

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6630 SENATE STATE AFFAIRS

134

(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

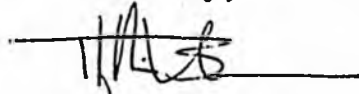
2. If you were to try to
include, would impact a lot of
NON-commercial drivers because
a van this size is:
3 rows of seats + 2 bucket seats

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:

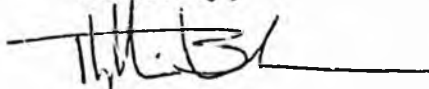
We have received your packet of correspondence documenting the recent trip that you and your fellow passengers took from Anchorage to Skagway. It certainly does sound like the trip was both unsafe and aggravating.

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
for comments
Thx.*

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

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:

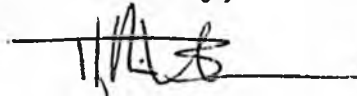
Re: SB 137

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
Terryl 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 Terryl 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 HIGH-WAY 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 Terryl'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 Terryl 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).

Terryl 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

MLD
12/26/89

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

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 ~~MA~~ 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 Door County - an air-conditioned penthouse in Lake Michigan - but see the best of Door County & Greenhouse before a

act of great amount in 13 hours/1 day here, have fun - hope you in Sept. 13

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 a
few anti-buses. Feedback - 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 - your,

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 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 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

J. & Bill Stone

Nancy Kohn

168 Lindys Lane
SE SA 94110

P.O. Box 1791

W5) 931-2327

Autosols, Ap 88251

Ruchinger Elvira

Rosatzbach P

3602 Roswitz Tower AUSTRIA

AUSTRIA

0271414283

SPAINKUGG ERIKA

HEBAUER Reinhard

UR-ALSTR. 36

531C WASHINGTON Y3B

Neuhof 23

AUSTRIA

07442/30512

3631 OTTENSCHLAG

Trabant Hylar

AUSTRIA 02872/65154

Krimbleweg 8

5115 Miska

Sarteland

0141 64 53 21 51

#196
Maacki Kuroyanga!

5-5-6 Funabashi, Setagaya-ku, Tokyo, Japan

Kim + Les Engle

145 S. 2nd St.

Dillsburg PA 17019

RUTH SUSANSON

Kenn-Jill Peters

129 NORTH BRENDE STREET

APPERTON, OH, 44911

Jedusht 2-125

(419) 734-3300

239 Flensburg

West Germany

SUSAN JOHNSTON

+ 2335 HOLMES ROAD, YPSILANTI, MICHIGAN 48198

CHECKLIST FOR

(State Name)

CDL PROGRAM

IMPLEMENTATION

COMPLETED BY: _____
TITLE: _____
DATE: _____

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 §392.57
Reference _____

First
Offense:
One Year

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.
Reference _____

Y__ N__

Y__ N__

b Leaving the scene of an accident involving a CMV.
Reference _____

Y__ N__

Y__ N__

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

Y__ N__

Y__ N__

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

Y__ N__

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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>	YES	NO
SUBPART B: LICENSE REQUIREMENTS			
	<u>Does the State</u>		
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)

Long-term disqualifying offenses for CMV drivers: Alcohol

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 unmistakably 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
alarms 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

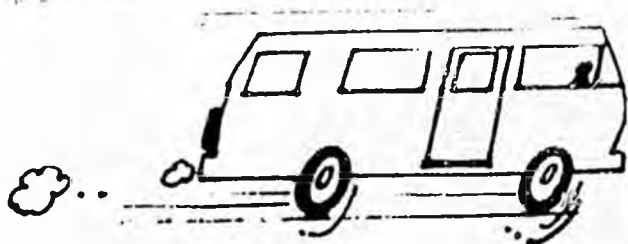
**STATE PROGRAM VERIFICATION
(CONTINUED)**

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.

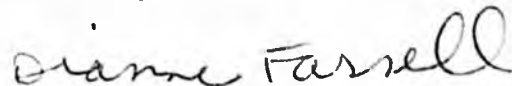
or

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

HB 317

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 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.

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 later 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

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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

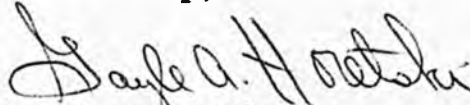
The Honorable Pat Pourchot -2-

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

3111 C. St., Suite 510
Anchorage, Alaska 99503
(907) 561-7618

During Session:
P.O. Box V
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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