for a period of one year provided the vehicle was not transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813).

(ii) First offenders transporting hazardous materials. A driver who is convicted of an offense described in paragraphs (b)(2)(i) through (b)(2)(iv) of this section, is disqualified for a period of three years if the vehicle was transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813).

(iii) First offenders of controlled substance felonies. A driver who is convicted of an offense described in paragraph (b)(2)(v) of this section, is disqualified for life.

(iv) Subsequent Offenders. A driver who is convicted of an offense described in paragraphs (b)(2)(i) through (b)(2)(iv) of this section, is disqualified for life if the driver had been convicted once before in a separate incident of any offense described in paragraphs (b)(2)(i) through (b)(2)(iv) of this section.

(v) Any driver disqualified for life under § 383.51 (b)(3)(iv) of this paragraph, who has both voluntarily enrolled in and successfully completed, an appropriate rehabilitation program which meets the standards of his/her State's driver licensing agency, may apply to the licensing agency for reinstatement of his/her commercial driver's license. Such applicants shall not be eligible for reinstatement from the State unless and until such time as he/she has first served a minimum disqualification period of 10 years and has fully met the licensing State's standards for reinstatement of commercial motor vehicle driving privileges. Should a reinstated driver be subsequently convicted of another disqualifying offense, as specified in paragraphs (b)(2)(i) through (b)(2)(iv) of this section, he/she shall be permanently disqualified for life, and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(c) Disqualification for serious traffic violations.

(1) General rule. A driver who is convicted of serious traffic violations is disqualified for the period of time specified in paragraph (c)(2) of this section, if the offenses were committed while operating a commercial motor vehicle.

(2) Duration of disqualification for serious traffic violations:

(i) Second violation. A driver who, during any 3-year period, is convicted of two serious traffic violations in separate incidents, is disqualified for a period of 60 days.

(ii) Third violation. A driver who, during any 3-year period, is convicted of three serious traffic violations in separate incidents, is disqualified for a period of 90 days.

(d) Substantial compliance by States.

(1) Nothing in this rule shall be construed to require a State to apply its criminal or other sanctions for driving under the influence to a person found to have operated a commercial motor vehicle with an alcohol concentration of 0.04 percent, except licensing sanctions including suspension, revocation, or cancellation.

(2) A State that enacts and enforces through licensing sanctions the disqualifications prescribed in § 383.51(b) at the 0.04 alcohol concentration level and gives full faith and credit to the disqualification of commercial motor vehicle drivers by other States shall be deemed in substantial compliance with section 12009(a)(3) of the Commercial Motor Vehicle Safety Act of 1986.

Section 383.53

§ 383.53 Penalties.

Any person who violates the rules set forth in Subparts B and C may be subject to civil or criminal penalties as provided for in 49 U.S.C. 521(b), as amended by section 12012 of Pub. L. 99-570.

**Subpart E:
Testing and Licensing
Procedures**

Section 383.71

§ 383.71 Driver Application Procedures.

(a) Initial Commercial Driver's License. Prior to obtaining a CDL, a person must meet the following requirements:

(1) A person who operates or expects to operate in interstate or foreign commerce, or is otherwise subject to Part 391 of this title, shall certify that he/she meets the qualification requirements contained in Part 391 of this title. A person who operates or expects to operate entirely in intrastate commerce and is not subject to Part 391, is subject to State driver qualification requirements and must certify that he/she is not subject to Part 391;

(2) Pass a knowledge test in accordance with the standards contained in Subparts G and H of this part for the type of motor vehicle the person operates or expects to operate;

(3) Pass a driving or skills test in accordance with the standards contained in Subpart G and H of this part taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate; or provide evidence that he/she has successfully passed a driving test administered by an authorized third party;

(4) Certify that the motor vehicle in which the person takes the driving skills test is representative of the type of motor vehicle that person operates or expects to operate;

(5) Provide to the State of issuance the information required to be included on the CDL as specified in Subpart J of this part;

(6) Certify that he/she is not subject to any disqualification, suspension, revocation, or cancellation as contained in §383.51 and that he/she does not have a driver's license from more than one State or jurisdiction.

(7) The applicant shall surrender his/her non-CDL driver's license to the State.

(b) License transfer. When applying to transfer a CDL from one State of domicile to a new State of domicile, an applicant shall apply for a CDL from the new State of domicile within no more than 30 days after establishing his/her new domicile. The applicant shall:

(1) Provide to the new State of domicile the certifications contained in § 383.71(a) (1) and (6);

(2) Provide to the new State of domicile updated information as specified in Subpart J of this part;

(3) If the applicant wishes to retain a hazardous materials endorsement, comply with State requirements as specified in §383.73(b)(4); and

(4) Surrender the CDL from the old State of domicile to the new State of domicile.

(c) License renewal. When applying for a renewal of a CDL, all applicants shall:

(1) Provide certification contained in § 383.71(a)(1);

(2) Provide updated information as specified in Subpart J of this part;
and

(3) If a person wishes to retain a hazardous materials endorsement, pass the test for such endorsement as specified in §383.121.

(d) License upgrades. When applying to operate a commercial motor vehicle in a different group or endorsement from the group or endorsement in which the applicant already has a CDL, all persons shall:

(1) Provide the necessary certifications as specified in §383.71(a)(1) and (4); and

(2) Pass all tests specified in § 383.71(a)(2) and (3) for the new vehicle group and/or different endorsements.

(e) Nonresident CDL. When an applicant is domiciled in a foreign jurisdiction, as defined in Section 383.5, where the commercial motor vehicle operator testing and licensing standards do not meet the standards contained in Subparts G and H of this part, as determined by the Administrator, such applicant shall obtain a Nonresident CDL from a State which meets such standards. Such applicant shall:

(1) Complete the requirements to obtain a CDL contained in § 383.71(a);
and

(2) After receipt of the CDL, and for as long as it is valid, notify the State which issued the CDL of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his/her driving privileges. Such adverse actions would include but not be limited to license suspension or revocation, or disqualification from operating a commercial

motor vehicle for the convictions described in § 383.51. Notifications shall be made within the time periods specified in § 383.33.

(f) If a State uses the alternative method described in Section 383.73(i) to achieve the objectives of the certifications in Section 383.71(a), then the driver applicant shall satisfy such alternative methods as are applicable to him/her with respect to initial licensing, license transfer, license renewal, and license upgrades.

Section 383.72

§ 383.72 Implied consent to alcohol testing.

Any person who holds a CDL shall be deemed to have consented to such testing as is required of him/her by any State or jurisdiction in the enforcement of § 383.51(b)(2)(i) and § 392.5(a)(2). Consent is implied by driving a commercial motor vehicle.

Section 383.73

§ 383.73 State procedures.

(a) Initial licensure. Prior to issuing a CDL to a person, a State shall:

(1) Require the driver applicant to certify, pass tests, and provide information as described in § 383.71(a)(1) through (6);

(2) Check that the vehicle in which the applicant takes his/her test is representative of the vehicle group the applicant has certified that he/she operates or expects to operate;

(3) Initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualification, suspensions, revocations, or cancellations as contained in § 383.51 and that the person does not have a driver's license from more than one State. The record check shall include but not be limited to the following:

(i) A check of the applicant's driving record as maintained by his/her current State of licensure, if any;

(ii) A check with the CDLIS to determine whether the driver applicant already has a CDL, whether the applicant's license has been suspended, revoked, or canceled, or if the applicant has been disqualified from operating a commercial motor vehicle; and

(iii) A check with the National Driver Register (NDR), when it is determined to be operational by the National Highway Traffic Safety Administrator, to determine whether the driver applicant has:

(A) Been disqualified from operating a motor vehicle (other than a commercial motor vehicle);

(B) Had a license (other than CDL) suspended, revoked, or canceled for cause in the 3-year period ending on the date of application; or

(C) Been convicted of any offenses contained in Section 205(a)(3) of the National Drivers Register Act of 1982 (23 U.S.C. 401 note); and

(4) Require the driver applicant, if he/she has moved from another State, to surrender his/her driver's license issued by another State.

(b) License transfers. Prior to issuing a CDL to a person who has a CDL from another State, a State shall:

(1) Require the driver applicant to make the certifications contained in § 383.71(a);

(2) Complete a check of the driver applicant's record as contained in § 383.73 (a)(3);

(3) Request and receive updates of information specified in Subpart J of this part;

(4) If such applicant wishes to retain a hazardous materials endorsement, ensure that the driver has, within the 2 years preceding the transfer, either:

(i) Passed the test for such endorsement specified in § 383.121; or

(ii) Successfully completed a hazardous materials test or training that is given by a third party and that is deemed by the State to substantially cover the same knowledge base as that described in § 383.121; and

(5) Obtain the CDL issued by the applicant's previous State of domicile.

(c) License Renewals. Prior to renewing any CDL a State shall:

(1) Require the driver applicant to make the certifications contained in § 383.71(a);

(2) Complete a check of the driver applicant's record as contained in § 383.73(a)(3);

(3) Request and receive updates of information specified in Subpart J of this part; and

(4) If such applicant wishes to retain a hazardous materials endorsement, require the driver to pass the test for such endorsement specified in § 383.121.

(d) License upgrades. Prior to issuing an upgrade of a CDL, a State shall:

(1) Require such driver applicant to provide certifications and pass tests as described in § 383.71(d); and

(2) Complete a check of the driver applicant's record as described in § 383.73(a)(3).

(e) Nonresident CDL. A State may issue a Nonresident CDL to a person domiciled in a foreign country if the Administrator has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction of domicile do not meet the standards contained in this Part. State procedures for the issuance of a nonresident CDL, for any modifications thereto, and for notifications to the CDLIS shall at a minimum be identical to those pertaining to any other CDL, with the following exceptions:

(1) If the applicant is requesting a transfer of his/her Nonresident CDL, the State shall obtain the Nonresident CDL currently held by the applicant and issued by another State;

(2) The State shall add the word "Nonresident" to the face of the CDL, in accordance with § 383.153(b); and

(3) The State shall have established, prior to issuing any Nonresident CDL, the practical capability of disqualifying the holder of any Nonresident CDL, by withdrawing, suspending, canceling, and revoking his/her Nonresident CDL as if the Nonresident CDL were a CDL issued to a resident of the State.

(f) License issuance. After the State has completed the procedures described in § 383.73(a), (b), (c), (d) or (e), it may issue a CDL to the driver applicant. The State shall notify the operator of the CDLIS of such issuance, transfer, renewal, or upgrade within the 10-day period beginning on the date of license issuance.

(g) Penalties for false information. If a State determines, in its check of an applicant's license status and record prior to issuing a CDL, or at any time after the CDL is issued, that the applicant has falsified information contained in Subpart J of this part or any of the certifications required in § 383.71(a), the State shall at a minimum suspend, cancel, or revoke the person's CDL or his/her pending application, or disqualify the person from operating a commercial motor vehicle for a period of at least 60 consecutive days.

(h) Reciprocity. A State shall allow any person who has a valid CDL which is not suspended, revoked, or canceled, and who is not disqualified from operating a commercial motor vehicle, to operate a commercial motor vehicle in the State.

(i) Alternative procedures. A State may implement alternative procedures to the certification requirements of paragraphs 383.71(a)(1), (4), and (6), provided those procedures ensure that the driver meets the requirements of those paragraphs.

Section 383.75

§ 383.75 Third party testing.

(a) Third party tests. A State may authorize a person (including another State, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of a local government) to administer the skills tests as specified in Subparts G and H of this part, if the following conditions are met:

(1) The tests given by the third party are the same as those which would otherwise be given by the State; and

(2) The third party has an agreement with the State containing, at a minimum, provisions that:

(i) Allow the FHWA, or its representative, and the State to conduct random examinations, inspections and audits without prior notice;

(ii) Require the State to conduct on-site inspections at least annually;

(iii) Require that all third party examiners meet the same qualification and training standards as State examiners, to the extent necessary to conduct skills tests in compliance with Subparts G and H;

(iv) Require that, at least on an annual basis, State employees take the tests actually administered by the third party as if the State employee were a test applicant, or that States test a sample of drivers who were examined by the third party to compare pass/fail results; and

(v) Reserve unto the State the right to take prompt and appropriate remedial action against the third-party testers in the event that the third-party fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the third-party contract.

(b) Proof of testing by a third party. A driver applicant who takes and passes driving tests administered by an authorized third party shall provide evidence to the State licensing agency that he/she has successfully passed the driving tests administered by the third party.

Section 383.77

§ 383.77 Substitute for driving skills tests.

At the discretion of a State, the driving skill test as specified in § 383.113 may be waived for a CMV operator who is currently licensed at the time of his/her application for a CDL, and substituted with either an applicant's driving record and previous passage of an acceptable skills test, or an applicant's driving record in combination with certain driving experience. The State shall impose conditions and limitations to restrict the applicants from whom a State may accept alternative requirements for the skills test described in § 383.113. Such conditions must require at least the following:

(a) An applicant must certify that, during the two-year period immediately prior to applying for a CDL, he/she:

(1) Has not had more than one license (except in the instances specified in Section 383.21(b));

(2) Has not had any license suspended, revoked, or canceled;

(3) Has not had any convictions for any type of motor vehicle for the disqualification offenses contained in § 383.51; and

(4) Has not had any violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he/she was at fault; and

(b) An applicant must provide evidence and certify that:

(1) He/she is regularly employed in a job requiring operation of a CMV, and that either:

(2) He/she has previously taken and passed a skills test given by a State with a classified licensing and testing system, and that the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or

(3) He/she has operated, for at least 2 years immediately preceding application for a CDL, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

**Subpart F:
Vehicle Groups
and Endorsements**

Section 383.91

§ 383.91 Commercial motor vehicle groups.

(a) Vehicle group descriptions. Each driver applicant must possess and be tested on his/her knowledge and skills, described in Subpart G of this part, for the commercial motor vehicle group(s) for which he/she desires a CDL. The commercial motor vehicle groups are as follows:

(1) Combination vehicle (Group A) -- Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

(2) Heavy Straight Vehicle (Group B) -- Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

(3) Small Vehicle (Group C) -- Any single vehicle, or combination of vehicles, that meets neither the definition of Group A nor that of Group B as contained in this section, but that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

(b) Representative vehicle. For purposes of taking the driving test in accordance with § 383.113, a representative vehicle for a given vehicle group contained in § 383.91(a), is any commercial motor vehicle which meets the definition of that vehicle group.

(c) Relation between vehicle groups. Each driver applicant who desires to operate in a different commercial motor vehicle group from the one which his/her CDL authorizes shall be required to retake and pass all related tests, except the following:

(1) A driver who has passed the knowledge and skills tests for a combination vehicle (Group A) may operate a heavy straight vehicle (Group B) or a small vehicle (Group C), provided that he/she possesses the requisite endorsement(s); and

(2) A driver who has passed the knowledge and skills tests for a heavy straight vehicle (Group B) may operate any small vehicle (Group C), provided that he/she possesses the requisite endorsement(s).

(d) Vehicle group illustration. Figure 1 [see next page] illustrates typical vehicles within each of the vehicle groups defined in this section.

Section 383.93

§ 383.93 Endorsements.

(a) General. In addition to taking and passing the knowledge and skills tests described in Subpart G of this part, all persons who operate or expect to operate the type(s) of motor vehicles described in paragraph (b) of this section shall take and pass specialized tests to obtain each endorsement. The State shall issue CDL endorsements only to drivers who successfully complete the tests.

(b) Endorsement descriptions. An operator must obtain State-issued endorsements to his/her CDL to operate commercial motor vehicles which are:

- (1) Double/triple trailers;
- (2) Passenger vehicles;
- (3) Tank vehicles; or
- (4) Required to be placarded for hazardous materials.

(c) Endorsement testing requirements. The following tests are required for the endorsements contained in paragraph (b) of this section:

- (1) Double/Triple Trailers - a knowledge test;
- (2) Passenger - a knowledge and a skills test;
- (3) Tank vehicle - a knowledge test; and
- (4) Hazardous Materials - a knowledge test.

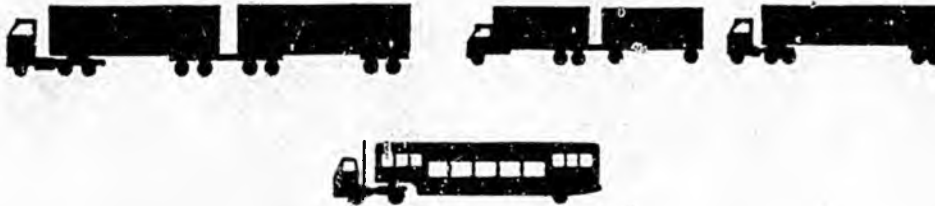
**Figure 1
VEHICLE GROUPS AS ESTABLISHED BY FHWA (SECTION 383.91)**

[Note: Certain types of vehicles, such as passenger and doubles/triples, will require an endorsement. Please consult text for particulars.]

Group: *Description:

A Any combination of vehicles with a GCWR of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. (Holders of a Group A license may, with any appropriate endorsements, operate all vehicles within Groups B and C.)

Examples include but are not limited to:



B Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Group B license may, with any appropriate endorsements, operate all vehicles within Group C.)

Examples include but are not limited to:



C Any single vehicle, or combination of vehicles, that does not meet the definition of Group A or Group B as contained herein, but that either is designed to transport 16 or more passengers including the driver, or is placarded for hazardous materials.

Examples include but are not limited to:



* The representative vehicle for the skills test must meet the written description for that group. The silhouettes typify, but do not fully cover, the types of vehicles falling within each group.

Section 383.95

§ 383.95 Air brake restriction.

(a) If an applicant either fails the air brake component of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, the State shall indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with air brakes.

(b) For the purposes of the skills test and the restriction, air brakes shall include any braking system operating fully or partially on the air brake principle.

**Subpart G:
Required Knowledge
and Skills**

Section 393.110

§ 393.110 General requirement.

All drivers of commercial motor vehicles shall have knowledge and skills necessary to operate a commercial motor vehicle safely as contained in this Subpart. A sample of the specific types of items which a State may wish to include in the knowledge and skills tests that it administers to CDL applicants is included in the Appendix to this Subpart G.

Section 383.111

§ 383.111 Required knowledge.

All commercial motor vehicle operators must have knowledge of the following general areas:

(a) Safe operations regulations. Driver-related elements of the regulations contained in 49 CFR Parts 391, 392, 393, 395, 396, and 397, such as: motor vehicle inspection, repair, and maintenance requirements; procedures for safe vehicle operations; the effects of fatigue, poor vision, hearing, and general health upon safe commercial motor vehicle operation; the types of motor vehicles and cargoes subject to the requirements; and the effects of alcohol and drug use upon safe commercial motor vehicle operations.

(b) Commercial motor vehicle safety control systems. Proper use of the motor vehicle's safety system, including lights, horns, side and rear-view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, motor vehicle operation characteristics, and diagnosing malfunctions. Commercial motor vehicle drivers shall have knowledge on the correct procedures needed to use these safety systems in an emergency situation, e.g., skids and loss of brakes.

(c) Safe vehicle control.

(1) Control systems -- The purpose and function of the controls and instruments commonly found on commercial motor vehicles.

(2) Basic control -- The proper procedures for performing various basic maneuvers.

(3) Shifting -- The basic shifting rules and terms, as well as shift patterns and procedures for common transmissions.

(4) Backing -- The procedures and rules for various backing maneuvers.

(5) Visual search -- The importance of proper visual search, and proper visual search methods.

(6) Communication -- The principles and procedures for proper communications and the hazards of failure to signal properly.

(7) Speed Management -- The importance of understanding the effects of speed.

(8) Space management -- The procedures and techniques for controlling the space around the vehicle.

(9) Night operation -- Preparations and procedures for night driving.

(10) Extreme driving conditions -- The basic information on operating in extreme driving conditions and the hazards that are encountered in extreme conditions.

(11) Hazard perceptions -- The basic information on hazard perception and clues for recognition of hazards.

(12) Emergency maneuvers -- The basic information concerning when and how to make emergency maneuvers.

(13) Skid control and recovery -- The information on the causes and major types of skids, as well as the procedures for recovering from skids.

(d) Relationship of cargo to vehicle control. The principles and procedures for the proper handling of cargo.

(e) Vehicle inspections: The objectives and proper procedures for performing vehicle safety inspections, as follows:

(1) The importance of periodic inspection and repair to vehicle safety.

(2) The effect of undiscovered malfunctions upon safety.

(3) What safety-related parts to look for when inspecting vehicles.

(4) Pre-trip/enroute/post-trip inspection procedures.

(5) Reporting findings.

(f) Hazardous materials knowledge, such as: what constitutes hazardous material requiring an endorsement to transport; classes of hazardous materials; labeling/placarding requirements; and the need for specialized training as a prerequisite to receiving the endorsement and transporting hazardous cargoes.

(g) Air Brake knowledge as follows:

(1) Air brake system nomenclature;

(2) The dangers of contaminated air supply;

(3) Implications of severed or disconnected air lines between the power unit and the trailer(s);

(4) Implications of low air pressure readings;

(5) Procedures to conduct safe and accurate pre-trip inspections.

(6) Procedures for conducting enroute and post-trip inspections of air actuated brake systems, including ability to detect defects which may cause the system to fail.

(h) Operators for the combination vehicle group shall also have knowledge of:

(1) Coupling and uncoupling -- The procedures for proper coupling and uncoupling a tractor to semi-trailer.

(2) Vehicle inspection -- The objectives and proper procedures that are unique for performing vehicle safety inspections on combination vehicles.

Section 383.1,

§ 383.113 Required skills.

(a) Basic vehicle control skills. All applicants for a CDL must possess and demonstrate basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills should include the ability to start, to stop, and to move the vehicle forward and backward in a safe manner.

(b) Safe driving skills. All applicants for a CDL must possess and demonstrate the safe driving skills for their vehicle group. These skills should include proper visual search methods, appropriate use of signals, speed

control for weather and traffic conditions, and ability to position the motor vehicle correctly when changing lanes or turning.

(c) Air brake skills. Except as provided in § 393.95, all applicants shall demonstrate the following skills with respect to inspection and operation of air brakes:

(1) Pre-trip inspection skills. Applicants shall demonstrate the skills necessary to conduct a pre-trip inspection which includes the ability to:

(i) Locate and verbally identify air brake operating controls and monitoring devices;

(ii) Determine the motor vehicle's brake system condition for proper adjustments and that air system connections between motor vehicles have been properly made and secured;

(iii) Inspect the low pressure warning device(s) to ensure that they will activate in emergency situations;

(iv) Ascertain, with the engine running, that the system maintains an adequate supply of compressed air;

(v) Determine that required minimum air pressure build up time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

(vi) Operationally check the brake system for proper performance.

(2) Driving skills. Applicants shall successfully complete the skills tests contained in § 383.113 in a representative vehicle equipped with air brakes.

(d) Test area. Skills tests shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

(e) Simulation technology. A State may utilize simulators to perform skills testing, but under no circumstances as a substitute for the required testing in on-street conditions.

Section 383.115

§ 383.115 Requirements for double/triple trailers endorsement.

In order to obtain a Double/Triple Trailers endorsement each applicant must have knowledge covering:

(a) Procedures for assembly and hookup of the units;

(b) Proper placement of heaviest trailer;

(c) Handling and stability characteristics including offtracking, response to steering, sensory feedback, braking, oscillatory sway, rollover in steady turns, yaw stability in steady turns; and

(d) Potential problems in traffic operations, including problems the motor vehicle creates for other motorists due to slower speeds on steep grades, longer passing times, possibility for blocking entry of other motor vehicles on freeways, splash and spray impacts, aerodynamic buffeting, view blockages, and lateral placement.

Section 383.117

§ 383.117 Requirements for passenger endorsement.

An applicant for the passenger endorsement must satisfy both of the following additional knowledge and skills test requirements:

(a) Knowledge test. All applicants for the passenger endorsement must have knowledge covering at least the following topics:

- (1) Proper procedures for loading/unloading passengers;
- (2) Proper use of emergency exits, including push-out windows;
- (3) Proper responses to such emergency situations as fires and unruly passengers;
- (4) Proper procedures at railroad crossings and drawbridges; and
- (5) Proper braking procedures.

(b) Skills test. To obtain a passenger endorsement applicable to a specific vehicle group, an applicant must take his/her skills test in a passenger vehicle satisfying the requirements of that group as defined in Section 383.91.

Section 383.119

§ 383.119 Requirements for tank vehicle endorsement.

In order to obtain a Tank Vehicle Endorsement, each applicant must have knowledge covering the following:

- (a) Causes, prevention, and effects of cargo surge on motor vehicle handling;
- (b) Proper braking procedures for the motor vehicle when it is empty, full and partially full;
- (c) Differences in handling of baffled/compartmental tank interiors versus non-baffled motor vehicles;
- (d) Differences in tank vehicle type and construction;
- (e) Differences in cargo surge for liquids of varying product densities;
- (f) Effects of road grade and curvature on motor vehicle handling with filled, half-filled and empty tanks;
- (g) Proper use of emergency systems; and
- (h) For drivers of DOT specification tank vehicles, retest and marking requirements.

Section 383.121

§ 383.121 Requirements for hazardous materials endorsement.

In order to obtain a Hazardous Material Endorsement each applicant must have such knowledge as is required of a driver of a hazardous materials laden vehicle, from information contained in 49 CFR Parts 171, 172, 173, 177, 178, and 397 on the following:

- (a) Hazardous materials regulations including:
 - (1) Hazardous materials table;
 - (2) Shipping paper requirements;

- (3) Marking;
- (4) Labeling;
- (5) Placarding requirements;
- (6) Hazardous materials packaging;
- (7) Hazardous materials definitions and preparation;
- (8) Other regulated material (e.g., ORM-D);
- (9) Reporting hazardous materials accidents; and
- (10) Tunnels and railroad crossings.
- (b) Hazardous materials handling including:
 - (1) Forbidden Materials and Packages;
 - (2) Loading and Unloading Materials;
 - (3) Cargo Segregation;
 - (4) Passenger Carrying Buses and Hazardous Materials;
 - (5) Attendance of Motor Vehicles;
 - (6) Parking;
 - (7) Routes;
 - (8) Cargo Tanks; and
 - (9) "Safe Havens."
- (c) Operation of emergency equipment including:
 - (1) Use of equipment to protect the public;
 - (2) Special precautions for equipment to be used in fires;
 - (3) Special precautions for use of emergency equipment when loading or unloading a hazardous materials laden motor vehicle; and
 - (4) Use of emergency equipment for tank vehicles.
- (d) Emergency response procedures including:
 - (1) Special care and precautions for different types of accidents;
 - (2) Special precautions for driving near a fire and carrying hazardous materials, and smoking and carrying hazardous materials;

(3) Emergency procedures; and

(4) Existence of special requirements for transporting Class A and B explosives.

[The Appendix to Subpart G: Required Knowledge and Skills -- Sample Guidelines appears under "other items" at the back of this edition.]

**Subpart H:
Tests**

Section 383.131

§ 383.131 Test procedures.

(a) Driver information manuals. Information on how to obtain a CDL and endorsements shall be included in manuals and made available by States to CDL applicants. All information provided to the applicant shall include the following:

(1) Information on the requirements described in § 383.71, the implied consent to alcohol testing described in § 383.72, the procedures and penalties, contained in § 383.51(b), to which a CDL holder is exposed for refusal to comply with such alcohol testing, State procedures described in § 383.73, and other appropriate driver information contained in Subpart E of this part;

(2) Information on vehicle groups and endorsements as specified in Subpart F of this part;

(3) The substance of the knowledge and skills which drivers shall have as outlined in Subpart G of this part for the different vehicle groups and endorsements;

(4) Details of testing procedures, including the purpose of the tests, how to respond, any time limits for taking the test, and any other special procedures determined by the State of issuance; and

(5) Directions for taking the tests.

(b) Examiner procedures. A State shall provide to test examiners details on testing and any other State-imposed requirements in the examiner's manual, and shall ensure that examiners are qualified to administer tests on the basis of training and/or other experience. States shall provide standardized scoring sheets for the skills tests, as well as standardized driving instructions for the applicants. Such examiners' manuals shall contain the following:

(1) Information on driver application procedures contained in § 383.71, State procedures described in § 383.73, and other appropriate driver information contained in Subpart E of this part;

(2) Details on information which must be given to the applicant;

- (3) Details on how to conduct the tests;
 - (4) Scoring procedures and minimum passing scores;
 - (5) Information for selecting driving test routes;
 - (6) List of the skills to be tested;
 - (7) Instructions on where and how the skills will be tested;
 - (8) How performance of the skills will be scored; and
 - (9) Causes for automatic failure of skills tests.
-

Section 383.133

§ 383.133 Testing methods.

(a) All tests shall be constructed in such a way as to determine if the applicant possesses the required knowledge and skills contained in Subpart G of this part for the type of motor vehicle or endorsement the applicant wishes to obtain.

(b) States shall develop their own specifications for the tests for each vehicle group and endorsement which must be at least as stringent as the Federal standards.

(c) States shall determine specific methods for scoring the knowledge and skills tests.

(d) Passing scores must meet those standards contained in § 383.135.

(e) Knowledge and skills tests shall be based solely on the information contained in the driver manuals referred to in § 383.131(a).

(f) Each knowledge test shall be valid and reliable so as to assure that driver applicants possess the knowledge required under Section 383.111.

(g) Each basic knowledge test, i.e., the test covering the areas referred to in § 383.111 for the applicable vehicle group, shall contain at least 30 items, exclusive of the number of items testing air brake knowledge. Each endorsement knowledge test, and the air brake component of the basic knowledge test as described in § 383.111(g), shall contain a number of questions that is sufficient to test the driver applicant's knowledge of the required subject matter with validity and reliability.

(h) The skills tests shall have administrative procedures, designed to achieve interexaminer reliability, that are sufficient to ensure fairness of pass/fail rates.

Section 383.135

§ 383.135 Minimum passing scores.

(a) The driver applicant must correctly answer at least 80 percent of the questions on each knowledge test in order to achieve a passing score on such knowledge test.

(b) To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all of the skills listed in Section 383.113.

(c) If the driver applicant does not obey traffic laws, or causes an accident during the test, he/she shall automatically fail the test.

(d) The scoring of the basic knowledge and skills tests shall be adjusted as follows to allow for the air brake restriction (Section 383.95):

(1) If the applicant scores less than 80 percent on the air brake component of the basic knowledge test as described in § 383.111(g), the driver will have failed the air brake component and, if the driver is issued a CDL, an air brake restriction shall be indicated on the license; and

(2) If the applicant performs the skills test in a vehicle not equipped with air brakes, the driver will have omitted the air brake component as described in § 383.113(c) and, if the driver is issued a CDL, the air brake restriction shall be indicated on the license.

["Subpart I" is reserved.]

**Subpart J:
CDL Document**

Section 383.151

§ 383.151 General.

The CDL shall be a document that is easy to recognize as a CDL. At a minimum, the document shall contain information specified in § 383.153.

Section 383.153

§ 383.153 Information on the document and application.

(a) All CDLs shall contain the following information:

(1) The prominent statement that the license is a "Commercial Driver's License" or "CDL," except as specified in Section 383.153(b).

(2) The full name, signature, and mailing address of the person to whom such license is issued;

(3) Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, and height;

(4) Color photograph of the driver;

(5) The driver's State license number;

(6) The name of the State which issued the license;

(7) The date of issuance and the date of expiration of the license;

(8) The group or groups of commercial motor vehicle(s) that the driver is authorized to operate, indicated as follows:

(i) A for Combination Vehicle;

(ii) B for Heavy Straight Vehicle; and

(iii) C for Small Vehicle.

(9) The endorsement(s) for which the driver has qualified, if any, indicated as follows:

(i) T for double/triple trailers;

(ii) P for passenger;

(iii) N for tank vehicle;

(iv) H for hazardous materials;

(v) X for a combination of the tank vehicle and hazardous materials endorsements; and

(vi) At the discretion of the State, additional codes for additional groupings of endorsements, as long as each such discretionary code is fully explained on the front or back of the CDL document.

(b) If the CDL is a Nonresident CDL, it shall contain the prominent statement that the license is a "Nonresident Commercial Driver's License" or "Nonresident CDL." The word "Nonresident" must be conspicuously and unmistakably displayed, but may be noncontiguous with the words "Commercial Driver's License" or "CDL."

(c) If the State has issued the applicant an air brake restriction as specified in Section 383.95, that restriction must be indicated on the license.

(d) Except in the case of a Nonresident CDL:

(1) A driver applicant must provide his/her Social Security Number on the application for a CDL; and

(2) The State must provide the Social Security Number to the CDLIS.

Section 383.155

§ 383.155 Tamperproofing requirements.

States shall make the CDL tamperproof to the maximum extent practicable. At a minimum, a State shall use the same tamperproof method used for noncommercial drivers' licenses.

OTHER ITEMS

Appendix to Subpart G

APPENDIX TO SUBPART G - REQUIRED KNOWLEDGE AND SKILLS - SAMPLE GUIDELINES

The following is a sample of the specific types of items which a State may wish to include in the knowledge and skills tests that it administers to CDL applicants. This appendix closely follows the framework of Sections 383.111 and 383.113. It is intended to provide more specific guidance and suggestion to States. Additional detail in this Appendix is not binding and States may depart from it at their discretion provided their CDL program tests for the general areas of knowledge and skill specified in Sections 383.111 and 383.113.

Examples of specific knowledge elements.

(a) **Safe operations regulations.** Driver-related elements of the following regulations:

(1) Motor vehicle inspection, repair, and maintenance requirements as contained in Parts 393 and 396 of this title;

(2) Procedures for safe vehicle operations as contained in Part 392 of this title;

(3) The effects of fatigue, poor vision, hearing, and general health upon safe commercial motor vehicle operation as contained in Parts 391, 392, and 395 of this title;

(4) The types of motor vehicles and cargoes subject to the requirements contained in Part 397 of this title; and

(5) The effects of alcohol and drug use upon safe commercial motor vehicle operations as contained in Parts 391 and 395 of this title.

(b) **Commercial motor vehicle safety control systems.** Proper use of the motor vehicle's safety system, including lights, horns, side and rear-view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, motor vehicle operation characteristics, and diagnosing malfunctions. Commercial motor vehicle drivers shall have knowledge on the correct procedures needed to use these safety systems in an emergency situation, e.g., skids and loss of brakes.

(c) Safe vehicle control.

(1) Control systems -- The purpose and function of the controls and instruments commonly found on commercial motor vehicles.

(2) Basic control -- The proper procedures for performing various basic maneuvers, including:

(i) Starting, warming up, and shutting down the engine;

(ii) Putting the vehicle in motion and stopping;

(iii) Backing in a straight line; and

(iv) Turning the vehicle, e.g., basic rules, off-tracking, right/left turns and right curves.

(3) Shifting -- The basic shifting rules and terms, as well as shift patterns and procedures for common transmissions, including:

(i) Key elements of shifting, e.g., controls, when to shift and double clutching;

(ii) Shift patterns and procedures; and

(iii) Consequences of improper shifting.

(4) Backing -- The procedures and rules for various backing maneuvers, including:

(i) Backing principles and rules; and

(ii) Basic backing maneuvers, e.g., straight-line backing, and backing on a curved path.

(5) Visual search -- The importance of proper visual search, and proper visual search methods, including:

(i) Seeing ahead and to the sides;

(ii) Use of mirrors; and

(iii) Seeing to the rear.

(6) Communication -- The principles and procedures for proper communications and the hazards of failure to signal properly, including:

(i) Signaling intent, e.g., signaling when changing speed or direction in traffic;

(ii) Communicating presence, e.g., using horn or lights to signal presence; and

(iii) Misuse of communications.

(7) Speed Management -- The importance of understanding the effects of speed, including:

- (i) Speed and stopping distance;
- (ii) Speed and surface conditions;
- (iii) Speed and the shape of the road;
- (iv) Speed and visibility; and
- (v) Speed and traffic flow.

(8) Space management -- The procedures and techniques for controlling the space around the vehicle, including:

- (i) The importance of space management;
- (ii) Space cushions, e.g., controlling space ahead/to the rear;
- (iii) Space to the sides; and
- (iv) Space for traffic gaps.

(9) Night operation -- Preparations and procedures for night driving, including:

(i) Night driving factors, e.g., driver factors, (vision, glare, fatigue, inexperience), roadway factors, (low illumination, variation in illumination, familiarity with roads, other road users, especially drivers exhibiting erratic or improper driving), vehicle factors (headlights, auxiliary lights, turn signals, windshields and mirrors); and

(ii) Night driving procedures, e.g., preparing to drive at night and driving at night.

(10) Extreme driving conditions -- The basic information on operating in extreme driving conditions and the hazards that are encountered in extreme conditions, including:

- (i) Adverse weather;
- (ii) Hot weather; and
- (iii) Mountain driving.

(11) Hazard perceptions -- The basic information on hazard perception and clues for recognition of hazards, including:

- (i) Importance of hazards recognition;
- (ii) Road characteristics; and

(iii) Road user activities.

(12) Emergency maneuvers -- The basic information concerning when and how to make emergency maneuvers, including:

(i) Evasive steering;

(ii) Emergency stop;

(iii) Off-road recovery;

(iv) Brake failure; and

(v) Blowouts.

(13) Skid control and recovery -- The information on the causes and major types of skids, as well as the procedures for recovering from skids.

(d) Relationship of cargo to vehicle control. The principles and procedures for the proper handling of cargo, including:

(1) The importance of proper cargo handling, e.g., consequences of improperly secured cargo, drivers' responsibilities, Federal/State and local regulations.

(2) Principles of weight distribution.

(3) Principles and methods of cargo securement.

(e) Vehicle inspections: The objectives and proper procedures for performing vehicle safety inspections, as follows:

(1) The importance of periodic inspection and repair to vehicle safety and to prevention of enroute breakdowns.

(2) The effect of undiscovered malfunctions upon safety.

(3) What safety-related parts to look for when inspecting vehicles, e.g., fluid leaks, interference with visibility, bad tires, wheel and rim defects, braking system defects, steering system defects, suspension system defects, exhaust system defects, coupling system defects, and cargo problems.

(4) Pre-trip/enroute/post-trip inspection procedures.

(5) Reporting findings.

(f) Hazardous materials knowledge, as follows:

(1) What constitutes hazardous material requiring an endorsement to transport; and

(2) Classes of hazardous materials, labeling/placarding requirements, and the need for specialized training as a prerequisite to receiving the endorsement and transporting hazardous cargoes.

(g) Air Brake knowledge as follows:

- (1) General air brake system nomenclature;
- (2) The dangers of contaminated air (dirt, moisture and oil) supply;
- (3) Implications of severed or disconnected air lines between the power unit and the trailer(s);
- (4) Implications of low air pressure readings;
- (5) Procedures to conduct safe and accurate pre-trip inspections, including knowledge about:
 - (i) Automatic fail-safe devices;
 - (ii) System monitoring devices; and
 - (iii) Low pressure warning alarms.
- (6) Procedures for conducting enroute and post-trip inspections of air actuated brake systems, including ability to detect defects which may cause the system to fail, including:

(i) Tests which indicate the amount of air loss from the braking system within a specified period, with and without the engine running; and

(ii) Tests which indicate the pressure levels at which the low air pressure warning devices and the tractor protection valve should activate.

(h) Operators for the combination vehicle group shall also have knowledge of:

(1) Coupling and uncoupling -- The procedures for proper coupling and uncoupling a tractor to semi-trailer.

(2) Vehicle inspection -- The objectives and proper procedures that are unique for performing vehicle safety inspections on combination vehicles.

Examples of specific skills elements. These examples relate to paragraphs (a) and (b) of Section 383.113 only.

(a) **Basic vehicle control skills.** All applicants for a CDL must possess and demonstrate the following basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills shall include:

- (1) Ability to start, warm-up, and shut down the engine;

(2) Ability to put the motor vehicle in motion and accelerate smoothly, forward and backward;

(3) Ability to bring the motor vehicle to a smooth stop;

(4) Ability to back the motor vehicle in a straight line, and check path and clearance while backing;

(5) Ability to position the motor vehicle to negotiate and then make left and right turns;

(6) Ability to shift as required and select appropriate gear for speed and highway conditions;

(7) Ability to back along a curved path; and

(8) Ability to observe the road and the behavior of other motor vehicles, particularly before changing speed and direction.

(b) **Safe driving skills.** All applicants for a CDL must possess and demonstrate the following safe driving skills for any vehicle group. These skills shall include:

(1) Ability to use proper visual search methods.

(2) Ability to signal appropriately when changing speed or direction in traffic.

(3) Ability to adjust speed to the configuration and condition of the roadway, weather and visibility conditions, traffic conditions, and motor vehicle, cargo and driver conditions;

(4) Ability to choose a safe gap for changing lanes, passing other vehicles, as well as for crossing or entering traffic;

(5) Ability to position the motor vehicle correctly before and during a turn to prevent other vehicles from passing on the wrong side as well as to prevent problems caused by off-tracking;

(6) Ability to maintain a safe following distance depending on the condition of the road, on visibility, and on vehicle weight; and

(7) Ability to adjust operation of the motor vehicle to prevailing weather conditions including speed selection, braking, direction changes and following distance to maintain control.

49 CFR 392.5: Intoxicating Beverage

[Excerpt from preamble to FEWA's final rule on Blood Alcohol Concentration Level for Commercial Motor Vehicle Drivers (53 FR 39048):

The responses of five States [to the NPRM on blood alcohol] exhibited some uncertainty over the applicability of [Section] 392.5 to CDL holders who are not in interstate commerce and who are thus not covered by the FMCSRs in Parts 390 through 397. By virtue of the Act (at Sections 12009(a)(21) and 12008(d)(1)), the FHWA believes that State application of Section 392.5 to all CDL holders is one of the 21 requirements with which States must comply to avoid a withholding of Federal-aid highway funds. The FHWA will, therefore, expect the States to enact legislation adapting Section 392.5 to apply to all CDL holders in addition to any other drivers subject to the FMCSRs.]

§ 392.5 Intoxicating beverage.

(a) No person shall --

(1) Consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 4 hours before going on duty or operating, or having physical control of, a motor vehicle; or

(2) Consume an intoxicating beverage regardless of its alcohol content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating, or in physical control of a motor vehicle; or

(3) Be on duty or operate a motor vehicle while the driver possesses an intoxicating beverage regardless of its alcoholic content. However, this paragraph does not apply to possession of an intoxicating beverage which is manifested and transported as part of a shipment.

(b) No motor carrier shall require or permit a driver to --

(1) Violate any provision of paragraph (a) of this section; or

(2) Be on duty or operate a motor vehicle if, by the driver's general appearance or conduct or by other substantiating evidence, the driver appears to have consumed an intoxicating beverage within the preceding 4 hours.

(c) Any driver who is found to be in violation of the provisions of paragraph (a) or (b) of this section shall be placed out-of-service immediately for a period of 24 hours.

(1) The 24-hour out-of-service period will commence upon issuance of an out-of-service order.

(2) No driver shall violate the terms of an out-of-service order issued under this section.

(d) Any driver who is issued an out-of-service order under this section shall:

(1) Report such issuance to his/her employer within 24 hours; and

(2) Report such issuance to a State official, designated by the State which issued his/her driver's license, within 30 days unless the driver chooses to request a review of the order. In this case, the driver shall report the order to the State official within 30 days of an affirmation of the order by either the Regional Director of Motor Carrier Safety for the Region or the Associate Administrator.

(e) Any driver who is subject to an out-of-service order under this section may petition for review of that order by submitting a petition for review in writing within 10 days of the issuance of the order to the Regional Director of Motor Carrier Safety for the Region in which the order was issued. The Regional Director may affirm or reverse the order. Any driver adversely affected by such order of the Regional Director may petition the Associate Administrator for review in accordance with 49 CFR 386.13.

CDL Waivers Granted

Following is a listing of waivers granted to classes of drivers under the provisions of 49 CFR Section 383.7, together with relevant language from the waiver notices.

<u>Class of Drivers</u>	<u>Date and Cite of Waiver</u>	<u>Terms of Waiver</u>
Farmers	9/26/88 53 FR 37313	States may elect to waive "those operators of a farm vehicle which is: -- Controlled and operated by a farmer; -- Used to transport either agricultural products, farm machinery, farm supplies or both to or from a farm; -- Not used in the operations of a common or contract carrier; and -- Used within 150 miles of the person's farm.
Firefighters and operators of emergency equipment	9/26/88 53 FR 37313	States may elect to waive "drivers who operate emergency or fire equipment which is necessary to the preservation of life or property or the execution of emergency governmental functions . . . Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included."
Active duty military	9/26/88 53 FR 37313	A Federal waiver is granted for "military vehicles when operated by military personnel for military purposes . . . This waiver applies to any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice)."

(Listing continues on following page.)

<u>Class of Drivers</u>	<u>Date and Cite of Waiver</u>	<u>Terms of Waiver</u>
Isolated sections of Alaska	8/14/89 54 FR 33230	Waiver covers CMV operators in the State of Alaska "who operate exclusively over roads that meet <u>both</u> of the following criteria: (1) Such roads are not connected by land highway or vehicular way to the land- connected State highway system; and (2) Such roads are not connected to any highway or vehicular way with an average daily traffic volume greater than 499. With respect to drivers satisfying the above criteria, the FHWA [granted] Alaska a waiver from the following specific portions of 49 CFR Part 383: (1) The specifications in Subpart H for knowledge test procedures and methods; (2) All requirements for driving skills tests; and (3) The requirement for a photograph on the commercial driver's license (CDL) in Section 383.153(a)(4). CDLs issued pursuant to this waiver must restrict the driver from operating a CMV over roads other than those specified above, and must also carry a restriction so that the license is not valid for use in CMVs outside the State of Alaska.

**Portions of CMVSA
not yet addressed
In regulations**

The following topics under the Commercial Motor Vehicle Safety Act of 1986 are not yet addressed in the regulations pertaining to the CDL program:

<u>Act section</u>	<u>Act language</u>
§ 12009(a)(8)	<p>Notification of disqualifications. -- Within 10 days after disqualification of the holder of a CDL from operating a CMV (or after suspension, revocation, or cancellation of such license) for a period of 60 days or more, the State shall notify --</p> <p style="margin-left: 40px;">(A) the Secretary or the operator of the information system under section 12007, as the case may be, and</p> <p style="margin-left: 40px;">(B) the State which issued the license,</p> <p>of such disqualification, suspension, revocation, or cancellation.</p>
§ 12009(a)(9)	<p>Notification of traffic violations. -- Within 10 days after a person who operates a CMV, who has a driver's license issued by any other State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) in the State, shall notify a State official designated by the State which issued such license of such violation, within 10 days after the date such person is found to have committed such violation. <i>[Note: the syntax of this provision is deficient in the published version of the law.]</i></p>
§ 12009(a)(13)	<p>Penalty approval. -- The State shall impose such penalties as the State determines appropriate and the Secretary approves for operating a CMV while not having a CDL, while having a driver's license suspended, revoked, or cancelled, or while being disqualified from operating a CMV.</p>

**List of rules
applied in preparation
of this edition**

<u>Date</u>	<u>Federal Register Citation</u>	<u>Description</u>
6/1/87	52 FR 20574	Commercial Driver Licensing Standards; Requirements and Penalties; Final Rule and Request for Comments
7/21/88	53 FR 27628	Commercial Driver Testing and Licensing Standards; Final Rule
9/26/88	53 FR 37313	*Commercial Driver's License Program; Waivers; Final Disposition
10/4/88	53 FR 39044	Blood Alcohol Concentration Level for Commercial Motor Vehicle Drivers; Final Rule
5/23/89	54 FR 22285	Commercial Driver Testing and Licensing Standards; Canadian Provinces and Territories [Final rule; technical amendment]
8/14/89	54 FR 33230	*Commercial Driver's License Program; Limited Waiver for State of Alaska
10/3/89	54 FR 40782	Commercial Driver's License Standards; Disqualifications; Final Rule
11/20/89	54 FR 47983	Commercial Driver Testing and Licensing Standards; Corrected Description of Vehicle Group "C"

*Asterisked items do not contribute to regulatory text, but are reflected in the summary of waivers granted.

Diana Kelso

2-8-89

List of exemptions requested
- Approved } what criteria?
- Denied }

Cops of Calif. law

Status of legislation in other states

*Mari Sam
Barkdoll/JP*

*SB
137*

STATUS REPORT
COMMERCIAL DRIVER LICENSE PROGRAM

*who prepared?
USDOT?*

December 2, 1988

from 12/2/88 status report

Subject: Status of Commercial Driver License Program

MAJOR POINTS:

1. The Federal Highway Administration has met or exceeded the rulemakings schedule required to date by the CMVSA.
2. These requirements are:
 - ° issued the final rule on front brakes on January 25, 1987, two days before the due date;
 - ° published the final rule on the Blood Alcohol Concentration (BAC) level on October 4, 1988 to be effective on October 27, 1988.
 - ° published the final rule implementing the single license (Section 12002), notification (Section 12003), employer (Section 12004), driver disqualification (Section 12008(a)), and penalty (Section 12012) provisions of the Act; the rule was published June 1, 1987, and became effective July 1 of that year;
 - ° on July 20, 1987, 3 months before the required due date, published the final rule implementing the out-of-service provision (Section 12008(d)) regarding violations of the prohibition on the use of alcohol; and
 - ° on July 15, 1988, exactly on schedule, issued the final rule establishing minimum standards which States must adopt and implement for driver testing and license document standards.
3. In addition to the CMVSA's rulemaking activities, FHWA is on schedule with all other areas of the Act. These include:
 - ° obligated basic grants to all 50 States and DC;
 - ° obligated supplemental grants on a variety of national CDL projects, including public information programs, development of State driver manuals and tests, and development of the CDL Information System.
 - ° The State of New York has the lead to develop the CDL Information System; a contract has been given to EDS Corp. to develop the CDLIS. The States of California and Nebraska have the lead to develop the telecommunication system which will connect the states to the information system. A contract for this system was awarded to IBM in late August.
 - ° FHWA continues to work with and monitor State activity in preparation to their implementation of the testing/licensing process.

Statutory Deadlines

The Commercial Motor Vehicle Safety Act of 1986 specified the following deadlines:

<u>Deadline</u>	<u>Requirement</u>	<u>Status</u>
July 1, 1987	Single license Requirement	Final rule published June 1, 1987
Oct 27, 1987	NAS Study on BAC Standard	Final report released by NAS on November 4, 1987. Recommends 0.04 percent BAC (or greater) for enforcing "driving under the influence of alcohol" sanctions in the Act.
July 15, 1988	Minimum Testing standards	Final Rule issued July 15, 1988, and published in the <u>Federal Register</u> July 21, 1988.
July 15, 1988	License document specifications	
Oct 27, 1988	BAC Standard 0.10% vs 0.04%	FHWA published NPRM May 10 in the <u>Federal Register</u> . We published a final rule on October 4, 1988 which became effective October 27, 1988.
Jan 1, 1989	Establish clearinghouse	FHWA is working with the States to establish the clearinghouse and the telecommunications network (AAMVAnet) which States could use to electronically transmit licensing records and other information. We have committed over \$10 million of Federal grant funds for these efforts. We expect that the clearinghouse will be operating by the deadline.
April 1, 1992	All drivers must pass test	This requirement is included in the Final Rule for the testing and licensing standards.
October 1, 1993	States to substantially comply or face loss for highway funds	FHWA is working with States to help them implement CDL programs which meet the requirements listed in Section 12009 of the Act.

SUBJECT: Commercial Driver's License Program (CDL) - Grants to States

BACKGROUND: The Commercial Motor Vehicle Safety Act of 1986 earmarks a portion of the MCSAP authorization for 3 types of CDL Program grants to the States:

(1) Basic Grants - \$5 million (FY 1987 - 1991)

States may use the grants to develop and administer their program for testing and licensing commercial operators. If a State receives a grant, it must be at least \$100,000 dollars (although we do not have to provide grants to all eligible States).

**(2) Supplemental Grants - \$3 million (FY 1987 & 1988) earmarked from NHTSA 402 funds
\$3 million (FY 1989 & 1991) earmarked from MCSAP funds (FY 1989 - 1991)**

The Supplemental Grants are discretionary for the first few years; in FY 1990, they must be distributed on a formula basis. States may use the Supplemental Grants to develop their testing and licensing program (FY 1987 - 1989) and to test operators of commercial motor vehicles (after FY 1989).

(3) Clearinghouse Grants - \$5 million (FY 1989 - 1991) earmarked from MCSAP funds

The grants will be made to States that agree to participate in the CDL Program established by the 1986 Act and the national clearinghouse. States may use the grants for developing their program, for testing operators of commercial motor vehicles, and for complying with the Act's requirements.

NOTE: The Basic and Supplemental Grants for FY 1988 will be at their authorized level; i.e., no reduction due to Budget Reconciliation.

However, there will be a reduction in the \$2 million available to the Secretary in FY 1988 for development of the clearinghouse. The net amount will likely be approximately \$1.8 million.

STATUS: The Office of Highway Planning has lead responsibility for administering the grants in cooperation with motor carrier staff.

o **Basic Grants:** We awarded Basic Grants to all 50 States and the District of Columbia during FY 1987. As of early September 1988, we have awarded grants to 32 States for FY 1988.

The States are using the grants to carry out an array of activities:

- studies of the number of drivers to be tested,
- studies of other resources needed to conduct tests,
- studies of existing State laws needed to comply with the minimum Federal standards, and
- pilot applications of testing practices.

o Supplemental Grants: We are using the Supplemental Grants to fund projects that will benefit all States nationwide. AAMVA has formed Steering Committees of State officials to oversee each project. The top priorities are:

- development of driver testing program:
Nebraska is the lead State and has awarded a contract to Essex Corporation to develop testing materials.
\$1.6 million committed from Supplemental Grant program.
- development of the clearinghouse (CDLIS - Commercial Driver's License Information System):
New York is the lead State and has contracted with EDS to develop and initially operate the clearinghouse.
\$7.4 million committed from the Supplemental Grant program and the funds available to the Secretary for development of the clearinghouse (\$2 million FY 1987-89)
- development of AAMVAnet telecommunications network which States could use to electronically transmit licensing records and other information:
Nebraska is the lead State and has contracted with IBM to implement AAMVAnet.
\$3.6 million committed from the Supplemental Grants -- approximately \$1 million for earlier developmental work and \$2.6 million for current IBM effort.
- other Supplemental Grant projects include materials for a national public information program and multiple license checks thru NLETS.

o Clearinghouse Grants: FHWA is developing guidelines for distribution and use of the Clearinghouse Grants for FY 1989.

FUTURE PLANS:

Beginning FY 1990, FHWA must allocate Supplemental Grants by formula. FHWA is developing guidelines for distribution and use of the Supplemental Grants in FY 1990 through FY 1991. //

Table 1: MCSAP and CDL Funding
(millions of dollars)

	1987	1988	1989	1990	1991
MCSAP	\$50	\$50	\$60	\$60	\$60
$\frac{1}{2}$ percent to FHWA	0.25	0.25	0.3	0.3	0.3
<u>CDL Grants to States</u>	<u>5</u>	<u>5</u>	<u>13</u>	<u>13</u>	<u>13</u>
net MCSAP funds available	\$44.75	\$44.75	\$46.7	\$46.7	\$46.7
CDL Program					
---State Grants---					
S.12005(c) Basic Grants/1	5	5	5	5	5
S.12005(d) Supplemental Grants/2	3	3	3	3	3
S.12010 Clearinghouse Grants/1	-	-	5	5	5
---DOT Activities---					
Funding for clearinghouse (CDLIS)/3	2	2	2	-	-

/1 Earmarked from MCSAP funds.

/2 Earmarked from NHTSA 402 funds for FY 1987 and 1988; earmarked from MCSAP for FY 1989 - 1991.

/3 Earmarked from NHTSA 402 funds.

Table 2: Eligibility, Distribution, and Availability of CDL Program Grants to the States

	Basic Grants	Supplemental Grants	Clearinghouse Grants
Eligibility	<p>**FY 1987 - 1989**</p> <ol style="list-style-type: none"> 1. agree w/ SecDOT to <u>develop</u> testing & licensing program 2. enforce 0.10% BAC for DUI, and 3. maintain State and local funding for licensing activities <p>**Beginning FY 1990**</p> <ol style="list-style-type: none"> 1. agree w/ SecDOT to <u>adopt</u> and <u>administer</u> program, 2. enforce 0.10% BAC for DUI (or DOT standard), 3. maintain State and local funding for licensing activities, and 4. require CMV operators to pass written and road tests 	<ol style="list-style-type: none"> 1. States qualified for Basic Grants, 	<ol style="list-style-type: none"> 1. agree w/ SecDOT to participate in CDL Program, 2. participate in the CDL program (clearinghouse), and 3. comply with CDL Program requirements (S.12009)
Eligible Activities	<p>**FY 1987 - 1989**</p> <p><u>develop</u> testing & licensing program</p> <p>*Beginning FY 1990*</p> <p><u>testing</u> operators of commercial motor vehicles</p>	<p>**FY 1987 - 1989**</p> <p><u>develop</u> testing & licensing program</p> <p>*Beginning FY 1990*</p> <p><u>testing</u> operators of commercial motor vehicles</p>	<p><u>issuing</u> CDL's</p> <p>complying with CDL Program requirements (S.12009)</p>
Distribution	<p>\$100k minimum; if in excess, ensure equitable treatment</p>	<p>*Beginning FY 1991*</p> <p>on basis of no. of tests administered and no. of licenses issued (in the previous FY)</p>	<p>\$100k minimum; if in excess, ensure equitable treatment</p>
Availability	<p>obligate during FY available; otherwise SecDOT may use for other requirements of the 1986 Act.</p>	<p>same</p>	<p>same</p>

SUBJECT: COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

P.L. 99-570, TITLE XII: 12007(b) & (c) (Establish Clearinghouse and Telecommunications Network)

BACKGROUND:

- ° The Secretary of Transportation is required to establish the Commercial Driver License Information System (CDLIS) by January 1, 1989.
- ° The CDLIS will serve as a clearinghouse and depository of licensing identification information for commercial vehicle drivers.
- ° The CDLIS will prevent drivers from obtaining multiple licenses, and facilitate tracking of convictions, suspensions, revocations, disqualifications, etc.

*one aspect
of CMVSA*

STATUS:

- ° Progress continues to be very rapid toward implementation of the CDLIS system. Programming of the CDLIS central site software is well underway. Detailed design specifications for the state and central site interfaces have been completed and programming is beginning on the first interface for the IBM compatible CICS environment.
- ° The CDLIS Technical committee completed agreement on the data elements and format of the CDLIS Driver History Record and is distributing it to all states. That completes initial specification of CDLIS message standards which will provide a way for States to transmit driver license information among one another.
- ° Nebraska awarded the AAMVAnet implementation contract to IBM on Friday August 25, 1988. A coordination meeting was held between IBM and EDS the week of August 28, 1988, and both vendors worked together well. Telecommunication lines have been ordered for sites needing immediate connectivity to the AAMVAnet. Milestones were tentatively agreed to that include commencement of implementation testing by November 1.
- ° A detailed financial plan was approved showing projected use of grant funds and user fees for the entire period through March of 1992 for both AAMVAnet and CDLIS. Nebraska will be handling income and re-billing for AAMVAnet services such as access to CDLIS and other applications.
- ° AAMVA is making rapid progress in augmenting their staff to include a full time person to lead implementation of the AAMVAnet and CDLIS coordination to meet the March 1992 deadline for full implementation of the CDL and CDLIS.

Subject: Waivers for Farmers from Commercial Driver's License Requirements

Background:

- o The CMVSA defines a commercial motor vehicle subject to the Act as any vehicle: 1) with a gross vehicle weight rating of 26,001 pounds or more, 2) designed to transport more than 15 passengers, including the driver, or 3) transporting placarded hazardous materials. The definition is very broad and includes fire fighting equipment, farm vehicles, the military, and other groups not previously subject to Federal licensing standards.
- o Congress anticipated that certain classes of drivers or vehicles would not need to be covered by the provisions of the Act, even though they fall within the broad definitions originally established in the law. To exempt drivers and vehicles from the implementing regulations, the Act included a waiver provision in Section 12013.
- o According to this provision, the Secretary may grant exemptions to the licensing, testing, or other requirements after a formal notice and comment period, if the exemptions are in the public interest and would not diminish the safe operation of commercial motor vehicles.
- o The Federal Highway Administration (FHWA) has received more than 500 requests from farmers, firefighters, and other groups asking for exemptions from the Act.

Status:

- o The DOT is very concerned about motor vehicle safety and strongly supports the objectives of the 1986 Act. However, we also want to take a reasonable, common-sense approach in implementing this important piece of legislation. Accordingly, the FHWA on April 14, 1988 published a notice in the Federal Register requesting comments from interested parties on the request for waivers for farmers, firefighters, military drivers, transit operators, and drivers of railroad and public utility motor vehicles.
- o More than 2000 comments were received. Those comments have undergone staff review and a waiver notice of final disposition for the CDL program was published on September 26, 1988, in the Federal Register.
- o The waiver notice affords States the option of exempting farmers and firefighters from the CDL regulations. Military drivers are granted a blanket waiver. On the other hand, the waiver petitions covering transit, railway, and public utility drivers are denied.

From USDOT
12-2-88
Status Report

Subject: Truck Driver Training/Testing Simulators

Background:

- Under the Commercial Motor Vehicle Safety Act (Act) a commercial motor vehicle is any vehicle 1) with a gross vehicle weight rating of 26,001 pounds or more, 2) designed to transport more than 15 passengers, including the driver, or 3) transporting placarded amounts of hazardous materials. Commerce is defined so as to include not only interstate and foreign commerce but intrastate commerce also.
- An estimated 5.5 million persons are subject to the commercial license testing standards as a result of the Act.
- The Act requires that all persons who operate or expect to operate a commercial motor vehicle must be tested for and receive a commercial driver license by April 1, 1992.
- This testing/licensing requirement will be a challenging task for State agencies responsible for this activity in view of the number of drivers covered and the 1992 deadline. While the CDL testing and licensing final rule provides for third-party testing and for "grandfathering" from skills exams as important options for reducing the testing burden, States may wish to explore other means to facilitate the testing process.
- Testing in certain types of vehicles such as cargo tanks and double or triple trailer combinations can be difficult and dangerous for both testing personnel and driver applicants.

STATUS:

- The use of driver training/testing simulators has been proposed as a partial substitute for behind-the-wheel testing.
- Simulator manufacturers have said that state of the art machines can be used by the States in the testing process and even complex simulations such as product movement or surge can be duplicated.
- It is possible that the use of simulators by the States could increase their testing/licensing capability, in terms of both applicant throughput and range of conditions to be tested.
- The American Trucking Associations and the Federal Highway Administration jointly sponsored a meeting to explore the use of simulator technology for better training/testing of truck drivers. This meeting was a one-day forum held in Washington D.C. on May 26, 1988.
- This meeting was attended by simulator manufacturers, trucking company officials, insurance executives, truck manufacturers, truck driving school personnel and others.
- ATA is a strong supporter of this activity. FHWA and ATA continue to explore the possibility of using simulators in the training/licensing of commercial drivers.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to commercial vehicle driver licensing
Sponsor: Rules
Requestor: Governor

Agency Affected: Public Safety
BRU: Division of Motor Vehicles
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

This specific piece of legislation has a zero fiscal impact. It's main purpose is to reword current law to bring Alaska into compliance with the Federal Commercial Motor Vehicle Safety Act (CMVSA) of 1986. The CMVSA of 1986 mandates all states to have a driver licensing system which includes written and road tests for the size commercial vehicle being operated, or face loss of 10% of federal highway funding.

Prepared by: Bill Brown
Division: Motor Vehicles

Phone: 465-4335
Date: 11/08/88

Approved by Commissioner: B.A. H. Arthur English
Agency: Department of Public Safety

Date: 11/08/88

CONTINUATION OF FISCAL NOTE ANALYSIS
(Act Relating to Commercial Driver Licensing)
Page 2 of 2

The Federal Government is providing each state with a limited number of \$100,000.00 annual grants for planning and implementation of a Commercial Driver License (CDL) Program. We are still in the planning process to determine how we can best comply with the federal mandate. With passage of this piece of legislation, and some regulation changes, current plans are to commence issuing new classes of driver licenses to commercial vehicle operators by January 1, 1991. The federal law requires all such operators to be licensed by April 1, 1992.

It is anticipated that administration of the CDL program will entail some additional operating expenses. These costs have not been determined to date. The department will include such costs as an increment in the FY91 operating budget.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 23, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Kelly:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to commercial vehicle driver licensing.

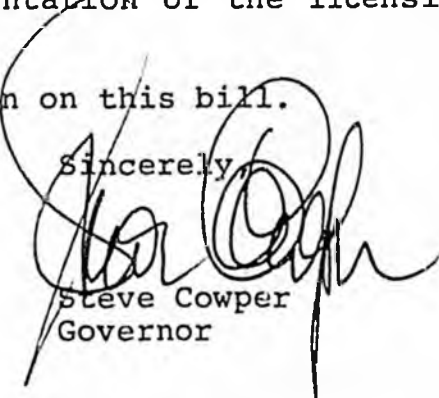
This bill is intended to bring Alaska into compliance with the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2701 -- 2716), which conditions future federal highway funding upon adoption of a commercial vehicle driver licensing program that is consistent with federal law.

The primary component of this bill is a definition of "commercial motor vehicle" in sec. 4 of the bill, which adopts federal standards while recognizing the uniqueness of Alaska roadways. The definition continues the tradition of less strict regulation of vehicles on roads not connected to the main state highway system or to heavily-travelled roads. See, e.g., AS 28.10.011 (registration) and AS 28.22.200 (insurance).

By coming into compliance with federal law, the state will maintain its eligibility for continued federal highway funding, and also will become entitled to additional federal money to assist in implementation of the licensing program itself.

I urge your favorable action on this bill.

Sincerely,


Steve Cowper
Governor

COMMERCIAL DRIVER LICENSE PROGRAM

Congress passed the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to achieve some important highway safety objectives through uniform national standards for drivers of commercial vehicles. These federal standards to insure that commercial drivers are properly trained and physically qualified to operate the vehicles they drive were issued by the U. S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), in July 1988. Alaska is one of 19 states that does not now issue a classified commercial driver's license.

By April 1, 1992, every commercial driver will be required to have a state-issued driver's license that meets the minimum federal standards. Drivers will be tested and licensed according to the class of vehicle they will drive. These classes include trucks over 26,000 pounds, vehicles designed to carry at least 15 passengers including the driver, and all vehicles carrying hazardous materials that require placarding under federal regulations.

The FHWA set October 1, 1993, as the deadline for states to comply without penalty with the basic requirements of the Act. After that date, they risk forfeiting five percent of their federal highway funds the first year, and ten percent thereafter. For Alaska, compliance with federal law by this deadline would prevent the State from having to forfeit over \$7 million in federal highway funds that first year. Compliance entitles the State to additional federal dollars to assist in implementation of the licensing program itself.

Eligibility for these dollars requires a state to enter into an agreement with the USDOT to develop a Commercial Driver License (CDL) program. The state also must have in effect and enforce a 0.10 percent Blood Alcohol Concentration (BAC) level for "driving under the influence." Alaska now meets this requirement. For commercial drivers, this BAC level was reduced to 0.04 percent by the U. S. Secretary of Transportation in October 1988. At this time, Alaska law does not meet this new standard. Alaska first applied for and received federal funds to develop a CDL Program in April 1987 and is still operating on that grant. A second-year (FY88) grant to continue the CDL development process also has been applied for and approved. Additional grants will be applied for as needed.

Alaska plans to begin testing drivers of commercial vehicles and issuing a Commercial Driver's License in January 1991. This will provide the State 15 months to license drivers and, thereby, allow the drivers to comply with requirements of the Act by the April 1992 federal target date.

Passage of SB 137 will allow Alaska to complete its planning process in a timely manner. The major component of SB 137 defines "commercial vehicle" by adopting the federal standards while still recognizing the uniqueness of Alaska by continuing its tradition of less strict regulation of vehicles on roads not connected to the main State highway system or to heavily-travelled roads. Passage of SB 137 will enable the State to identify those geographic areas where commercial drivers need to be tested so that plans and actions for licensing them can continue.

Look at federal law/definition. What is minimum requirement? Deadline for adoption?

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 137

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to commercial vehicle driver licens-
7 ing."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 28.15.021 is amended to read:

10 Sec. 28.15.021. PERSONS EXEMPT FROM DRIVER LICENSING. The
11 following persons are exempt from driver licensing under this chapter:

12 (1) an employee of the United States government while
13 operating a motor vehicle owned by or leased to the United States
14 government and being operated on official business, unless the employ-
15 ee is required by the United States government or an agency of that
16 government to have a state driver's license;

17 (2) a nonresident who is at least 16 years of age and who
18 has a valid driver's license issued by another jurisdiction; however,
19 an Alaska driver's license must be obtained by the end of a 90-day
20 period after entry into the state;

21 (3) a member of the armed forces of the United States who
22 has a valid driver's license issued by another jurisdiction if [WHEN]
23 the permanent residence of the member is maintained in that jurisdic-
24 tion;

25 (4) a person when driving an implement of husbandry, as
26 defined by regulation, which is only temporarily driven or moved on a
27 highway, unless that vehicle is a commercial motor vehicle.

28 * Sec. 2. AS 28.15.041(c) is amended to read:

29 (c) A person may not drive a commercial motor vehicle until the

1 person applies for and is issued a license for that purpose under (a)
2 of this section. The department may not issue a license under this
3 subsection unless the applicant is at least 19 years of age, has held
4 a valid driver's license at least one year, and has successfully
5 completed all required driving tests and written and physical examina-
6 tions. In this subsection, "commercial motor vehicle" has the meaning
7 given in AS 28.40.100 [AS 28.32.900].

8 * Sec. 3. AS 28.15.111(a) is amended to read:

9 (a) Upon successful completion of the application and all
10 required examinations, and upon payment of the required fee, the
11 department shall issue to every qualified applicant a driver's license
12 indicating the type or general class of vehicles which the licensee
13 may drive. The license shall display

14 (1) a distinguishing number assigned to the license;

15 (2) the licensee's full name, address, date of birth, brief
16 physical description, and color photograph; [AND]

17 (3) either a facsimile of the signature of the licensee or
18 a space upon which the licensee must write the licensee's usual signa-
19 ture with pen and ink. A license is not valid until signed by the
20 licensee. If facilities are not available for the taking of the
21 photograph required under this section, the department shall endorse
22 on the license, the words "valid without photograph; [.]" and

23 (4) if the license is to drive a commercial motor vehicle,
24 information determined by the United States Secretary of Transporta-
25 tion to be appropriate to identify the licensee, including the per-
26 son's social security number.

27 * Sec. 4. AS 28.40.100(a) is amended by adding a new paragraph to read:

28 (20) "commercial motor vehicle" means a motor vehicle or a
29 combination of a motor vehicle and other vehicles

*defined comm
vehicle to suit us!*

- 1 (A) used in commerce to transport passengers or prop-
2 erty;
- 3 (B) used upon a land highway or vehicular way connect-
4 ed to
- 5 (i) the land-connected state highway system; or
6 (ii) a land highway or vehicular way with an
7 average daily traffic volume greater than 499; and
- 8 (C) which
- 9 (i) has a gross vehicle weight rating greater
10 than 26,000 pounds;
- 11 (ii) is designed to transport more than 15 passen-
12 gers, including the driver; or
- 13 (iii) is used in the transportation of materials
14 found by the United States Secretary of Transportation to be
15 hazardous for purposes of 49 U.S.C. 1801 -- 1813 (Hazardous
16 Materials Transportation Act);
- 17 (D) except that the following vehicles meeting the
18 criteria in (A) -- (C) of this paragraph are not commercial
19 vehicles:
- 20 (i) emergency or fire equipment that is necessary
21 to the preservation of life or property; and
- 22 (ii) farm vehicles that are controlled and operat-
23 ed by a farmer; used to transport agricultural products,
24 farm machinery, or farm supplies to or from that farmer's
25 farm; not used in the operations of a common or contract
26 motor carrier; and used within 150 miles of the farmer's
27 farm.

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