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*Figure 1, "Vehicle Groups as Established by FHWA," is on page 27.

†The Appendix to Subpart G, "Required Knowledge and Skills: Sample Guidelines," appears under "Other items" on page 42.

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Authority

Authority: Title XII of Pub. L. 99-570, 100 Stat. 3207-170; 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.02

**Subpart A:
General**

Section 383.1

§ 383.1 Purpose and scope.

(a) The purpose of this part is to help reduce or prevent truck and bus accidents, fatalities, and injuries by requiring drivers to have a single commercial motor vehicle driver's license and by disqualifying drivers who operate commercial motor vehicles in an unsafe manner.

(b) This part:

(1) Prohibits a commercial motor vehicle driver from having more than one commercial motor vehicle driver's license;

(2) Requires a driver to notify the driver's current employer and the driver's State of domicile of certain convictions;

(3) Requires that a driver provide previous employment information when applying for employment as an operator of a commercial motor vehicle;

(4) Prohibits an employer from allowing a person with a suspended license to operate a commercial motor vehicle;

(5) Establishes periods of disqualification and penalties for those persons convicted of certain criminal and other offenses and serious traffic violations, or subject to any suspensions, revocations, or cancellations of certain driving privileges;

(6) Establishes testing and licensing requirements for commercial motor vehicle operators;

(7) Requires States to give knowledge and skills tests to all qualified applicants for commercial drivers' licenses which meet the Federal standard;

(8) Sets forth commercial motor vehicle groups and endorsements;

(9) Sets forth the knowledge and skills test requirements for the motor vehicle groups and endorsements;

(10) Sets forth the Federal standards for procedures, methods, and minimum passing scores for States and others to use in testing and licensing commercial motor vehicle operators; and

(11) Establishes requirements for the State issued commercial license documentation.

Section 383.3

§ 383.3 Applicability.

The rules in this part apply to every person who operates a commercial motor vehicle in interstate, foreign, or intrastate commerce, and to all employers of such persons.

Section 383.5

§ 383.5 Definitions.

As used in this part:

"*Administrator*" means the Federal Highway Administrator, the chief executive of the Federal Highway Administration, an agency within the Department of Transportation.

"*Alcohol*" or "*alcoholic beverage*" means: (a) Beer as defined in 26 U.S.C. 5052(a), of the Internal Revenue Code of 1954, (b) wine of not less than one-half of one per centum of alcohol by volume, or (c) distilled spirits as defined in section 5002(a)(8), of such Code.

"*Alcohol concentration*" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"*Commerce*" means (a) any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States and (b) trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (a) of this definition.

"*Commercial driver's license (CDL)*" means a license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR Part 383, to an individual which authorizes the individual to operate a class of a commercial motor vehicle.

"*Commercial driver's license information system (CDLIS)*" means the CDLIS established by FHWA pursuant to Section 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"*Commercial motor vehicle (CMV)*" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle --

(a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

(b) Has a gross vehicle weight rating of 26,001 or more pounds; or

(c) Is designed to transport 16 or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

"*Controlled substance*" has the meaning such term has under section 102(6) of the Controlled Substances Act [21 U.S.C. 802(6)] and includes all substances listed on Schedules I through V of 21 CFR Part 1308, as they may be revised from time to time. Schedule I substances are identified in Appendix D of this subchapter and Schedules II through V are identified in Appendix E of this subchapter.

"*Conviction*" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

"*Disqualification*" means either:

(a) The suspension, revocation, cancellation, or any other withdrawal by a State of a person's privileges to drive a commercial motor vehicle; or

(b) A determination by the FHWA, under the rules of practice for motor carrier safety contained in Part 386 of this title, that a person is no longer qualified to operate a commercial motor vehicle under Part 391; or

(c) The loss of qualification which automatically follows conviction of an offense listed in Section 383.51.

"*Driver applicant*" means an individual who applies to a State to obtain, transfer, upgrade, or renew a CDL.

"*Driver's license*" means a license issued by a State or other jurisdiction, to an individual which authorizes the individual to operate a motor vehicle on the highways.

"*Driving a commercial motor vehicle while under the influence of alcohol*" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by State law; or refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of § 383.51(b)(2)(i)(A) or (B), or § 392.5(a)(2).

"*Employee*" means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors (while in the course of operating a commercial motor vehicle) who are either directly employed by or under lease to an employer.

"*Employer*" means any person (including the United States, a State, District of Columbia or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle.

"*Endorsement*" means an authorization to an individual's CDL required to permit the individual to operate certain types of commercial motor vehicles.

"*Felony*" means an offense under State or Federal law that is punishable by death or imprisonment for a term exceeding 1 year.

"*Foreign*" means outside the fifty United States and the District of Columbia.

"*Gross combination weight rating (GCWR)*" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

"*Gross vehicle weight rating (GVWR)*" means the value specified by the manufacturer as the loaded weight of a single vehicle.

"*Hazardous materials*" has the meaning such term has under section 103 of the Hazardous Materials Transportation Act.

"*Motor vehicle*" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, semitrailer operated exclusively on a rail.

"*Nonresident CDL*" means a CDL issued by a State to an individual domiciled in a foreign country.

"*Representative vehicle*" means a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate.

"*Serious traffic violation*" means conviction, when operating a commercial motor vehicle, of:

(a) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;

(b) Reckless driving, as defined by State or local law or regulation, including but not limited to offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;

(c) Improper or erratic traffic lane changes;

(d) Following the vehicle ahead too closely; or

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

"*State*" means a State of the United States and the District of Columbia.

"*State of domicile*" means that State where a person has his/her true, fixed, and permanent home and principal residence and to which he/she has the intention of returning whenever he/she is absent.

"*Tank vehicle*" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in Part 171 of this title. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

"*United States*" the term United States means the 50 States and the District of Columbia.

"*Vehicle*" means a motor vehicle unless otherwise specified.

"*Vehicle group*" means a class or type of vehicle with certain operating characteristics.

Section 383.7

§ 383.7 Waiver provisions.

(a) Any person subject to a requirement of this part may petition the Administrator for a waiver of compliance by a class of persons or a class of commercial motor vehicles with such requirement.

(b) Each petition for a waiver under this section shall be made in writing, preferably in triplicate, and shall:

(1) Include the name and complete address of petitioner;

(2) Identify the requirement the petitioner wants waived and any information in support of the request;

(3) Identify the class of persons or class of commercial motor vehicle for which the waiver is sought.

(4) Identify the type of operation addressed in the petition.

(5) Indicate what benefit would be derived from the issuance of a waiver.

(6) Indicate why the petition, if granted, would not diminish the safe operation of commercial motor vehicles.

(7) Include any other pertinent material the Administrator may require.

(c) If the Administrator determines that the petition is without merit, the Administrator may deny the petition. Notice of the denial, with the reasons therefor, will be provided to the petitioner in writing.

(d) If the Administrator determines that the petition may have merit, notice of the petition will be published in the Federal Register, and interested persons will be afforded an opportunity to comment thereon. After such notice and opportunity for comment, the Administrator may grant or deny the petition. Notice of the disposition of the petition, with the reasons therefor, will be published in the Federal Register.

**Subpart B:
Single License Requirement**

Section 383.21

§ 383.21 Number of drivers' licenses.

(a) No person who operates a commercial motor vehicle shall at any time have more than one driver's license.

(b) Exception:

(1) During the 10-day period beginning on the date such person is issued a driver's license, a person may hold more than one driver's license.

(2) A person may have more than one driver's license if a State law enacted before June 1, 1986, required the person to have more than one driver's license. After December 31, 1989, this exception shall not apply.

Section 383.23

§ 383.23 Commercial driver's license.

(a) General rule.

(1) Effective April 1, 1992, no person shall operate a commercial motor vehicle unless such person has taken and passed written and driving tests which meet the Federal standards contained in Subparts F, G, and H of this part for the commercial motor vehicle that person operates or expects to operate.

(2) Effective April 1, 1992, except as provided in paragraph (b) of this section, no person shall operate a commercial motor vehicle unless such person possesses a CDL which meets the standards contained in Subpart J of this part, issued by his/her State or jurisdiction of domicile.

(b) Exception.[1] If a commercial motor vehicle operator is domiciled in a foreign jurisdiction which, as determined by the Administrator, does not test drivers and issue a CDL in accordance with, or similar to, the standards contained in Subparts F, G, and H of this part, the person shall obtain a Nonresident CDL from a State which does comply with the testing and licensing standards contained in such Subparts F, G, and H.

[1] Footnote included in regulatory text:

Effective December 29, 1988, the Administrator determined that commercial drivers' licenses issued by Canadian Provinces and Territories in conformity with the Canadian National Safety Code are in accordance with the standards of this Part. Therefore, under the single license provision of § 383.21, a driver holding a commercial driver's license issued under the Canadian National Safety Code is prohibited from obtaining a Nonresident CDL, or any other type of driver's license, from a State or other jurisdiction in the United States.

(c) Learner's permit. State learner's permits, issued for limited time periods according to State requirements, shall be considered valid commercial drivers' licenses for purposes of behind-the-wheel training on public roads or highways, if the following minimum conditions are met:

(1) The learner's permit holder is at all times accompanied by the holder of a valid CDL; and

(2) He/she either holds a valid automobile driver's license, or has passed such vision, sign/symbol, and knowledge tests as the State issuing the learner's permit ordinarily administers to applicants for automobile drivers' licenses.

**Subpart C:
Notification Requirements
and Employer Responsibilities**

Section 383.31

§ 383.31 Notification of convictions for driver violations.

(a) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation) in a State or jurisdiction other than the one which issued his/her license, shall notify an official designated by the State or jurisdiction which issued such license, of such conviction. The notification must be made within 30 days after the date that the person has been convicted.

(b) Each person who operates a commercial motor vehicle, who has a commercial driver's license issued by a State or jurisdiction, and who is convicted of violating, in any type of motor vehicle, a State or local law relating to motor vehicle traffic control (other than a parking violation), shall notify his/her current employer of such conviction. The notification must be made within 30 days after the date that the person has been convicted. If the driver is not currently employed, he/she must notify the State or jurisdiction which issued the license according to §383.31(a).

(c) Notification. The notification to the State official and employer must be made in writing and contain the following information:

- (1) Driver's full name;
- (2) Driver's license number;
- (3) Date of conviction;
- (4) The specific criminal or other offense(s), serious traffic violation(s), and other violation(s) of State or local law relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, or cancellation of certain driving privileges which resulted from such conviction(s);
- (5) Indication whether the violation was in a commercial motor vehicle;

- (6) Location of offense; and
 - (7) Driver's signature.
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Section 383.33

§ 383.33 Notification of driver's license suspensions.

Each employee who has a driver's license suspended, revoked, or canceled by a State or jurisdiction, who loses the right to operate a commercial motor vehicle in a State or jurisdiction for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify his/her current employer of such suspension, revocation, cancellation, lost privilege, or disqualification. The notification must be made before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

Section 383.35

§ 383.35 Notification of previous employment.

(a) Any person applying for employment as an operator of a commercial motor vehicle shall provide at the time of application for employment, the information specified in paragraph (c) of this section.

(b) All employers shall request the information specified in paragraph (c) of this section from all persons applying for employment as a commercial motor vehicle operator. The request shall be made at the time of application for employment.

(c) The following employment history information for the 10 years preceding the date the application is submitted shall be presented to the prospective employer by the applicant:

- (1) A list of the names and addresses of the applicant's previous employers for which the applicant was an operator of a commercial motor vehicle;
- (2) The dates the applicant was employed by these employers; and
- (3) The reason for leaving such employment.

(d) The applicant shall certify that all information furnished is true and complete.

(e) An employer may require an applicant to provide additional information.

(f) Before an application is submitted, the employer shall inform the applicant that the information he/she provides in accordance with paragraph (c) of this section may be used, and the applicant's previous employers may be contacted for the purpose of investigating the applicant's work history.

Section 383.37

§ 383.37 Employer responsibilities.

No employer shall knowingly allow, require, permit, or authorize an employee to operate a commercial motor vehicle in the United States during any period --

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

(b) In which the employee has more than one commercial motor vehicle driver's license, except during the 10-day period beginning on the date such employee is issued a driver's license and except, whenever a State law enacted on or before June 1, 1986, requires such employee to have more than one driver's license. The second exception shall not be effective after December 31, 1989.

**Subpart D:
Driver Disqualifications
and Penalties**

Section 383.51

§ 383.51 Disqualification of drivers.

(a) General. A driver who is disqualified shall not drive a commercial motor vehicle. An employer shall not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a commercial motor vehicle.

(b) Disqualification for driving while under the influence, leaving the scene of an accident, or commission of a felony.

(1) General rule. A driver who is convicted of a disqualifying offense specified in paragraph (b)(2) of this section, is disqualified for the period of time specified in paragraph (b)(3) of this section, if the offense was committed while operating a commercial motor vehicle.

(2) Disqualifying offenses. The following offenses are disqualifying offenses:

(i) Driving a commercial motor vehicle while under the influence of alcohol. This shall include:

(A) Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more; or

(B) Driving under the influence of alcohol, as prescribed by State law;
or

(C) Refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of § 383.51(b)(2)(i)(A) or (B), or § 392.5(a)(2).

(ii) Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including all substances listed in Schedules I through V of 21 CFR Part 1308, as they may be amended from time to time. Schedule I substances are identified in Appendix D of this subchapter and Schedules II through V are identified in Appendix E of this subchapter.

(iii) Leaving the scene of an accident involving a commercial motor vehicle;

(iv) A felony involving the use of a commercial motor vehicle, other than a felony described in paragraph (b)(2)(v) of this section; or

(v) The use of a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance when defined as any substance under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) including all substances listed in Schedules I through V of 21 CFR Part 1308, as they may be amended from time to time. Schedule I substances are identified in Appendix D of this subchapter and Schedules II through V are identified in Appendix E of this subchapter.

(3) Duration of disqualification for driving while under the influence, leaving the scene of an accident, or commission of a felony.

(i) First offenders. A driver who is convicted of an offense described in paragraphs (b)(2)(i) through (b)(2)(iv) of this section, is disqualified for a period of one year provided the vehicle was not transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813).

(ii) First offenders transporting hazardous materials. A driver who is convicted of an offense described in paragraphs (b)(2)(i) through (b)(2)(iv) of this section, is disqualified for a period of three years if the vehicle was transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813).

(iii) First offenders of controlled substance felonies. A driver who is convicted of an offense described in paragraph (b)(2)(v) of this section, is disqualified for life.

(iv) Subsequent Offenders. A driver who is convicted of an offense described in paragraphs (b)(2)(i) through (b)(2)(iv) of this section, is disqualified for life if the driver had been convicted once before in a separate incident of any offense described in paragraphs (b)(2)(i) through (b)(2)(iv) of this section.

(v) Any driver disqualified for life under § 383.51 (b)(3)(iv) of this paragraph, who has both voluntarily enrolled in and successfully completed, an appropriate rehabilitation program which meets the standards of his/her State's driver licensing agency, may apply to the licensing agency for reinstatement of his/her commercial driver's license. Such applicants shall not be eligible for reinstatement from the State unless and until such time as he/she has first served a minimum disqualification period of 10 years and has fully met the licensing State's standards for reinstatement of commercial motor vehicle driving privileges. Should a reinstated driver be subsequently convicted of another disqualifying offense, as specified in paragraphs (b)(2)(i) through (b)(2)(iv) of this section, he/she shall be permanently disqualified for life, and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(c) Disqualification for serious traffic violations.

(1) General rule. A driver who is convicted of serious traffic violations is disqualified for the period of time specified in paragraph (c)(2) of this section, if the offenses were committed while operating a commercial motor vehicle.

(2) Duration of disqualification for serious traffic violations:

(i) Second violation. A driver who, during any 3-year period, is convicted of two serious traffic violations in separate incidents, is disqualified for a period of 60 days.

(ii) Third violation. A driver who, during any 3-year period, is convicted of three serious traffic violations in separate incidents, is disqualified for a period of 90 days.

(d) Substantial compliance by States.

(1) Nothing in this rule shall be construed to require a State to apply its criminal or other sanctions for driving under the influence to a person found to have operated a commercial motor vehicle with an alcohol concentration of 0.04 percent, except licensing sanctions including suspension, revocation, or cancellation.

(2) A State that enacts and enforces through licensing sanctions the disqualifications prescribed in § 383.51(b) at the 0.04 alcohol concentration level and gives full faith and credit to the disqualification of commercial motor vehicle drivers by other States shall be deemed in substantial compliance with section 12009(a)(3) of the Commercial Motor Vehicle Safety Act of 1986.

Section 383.53

§ 383.53 Penalties.

Any person who violates the rules set forth in Subparts B and C may be subject to civil or criminal penalties as provided for in 49 U.S.C. 521(b), as amended by section 12012 of Pub. L. 99-570.

**Subpart E:
Testing and Licensing
Procedures**

Section 383.71

§ 383.71 Driver Application Procedures.

(a) Initial Commercial Driver's License. Prior to obtaining a CDL, a person must meet the following requirements:

(1) A person who operates or expects to operate in interstate or foreign commerce, or is otherwise subject to Part 391 of this title, shall certify that he/she meets the qualification requirements contained in Part 391 of this title. A person who operates or expects to operate entirely in intrastate commerce and is not subject to Part 391, is subject to State driver qualification requirements and must certify that he/she is not subject to Part 391;

(2) Pass a knowledge test in accordance with the standards contained in Subparts G and H of this part for the type of motor vehicle the person operates or expects to operate;

(3) Pass a driving or skills test in accordance with the standards contained in Subpart G and H of this part taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate; or provide evidence that he/she has successfully passed a driving test administered by an authorized third party;

(4) Certify that the motor vehicle in which the person takes the driving skills test is representative of the type of motor vehicle that person operates or expects to operate;

(5) Provide to the State of issuance the information required to be included on the CDL as specified in Subpart J of this part;

(6) Certify that he/she is not subject to any disqualification, suspension, revocation, or cancellation as contained in §383.51 and that he/she does not have a driver's license from more than one State or jurisdiction.

(7) The applicant shall surrender his/her non-CDL driver's license to the State.

(b) License transfer. When applying to transfer a CDL from one State of domicile to a new State of domicile, an applicant shall apply for a CDL from the new State of domicile within no more than 30 days after establishing his/her new domicile. The applicant shall:

(1) Provide to the new State of domicile the certifications contained in § 383.71(a) (1) and (6);

(2) Provide to the new State of domicile updated information as specified in Subpart J of this part;

(3) If the applicant wishes to retain a hazardous materials endorsement, comply with State requirements as specified in §383.73(b)(4); and

(4) Surrender the CDL from the old State of domicile to the new State of domicile.

(c) License renewal. When applying for a renewal of a CDL, all applicants shall:

(1) Provide certification contained in § 383.71(a)(1);

(2) Provide updated information as specified in Subpart J of this part;
and

(3) If a person wishes to retain a hazardous materials endorsement, pass the test for such endorsement as specified in §383.121.

(d) License upgrades. When applying to operate a commercial motor vehicle in a different group or endorsement from the group or endorsement in which the applicant already has a CDL, all persons shall:

(1) Provide the necessary certifications as specified in §383.71(a)(1) and (4); and

(2) Pass all tests specified in § 383.71(a)(2) and (3) for the new vehicle group and/or different endorsements.

(e) Nonresident CDL. When an applicant is domiciled in a foreign jurisdiction, as defined in Section 383.5, where the commercial motor vehicle operator testing and licensing standards do not meet the standards contained in Subparts G and H of this part, as determined by the Administrator, such applicant shall obtain a Nonresident CDL from a State which meets such standards. Such applicant shall:

(1) Complete the requirements to obtain a CDL contained in § 383.71(a);
and

(2) After receipt of the CDL, and for as long as it is valid, notify the State which issued the CDL of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his/her driving privileges. Such adverse actions would include but not be limited to license suspension or revocation, or disqualification from operating a commercial

motor vehicle for the convictions described in § 383.51. Notifications shall be made within the time periods specified in § 383.33.

(f) If a State uses the alternative method described in Section 383.73(i) to achieve the objectives of the certifications in Section 383.71(a), then the driver applicant shall satisfy such alternative methods as are applicable to him/her with respect to initial licensing, license transfer, license renewal, and license upgrades.

Section 383.72

§ 383.72 Implied consent to alcohol testing.

Any person who holds a CDL shall be deemed to have consented to such testing as is required of him/her by any State or jurisdiction in the enforcement of § 383.51(b)(2)(i) and § 392.5(a)(2). Consent is implied by driving a commercial motor vehicle.

Section 383.73

§ 383.73 State procedures.

(a) Initial licensure. Prior to issuing a CDL to a person, a State shall:

(1) Require the driver applicant to certify, pass tests, and provide information as described in § 383.71(a)(1) through (6);

(2) Check that the vehicle in which the applicant takes his/her test is representative of the vehicle group the applicant has certified that he/she operates or expects to operate;

(3) Initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualification, suspensions, revocations, or cancellations as contained in § 383.51 and that the person does not have a driver's license from more than one State. The record check shall include but not be limited to the following:

(i) A check of the applicant's driving record as maintained by his/her current State of licensure, if any;

(ii) A check with the CDLIS to determine whether the driver applicant already has a CDL, whether the applicant's license has been suspended, revoked, or canceled, or if the applicant has been disqualified from operating a commercial motor vehicle; and

(iii) A check with the National Driver Register (NDR), when it is determined to be operational by the National Highway Traffic Safety Administrator, to determine whether the driver applicant has:

(A) Been disqualified from operating a motor vehicle (other than a commercial motor vehicle);

(B) Had a license (other than CDL) suspended, revoked, or canceled for cause in the 3-year period ending on the date of application; or

(C) Been convicted of any offenses contained in Section 205(a)(3) of the National Drivers Register Act of 1982 (23 U.S.C. 401 note); and

(4) Require the driver applicant, if he/she has moved from another State, to surrender his/her driver's license issued by another State.

(b) License transfers. Prior to issuing a CDL to a person who has a CDL from another State, a State shall:

(1) Require the driver applicant to make the certifications contained in § 383.71(a);

(2) Complete a check of the driver applicant's record as contained in § 383.73 (a)(3);

(3) Request and receive updates of information specified in Subpart J of this part;

(4) If such applicant wishes to retain a hazardous materials endorsement, ensure that the driver has, within the 2 years preceding the transfer, either:

(i) Passed the test for such endorsement specified in § 383.121; or

(ii) Successfully completed a hazardous materials test or training that is given by a third party and that is deemed by the State to substantially cover the same knowledge base as that described in § 383.121; and

(5) Obtain the CDL issued by the applicant's previous State of domicile.

(c) License Renewals. Prior to renewing any CDL a State shall:

(1) Require the driver applicant to make the certifications contained in § 383.71(a);

(2) Complete a check of the driver applicant's record as contained in § 383.73(a)(3);

(3) Request and receive updates of information specified in Subpart J of this part; and

(4) If such applicant wishes to retain a hazardous materials endorsement, require the driver to pass the test for such endorsement specified in § 383.121.

(d) License upgrades. Prior to issuing an upgrade of a CDL, a State shall:

(1) Require such driver applicant to provide certifications and pass tests as described in § 383.71(d); and

(2) Complete a check of the driver applicant's record as described in § 383.73(a)(3).

(e) Nonresident CDL. A State may issue a Nonresident CDL to a person domiciled in a foreign country if the Administrator has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction of domicile do not meet the standards contained in this Part. State procedures for the issuance of a nonresident CDL, for any modifications thereto, and for notifications to the CDLIS shall at a minimum be identical to those pertaining to any other CDL, with the following exceptions:

(1) If the applicant is requesting a transfer of his/her Nonresident CDL, the State shall obtain the Nonresident CDL currently held by the applicant and issued by another State;

(2) The State shall add the word "Nonresident" to the face of the CDL, in accordance with § 383.153(b); and

(3) The State shall have established, prior to issuing any Nonresident CDL, the practical capability of disqualifying the holder of any Nonresident CDL, by withdrawing, suspending, canceling, and revoking his/her Nonresident CDL as if the Nonresident CDL were a CDL issued to a resident of the State.

(f) License issuance. After the State has completed the procedures described in § 383.73(a), (b), (c), (d) or (e), it may issue a CDL to the driver applicant. The State shall notify the operator of the CDLIS of such issuance, transfer, renewal, or upgrade within the 10-day period beginning on the date of license issuance.

(g) Penalties for false information. If a State determines, in its check of an applicant's license status and record prior to issuing a CDL, or at any time after the CDL is issued, that the applicant has falsified information contained in Subpart J of this part or any of the certifications required in § 383.71(a), the State shall at a minimum suspend, cancel, or revoke the person's CDL or his/her pending application, or disqualify the person from operating a commercial motor vehicle for a period of at least 60 consecutive days.

(h) Reciprocity. A State shall allow any person who has a valid CDL which is not suspended, revoked, or canceled, and who is not disqualified from operating a commercial motor vehicle, to operate a commercial motor vehicle in the State.

(i) Alternative procedures. A State may implement alternative procedures to the certification requirements of paragraphs 383.71(a)(1), (4), and (6), provided those procedures ensure that the driver meets the requirements of those paragraphs.

Section 383.75

§ 383.75 Third party testing.

(a) Third party tests. A State may authorize a person (including another State, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of a local government) to administer the skills tests as specified in Subparts G and H of this part, if the following conditions are met:

(1) The tests given by the third party are the same as those which would otherwise be given by the State; and

(2) The third party has an agreement with the State containing, at a minimum, provisions that:

(i) Allow the FHWA, or its representative, and the State to conduct random examinations, inspections and audits without prior notice;

(ii) Require the State to conduct on-site inspections at least annually;

(iii) Require that all third party examiners meet the same qualification and training standards as State examiners, to the extent necessary to conduct skills tests in compliance with Subparts G and H;

(iv) Require that, at least on an annual basis, State employees take the tests actually administered by the third party as if the State employee were a test applicant, or that States test a sample of drivers who were examined by the third party to compare pass/fail results; and

(v) Reserve unto the State the right to take prompt and appropriate remedial action against the third-party testers in the event that the third-party fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the third-party contract.

(b) Proof of testing by a third party. A driver applicant who takes and passes driving tests administered by an authorized third party shall provide evidence to the State licensing agency that he/she has successfully passed the driving tests administered by the third party.

Section 383.77

§ 383.77 Substitute for driving skills tests.

At the discretion of a State, the driving skill test as specified in § 383.113 may be waived for a CMV operator who is currently licensed at the time of his/her application for a CDL, and substituted with either an applicant's driving record and previous passage of an acceptable skills test, or an applicant's driving record in combination with certain driving experience. The State shall impose conditions and limitations to restrict the applicants from whom a State may accept alternative requirements for the skills test described in § 383.113. Such conditions must require at least the following:

(a) An applicant must certify that, during the two-year period immediately prior to applying for a CDL, he/she:

(1) Has not had more than one license (except in the instances specified in Section 383.21(b));

(2) Has not had any license suspended, revoked, or canceled;

(3) Has not had any convictions for any type of motor vehicle for the disqualification offenses contained in § 383.51; and

(4) Has not had any violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident, and has no record of an accident in which he/she was at fault; and

(b) An applicant must provide evidence and certify that:

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

(2) He/she has previously taken and passed a skills test given by a State with a classified licensing and testing system, and that the test was behind-the-wheel in a representative vehicle for that applicant's driver's license classification; or

(3) He/she has operated, for at least 2 years immediately preceding application for a CDL, a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

**Subpart F:
Vehicle Groups
and Endorsements**

Section 383.91

§ 383.91 Commercial motor vehicle groups.

(a) Vehicle group descriptions. Each driver applicant must possess and be tested on his/her knowledge and skills, described in Subpart G of this part, for the commercial motor vehicle group(s) for which he/she desires a CDL. The commercial motor vehicle groups are as follows:

(1) Combination vehicle (Group A) -- Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

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

(3) Small Vehicle (Group C) -- Any single vehicle, or combination of vehicles, that meets neither the definition of Group A nor that of Group B as contained in this section, but that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

(b) Representative vehicle. For purposes of taking the driving test in accordance with § 383.113, a representative vehicle for a given vehicle group contained in § 383.91(a), is any commercial motor vehicle which meets the definition of that vehicle group.

(c) Relation between vehicle groups. Each driver applicant who desires to operate in a different commercial motor vehicle group from the one which his/her CDL authorizes shall be required to retake and pass all related tests, except the following:

(1) A driver who has passed the knowledge and skills tests for a combination vehicle (Group A) may operate a heavy straight vehicle (Group B) or a small vehicle (Group C), provided that he/she possesses the requisite endorsement(s); and

(2) A driver who has passed the knowledge and skills tests for a heavy straight vehicle (Group B) may operate any small vehicle (Group C), provided that he/she possesses the requisite endorsement(s).

(d) Vehicle group illustration. Figure 1 [see next page] illustrates typical vehicles within each of the vehicle groups defined in this section.

Section 383.93

§ 383.93 Endorsements.

(a) General. In addition to taking and passing the knowledge and skills tests described in Subpart G of this part, all persons who operate or expect to operate the type(s) of motor vehicles described in paragraph (b) of this section shall take and pass specialized tests to obtain each endorsement. The State shall issue CDL endorsements only to drivers who successfully complete the tests.

(b) Endorsement descriptions. An operator must obtain State-issued endorsements to his/her CDL to operate commercial motor vehicles which are:

- (1) Double/triple trailers;
- (2) Passenger vehicles;
- (3) Tank vehicles; or
- (4) Required to be placarded for hazardous materials.

(c) Endorsement testing requirements. The following tests are required for the endorsements contained in paragraph (b) of this section:

- (1) Double/Triple Trailers - a knowledge test;
- (2) Passenger - a knowledge and a skills test;
- (3) Tank vehicle - a knowledge test; and
- (4) Hazardous Materials - a knowledge test.

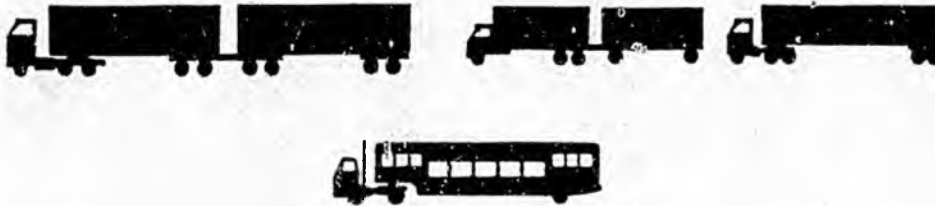
**Figure 1
VEHICLE GROUPS AS ESTABLISHED BY FHWA (SECTION 383.91)**

[Note: Certain types of vehicles, such as passenger and doubles/triples, will require an endorsement. Please consult text for particulars.]

Group: *Description:

A Any combination of vehicles with a GCWR of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. (Holders of a Group A license may, with any appropriate endorsements, operate all vehicles within Groups B and C.)

Examples include but are not limited to:



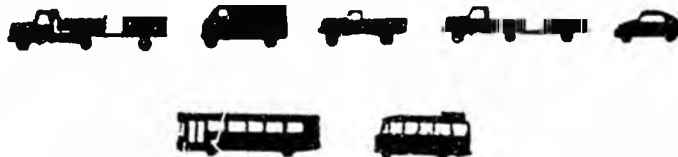
B Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Group B license may, with any appropriate endorsements, operate all vehicles within Group C.)

Examples include but are not limited to:



C Any single vehicle, or combination of vehicles, that does not meet the definition of Group A or Group B as contained herein, but that either is designed to transport 16 or more passengers including the driver, or is placarded for hazardous materials.

Examples include but are not limited to:



* The representative vehicle for the skills test must meet the written description for that group. The silhouettes typify, but do not fully cover, the types of vehicles falling within each group.

Section 383.95

§ 383.95 Air brake restriction.

(a) If an applicant either fails the air brake component of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, the State shall indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with air brakes.

(b) For the purposes of the skills test and the restriction, air brakes shall include any braking system operating fully or partially on the air brake principle.

**Subpart G:
Required Knowledge
and Skills**

Section 393.110

§ 393.110 General requirement.

All drivers of commercial motor vehicles shall have knowledge and skills necessary to operate a commercial motor vehicle safely as contained in this Subpart. A sample of the specific types of items which a State may wish to include in the knowledge and skills tests that it administers to CDL applicants is included in the Appendix to this Subpart G.

Section 383.111

§ 383.111 Required knowledge.

All commercial motor vehicle operators must have knowledge of the following general areas:

(a) Safe operations regulations. Driver-related elements of the regulations contained in 49 CFR Parts 391, 392, 393, 395, 396, and 397, such as: motor vehicle inspection, repair, and maintenance requirements; procedures for safe vehicle operations; the effects of fatigue, poor vision, hearing, and general health upon safe commercial motor vehicle operation; the types of motor vehicles and cargoes subject to the requirements; and the effects of alcohol and drug use upon safe commercial motor vehicle operations.

(b) Commercial motor vehicle safety control systems. Proper use of the motor vehicle's safety system, including lights, horns, side and rear-view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, motor vehicle operation characteristics, and diagnosing malfunctions. Commercial motor vehicle drivers shall have knowledge on the correct procedures needed to use these safety systems in an emergency situation, e.g., skids and loss of brakes.

(c) Safe vehicle control.

(1) Control systems -- The purpose and function of the controls and instruments commonly found on commercial motor vehicles.

(2) Basic control -- The proper procedures for performing various basic maneuvers.

(3) Shifting -- The basic shifting rules and terms, as well as shift patterns and procedures for common transmissions.

(4) Backing -- The procedures and rules for various backing maneuvers.

(5) Visual search -- The importance of proper visual search, and proper visual search methods.

(6) Communication -- The principles and procedures for proper communications and the hazards of failure to signal properly.

(7) Speed Management -- The importance of understanding the effects of speed.

(8) Space management -- The procedures and techniques for controlling the space around the vehicle.

(9) Night operation -- Preparations and procedures for night driving.

(10) Extreme driving conditions -- The basic information on operating in extreme driving conditions and the hazards that are encountered in extreme conditions.

(11) Hazard perceptions -- The basic information on hazard perception and clues for recognition of hazards.

(12) Emergency maneuvers -- The basic information concerning when and how to make emergency maneuvers.

(13) Skid control and recovery -- The information on the causes and major types of skids, as well as the procedures for recovering from skids.

(d) Relationship of cargo to vehicle control. The principles and procedures for the proper handling of cargo.

(e) Vehicle inspections: The objectives and proper procedures for performing vehicle safety inspections, as follows:

(1) The importance of periodic inspection and repair to vehicle safety.

(2) The effect of undiscovered malfunctions upon safety.

(3) What safety-related parts to look for when inspecting vehicles.

(4) Pre-trip/enroute/post-trip inspection procedures.

(5) Reporting findings.

(f) Hazardous materials knowledge, such as: what constitutes hazardous material requiring an endorsement to transport; classes of hazardous materials; labeling/placarding requirements; and the need for specialized training as a prerequisite to receiving the endorsement and transporting hazardous cargoes.

(g) Air Brake knowledge as follows:

(1) Air brake system nomenclature;

(2) The dangers of contaminated air supply;

(3) Implications of severed or disconnected air lines between the power unit and the trailer(s);

(4) Implications of low air pressure readings;

(5) Procedures to conduct safe and accurate pre-trip inspections.

(6) Procedures for conducting enroute and post-trip inspections of air actuated brake systems, including ability to detect defects which may cause the system to fail.

(h) Operators for the combination vehicle group shall also have knowledge of:

(1) Coupling and uncoupling -- The procedures for proper coupling and uncoupling a tractor to semi-trailer.

(2) Vehicle inspection -- The objectives and proper procedures that are unique for performing vehicle safety inspections on combination vehicles.

Section 383.1,

§ 383.113 Required skills.

(a) Basic vehicle control skills. All applicants for a CDL must possess and demonstrate basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills should include the ability to start, to stop, and to move the vehicle forward and backward in a safe manner.

(b) Safe driving skills. All applicants for a CDL must possess and demonstrate the safe driving skills for their vehicle group. These skills should include proper visual search methods, appropriate use of signals, speed

control for weather and traffic conditions, and ability to position the motor vehicle correctly when changing lanes or turning.

(c) Air brake skills. Except as provided in § 393.95, all applicants shall demonstrate the following skills with respect to inspection and operation of air brakes:

(1) Pre-trip inspection skills. Applicants shall demonstrate the skills necessary to conduct a pre-trip inspection which includes the ability to:

(i) Locate and verbally identify air brake operating controls and monitoring devices;

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

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

(iv) Ascertain, with the engine running, that the system maintains an adequate supply of compressed air;

(v) Determine that required minimum air pressure build up time is within acceptable limits and that required alarms and emergency devices automatically deactivate at the proper pressure level; and

(vi) Operationally check the brake system for proper performance.

(2) Driving skills. Applicants shall successfully complete the skills tests contained in § 383.113 in a representative vehicle equipped with air brakes.

(d) Test area. Skills tests shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

(e) Simulation technology. A State may utilize simulators to perform skills testing, but under no circumstances as a substitute for the required testing in on-street conditions.

Section 383.115

§ 383.115 Requirements for double/triple trailers endorsement.

In order to obtain a Double/Triple Trailers endorsement each applicant must have knowledge covering:

(a) Procedures for assembly and hookup of the units;

(b) Proper placement of heaviest trailer;

(c) Handling and stability characteristics including offtracking, response to steering, sensory feedback, braking, oscillatory sway, rollover in steady turns, yaw stability in steady turns; and

(d) Potential problems in traffic operations, including problems the motor vehicle creates for other motorists due to slower speeds on steep grades, longer passing times, possibility for blocking entry of other motor vehicles on freeways, splash and spray impacts, aerodynamic buffeting, view blockages, and lateral placement.

Section 383.117

§ 383.117 Requirements for passenger endorsement.

An applicant for the passenger endorsement must satisfy both of the following additional knowledge and skills test requirements:

(a) Knowledge test. All applicants for the passenger endorsement must have knowledge covering at least the following topics:

- (1) Proper procedures for loading/unloading passengers;
- (2) Proper use of emergency exits, including push-out windows;
- (3) Proper responses to such emergency situations as fires and unruly passengers;
- (4) Proper procedures at railroad crossings and drawbridges; and
- (5) Proper braking procedures.

(b) Skills test. To obtain a passenger endorsement applicable to a specific vehicle group, an applicant must take his/her skills test in a passenger vehicle satisfying the requirements of that group as defined in Section 383.91.

Section 383.119

§ 383.119 Requirements for tank vehicle endorsement.

In order to obtain a Tank Vehicle Endorsement, each applicant must have knowledge covering the following:

- (a) Causes, prevention, and effects of cargo surge on motor vehicle handling;
- (b) Proper braking procedures for the motor vehicle when it is empty, full and partially full;
- (c) Differences in handling of baffled/compartmental tank interiors versus non-baffled motor vehicles;
- (d) Differences in tank vehicle type and construction;
- (e) Differences in cargo surge for liquids of varying product densities;
- (f) Effects of road grade and curvature on motor vehicle handling with filled, half-filled and empty tanks;
- (g) Proper use of emergency systems; and
- (h) For drivers of DOT specification tank vehicles, retest and marking requirements.

Section 383.121

§ 383.121 Requirements for hazardous materials endorsement.

In order to obtain a Hazardous Material Endorsement each applicant must have such knowledge as is required of a driver of a hazardous materials laden vehicle, from information contained in 49 CFR Parts 171, 172, 173, 177, 178, and 397 on the following:

- (a) Hazardous materials regulations including:
 - (1) Hazardous materials table;
 - (2) Shipping paper requirements;

- (3) Marking;
- (4) Labeling;
- (5) Placarding requirements;
- (6) Hazardous materials packaging;
- (7) Hazardous materials definitions and preparation;
- (8) Other regulated material (e.g., ORM-D);
- (9) Reporting hazardous materials accidents; and
- (10) Tunnels and railroad crossings.
- (b) Hazardous materials handling including:
 - (1) Forbidden Materials and Packages;
 - (2) Loading and Unloading Materials;
 - (3) Cargo Segregation;
 - (4) Passenger Carrying Buses and Hazardous Materials;
 - (5) Attendance of Motor Vehicles;
 - (6) Parking;
 - (7) Routes;
 - (8) Cargo Tanks; and
 - (9) "Safe Havens."
- (c) Operation of emergency equipment including:
 - (1) Use of equipment to protect the public;
 - (2) Special precautions for equipment to be used in fires;
 - (3) Special precautions for use of emergency equipment when loading or unloading a hazardous materials laden motor vehicle; and
 - (4) Use of emergency equipment for tank vehicles.
- (d) Emergency response procedures including:
 - (1) Special care and precautions for different types of accidents;
 - (2) Special precautions for driving near a fire and carrying hazardous materials, and smoking and carrying hazardous materials;

(3) Emergency procedures; and

(4) Existence of special requirements for transporting Class A and B explosives.

[The Appendix to Subpart G: Required Knowledge and Skills -- Sample Guidelines appears under "other items" at the back of this edition.]

**Subpart H:
Tests**

Section 383.131

§ 383.131 Test procedures.

(a) Driver information manuals. Information on how to obtain a CDL and endorsements shall be included in manuals and made available by States to CDL applicants. All information provided to the applicant shall include the following:

(1) Information on the requirements described in § 383.71, the implied consent to alcohol testing described in § 383.72, the procedures and penalties, contained in § 383.51(b), to which a CDL holder is exposed for refusal to comply with such alcohol testing, State procedures described in § 383.73, and other appropriate driver information contained in Subpart E of this part;

(2) Information on vehicle groups and endorsements as specified in Subpart F of this part;

(3) The substance of the knowledge and skills which drivers shall have as outlined in Subpart G of this part for the different vehicle groups and endorsements;

(4) Details of testing procedures, including the purpose of the tests, how to respond, any time limits for taking the test, and any other special procedures determined by the State of issuance; and

(5) Directions for taking the tests.

(b) Examiner procedures. A State shall provide to test examiners details on testing and any other State-imposed requirements in the examiner's manual, and shall ensure that examiners are qualified to administer tests on the basis of training and/or other experience. States shall provide standardized scoring sheets for the skills tests, as well as standardized driving instructions for the applicants. Such examiners' manuals shall contain the following:

(1) Information on driver application procedures contained in § 383.71, State procedures described in § 383.73, and other appropriate driver information contained in Subpart E of this part;

(2) Details on information which must be given to the applicant;

- (3) Details on how to conduct the tests;
 - (4) Scoring procedures and minimum passing scores;
 - (5) Information for selecting driving test routes;
 - (6) List of the skills to be tested;
 - (7) Instructions on where and how the skills will be tested;
 - (8) How performance of the skills will be scored; and
 - (9) Causes for automatic failure of skills tests.
-

Section 383.133

§ 383.133 Testing methods.

(a) All tests shall be constructed in such a way as to determine if the applicant possesses the required knowledge and skills contained in Subpart G of this part for the type of motor vehicle or endorsement the applicant wishes to obtain.

(b) States shall develop their own specifications for the tests for each vehicle group and endorsement which must be at least as stringent as the Federal standards.

(c) States shall determine specific methods for scoring the knowledge and skills tests.

(d) Passing scores must meet those standards contained in § 383.135.

(e) Knowledge and skills tests shall be based solely on the information contained in the driver manuals referred to in § 383.131(a).

(f) Each knowledge test shall be valid and reliable so as to assure that driver applicants possess the knowledge required under Section 383.111.

(g) Each basic knowledge test, i.e., the test covering the areas referred to in § 383.111 for the applicable vehicle group, shall contain at least 30 items, exclusive of the number of items testing air brake knowledge. Each endorsement knowledge test, and the air brake component of the basic knowledge test as described in § 383.111(g), shall contain a number of questions that is sufficient to test the driver applicant's knowledge of the required subject matter with validity and reliability.

(h) The skills tests shall have administrative procedures, designed to achieve interexaminer reliability, that are sufficient to ensure fairness of pass/fail rates.

Section 383.135

§ 383.135 Minimum passing scores.

(a) The driver applicant must correctly answer at least 80 percent of the questions on each knowledge test in order to achieve a passing score on such knowledge test.

(b) To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all of the skills listed in Section 383.113.

(c) If the driver applicant does not obey traffic laws, or causes an accident during the test, he/she shall automatically fail the test.

(d) The scoring of the basic knowledge and skills tests shall be adjusted as follows to allow for the air brake restriction (Section 383.95):

(1) If the applicant scores less than 80 percent on the air brake component of the basic knowledge test as described in § 383.111(g), the driver will have failed the air brake component and, if the driver is issued a CDL, an air brake restriction shall be indicated on the license; and

(2) If the applicant performs the skills test in a vehicle not equipped with air brakes, the driver will have omitted the air brake component as described in § 383.113(c) and, if the driver is issued a CDL, the air brake restriction shall be indicated on the license.

["Subpart I" is reserved.]

**Subpart J:
CDL Document**

Section 383.151

§ 383.151 General.

The CDL shall be a document that is easy to recognize as a CDL. At a minimum, the document shall contain information specified in § 383.153.

Section 383.153

§ 383.153 Information on the document and application.

(a) All CDLs shall contain the following information:

(1) The prominent statement that the license is a "Commercial Driver's License" or "CDL," except as specified in Section 383.153(b).

(2) The full name, signature, and mailing address of the person to whom such license is issued;

(3) Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, and height;

(4) Color photograph of the driver;

(5) The driver's State license number;

(6) The name of the State which issued the license;

(7) The date of issuance and the date of expiration of the license;

(8) The group or groups of commercial motor vehicle(s) that the driver is authorized to operate, indicated as follows:

(i) A for Combination Vehicle;

(ii) B for Heavy Straight Vehicle; and

(iii) C for Small Vehicle.

(9) The endorsement(s) for which the driver has qualified, if any, indicated as follows:

(i) T for double/triple trailers;

(ii) P for passenger;

(iii) N for tank vehicle;

(iv) H for hazardous materials;

(v) X for a combination of the tank vehicle and hazardous materials endorsements; and

(vi) At the discretion of the State, additional codes for additional groupings of endorsements, as long as each such discretionary code is fully explained on the front or back of the CDL document.

(b) If the CDL is a Nonresident CDL, it shall contain the prominent statement that the license is a "Nonresident Commercial Driver's License" or "Nonresident CDL." The word "Nonresident" must be conspicuously and unmistakably displayed, but may be noncontiguous with the words "Commercial Driver's License" or "CDL."

(c) If the State has issued the applicant an air brake restriction as specified in Section 383.95, that restriction must be indicated on the license.

(d) Except in the case of a Nonresident CDL:

(1) A driver applicant must provide his/her Social Security Number on the application for a CDL; and

(2) The State must provide the Social Security Number to the CDLIS.

Section 383.155

§ 383.155 Tamperproofing requirements.

States shall make the CDL tamperproof to the maximum extent practicable. At a minimum, a State shall use the same tamperproof method used for noncommercial drivers' licenses.

OTHER ITEMS

Appendix to Subpart G

APPENDIX TO SUBPART G - REQUIRED KNOWLEDGE AND SKILLS - SAMPLE GUIDELINES

The following is a sample of the specific types of items which a State may wish to include in the knowledge and skills tests that it administers to CDL applicants. This appendix closely follows the framework of Sections 383.111 and 383.113. It is intended to provide more specific guidance and suggestion to States. Additional detail in this Appendix is not binding and States may depart from it at their discretion provided their CDL program tests for the general areas of knowledge and skill specified in Sections 383.111 and 383.113.

Examples of specific knowledge elements.

(a) **Safe operations regulations.** Driver-related elements of the following regulations:

(1) Motor vehicle inspection, repair, and maintenance requirements as contained in Parts 393 and 396 of this title;

(2) Procedures for safe vehicle operations as contained in Part 392 of this title;

(3) The effects of fatigue, poor vision, hearing, and general health upon safe commercial motor vehicle operation as contained in Parts 391, 392, and 395 of this title;

(4) The types of motor vehicles and cargoes subject to the requirements contained in Part 397 of this title; and

(5) The effects of alcohol and drug use upon safe commercial motor vehicle operations as contained in Parts 391 and 395 of this title.

(b) **Commercial motor vehicle safety control systems.** Proper use of the motor vehicle's safety system, including lights, horns, side and rear-view mirrors, proper mirror adjustments, fire extinguishers, symptoms of improper operation revealed through instruments, motor vehicle operation characteristics, and diagnosing malfunctions. Commercial motor vehicle drivers shall have knowledge on the correct procedures needed to use these safety systems in an emergency situation, e.g., skids and loss of brakes.

(c) Safe vehicle control.

(1) Control systems -- The purpose and function of the controls and instruments commonly found on commercial motor vehicles.

(2) Basic control -- The proper procedures for performing various basic maneuvers, including:

(i) Starting, warming up, and shutting down the engine;

(ii) Putting the vehicle in motion and stopping;

(iii) Backing in a straight line; and

(iv) Turning the vehicle, e.g., basic rules, off-tracking, right/left turns and right curves.

(3) Shifting -- The basic shifting rules and terms, as well as shift patterns and procedures for common transmissions, including:

(i) Key elements of shifting, e.g., controls, when to shift and double clutching;

(ii) Shift patterns and procedures; and

(iii) Consequences of improper shifting.

(4) Backing -- The procedures and rules for various backing maneuvers, including:

(i) Backing principles and rules; and

(ii) Basic backing maneuvers, e.g., straight-line backing, and backing on a curved path.

(5) Visual search -- The importance of proper visual search, and proper visual search methods, including:

(i) Seeing ahead and to the sides;

(ii) Use of mirrors; and

(iii) Seeing to the rear.

(6) Communication -- The principles and procedures for proper communications and the hazards of failure to signal properly, including:

(i) Signaling intent, e.g., signaling when changing speed or direction in traffic;

(ii) Communicating presence, e.g., using horn or lights to signal presence; and

(iii) Misuse of communications.

(7) Speed Management -- The importance of understanding the effects of speed, including:

- (i) Speed and stopping distance;
- (ii) Speed and surface conditions;
- (iii) Speed and the shape of the road;
- (iv) Speed and visibility; and
- (v) Speed and traffic flow.

(8) Space management -- The procedures and techniques for controlling the space around the vehicle, including:

- (i) The importance of space management;
- (ii) Space cushions, e.g., controlling space ahead/to the rear;
- (iii) Space to the sides; and
- (iv) Space for traffic gaps.

(9) Night operation -- Preparations and procedures for night driving, including:

(i) Night driving factors, e.g., driver factors, (vision, glare, fatigue, inexperience), roadway factors, (low illumination, variation in illumination, familiarity with roads, other road users, especially drivers exhibiting erratic or improper driving), vehicle factors (headlights, auxiliary lights, turn signals, windshields and mirrors); and

(ii) Night driving procedures, e.g., preparing to drive at night and driving at night.

(10) Extreme driving conditions -- The basic information on operating in extreme driving conditions and the hazards that are encountered in extreme conditions, including:

- (i) Adverse weather;
- (ii) Hot weather; and
- (iii) Mountain driving.

(11) Hazard perceptions -- The basic information on hazard perception and clues for recognition of hazards, including:

- (i) Importance of hazards recognition;
- (ii) Road characteristics; and

(iii) Road user activities.

(12) Emergency maneuvers -- The basic information concerning when and how to make emergency maneuvers, including:

(i) Evasive steering;

(ii) Emergency stop;

(iii) Off-road recovery;

(iv) Brake failure; and

(v) Blowouts.

(13) Skid control and recovery -- The information on the causes and major types of skids, as well as the procedures for recovering from skids.

(d) Relationship of cargo to vehicle control. The principles and procedures for the proper handling of cargo, including:

(1) The importance of proper cargo handling, e.g., consequences of improperly secured cargo, drivers' responsibilities, Federal/State and local regulations.

(2) Principles of weight distribution.

(3) Principles and methods of cargo securement.

(e) Vehicle inspections: The objectives and proper procedures for performing vehicle safety inspections, as follows:

(1) The importance of periodic inspection and repair to vehicle safety and to prevention of enroute breakdowns.

(2) The effect of undiscovered malfunctions upon safety.

(3) What safety-related parts to look for when inspecting vehicles, e.g., fluid leaks, interference with visibility, bad tires, wheel and rim defects, braking system defects, steering system defects, suspension system defects, exhaust system defects, coupling system defects, and cargo problems.

(4) Pre-trip/enroute/post-trip inspection procedures.

(5) Reporting findings.

(f) Hazardous materials knowledge, as follows:

(1) What constitutes hazardous material requiring an endorsement to transport; and

(2) Classes of hazardous materials, labeling/placarding requirements, and the need for specialized training as a prerequisite to receiving the endorsement and transporting hazardous cargoes.

(g) **Air Brake knowledge as follows:**

- (1) General air brake system nomenclature;
- (2) The dangers of contaminated air (dirt, moisture and oil) supply;
- (3) Implications of severed or disconnected air lines between the power unit and the trailer(s);
- (4) Implications of low air pressure readings;
- (5) Procedures to conduct safe and accurate pre-trip inspections, including knowledge about:
 - (i) Automatic fail-safe devices;
 - (ii) System monitoring devices; and
 - (iii) Low pressure warning alarms.
- (6) Procedures for conducting enroute and post-trip inspections of air actuated brake systems, including ability to detect defects which may cause the system to fail, including:

(i) Tests which indicate the amount of air loss from the braking system within a specified period, with and without the engine running; and

(ii) Tests which indicate the pressure levels at which the low air pressure warning devices and the tractor protection valve should activate.

(h) **Operators for the combination vehicle group shall also have knowledge of:**

(1) Coupling and uncoupling -- The procedures for proper coupling and uncoupling a tractor to semi-trailer.

(2) Vehicle inspection -- The objectives and proper procedures that are unique for performing vehicle safety inspections on combination vehicles.

Examples of specific skills elements. These examples relate to paragraphs (a) and (b) of Section 383.113 only.

(a) **Basic vehicle control skills.** All applicants for a CDL must possess and demonstrate the following basic motor vehicle control skills for each vehicle group which the driver operates or expects to operate. These skills shall include:

- (1) Ability to start, warm-up, and shut down the engine;

(2) Ability to put the motor vehicle in motion and accelerate smoothly, forward and backward;

(3) Ability to bring the motor vehicle to a smooth stop;

(4) Ability to back the motor vehicle in a straight line, and check path and clearance while backing;

(5) Ability to position the motor vehicle to negotiate and then make left and right turns;

(6) Ability to shift as required and select appropriate gear for speed and highway conditions;

(7) Ability to back along a curved path; and

(8) Ability to observe the road and the behavior of other motor vehicles, particularly before changing speed and direction.

(b) **Safe driving skills.** All applicants for a CDL must possess and demonstrate the following safe driving skills for any vehicle group. These skills shall include:

(1) Ability to use proper visual search methods.

(2) Ability to signal appropriately when changing speed or direction in traffic.

(3) Ability to adjust speed to the configuration and condition of the roadway, weather and visibility conditions, traffic conditions, and motor vehicle, cargo and driver conditions;

(4) Ability to choose a safe gap for changing lanes, passing other vehicles, as well as for crossing or entering traffic;

(5) Ability to position the motor vehicle correctly before and during a turn to prevent other vehicles from passing on the wrong side as well as to prevent problems caused by off-tracking;

(6) Ability to maintain a safe following distance depending on the condition of the road, on visibility, and on vehicle weight; and

(7) Ability to adjust operation of the motor vehicle to prevailing weather conditions including speed selection, braking, direction changes and following distance to maintain control.

49 CFR 392.5: Intoxicating Beverage

[Excerpt from preamble to FEWA's final rule on Blood Alcohol Concentration Level for Commercial Motor Vehicle Drivers (53 FR 39048):

The responses of five States [to the NPRM on blood alcohol] exhibited some uncertainty over the applicability of [Section] 392.5 to CDL holders who are not in interstate commerce and who are thus not covered by the FMCSRs in Parts 390 through 397. By virtue of the Act (at Sections 12009(a)(21) and 12008(d)(1)), the FHWA believes that State application of Section 392.5 to all CDL holders is one of the 21 requirements with which States must comply to avoid a withholding of Federal-aid highway funds. The FHWA will, therefore, expect the States to enact legislation adapting Section 392.5 to apply to all CDL holders in addition to any other drivers subject to the FMCSRs.]

§ 392.5 Intoxicating beverage.

(a) No person shall --

(1) Consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 4 hours before going on duty or operating, or having physical control of, a motor vehicle; or

(2) Consume an intoxicating beverage regardless of its alcohol content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating, or in physical control of a motor vehicle; or

(3) Be on duty or operate a motor vehicle while the driver possesses an intoxicating beverage regardless of its alcoholic content. However, this paragraph does not apply to possession of an intoxicating beverage which is manifested and transported as part of a shipment.

(b) No motor carrier shall require or permit a driver to --

(1) Violate any provision of paragraph (a) of this section; or

(2) Be on duty or operate a motor vehicle if, by the driver's general appearance or conduct or by other substantiating evidence, the driver appears to have consumed an intoxicating beverage within the preceding 4 hours.

(c) Any driver who is found to be in violation of the provisions of paragraph (a) or (b) of this section shall be placed out-of-service immediately for a period of 24 hours.

(1) The 24-hour out-of-service period will commence upon issuance of an out-of-service order.

(2) No driver shall violate the terms of an out-of-service order issued under this section.

(d) Any driver who is issued an out-of-service order under this section shall:

(1) Report such issuance to his/her employer within 24 hours; and

(2) Report such issuance to a State official, designated by the State which issued his/her driver's license, within 30 days unless the driver chooses to request a review of the order. In this case, the driver shall report the order to the State official within 30 days of an affirmation of the order by either the Regional Director of Motor Carrier Safety for the Region or the Associate Administrator.

(e) Any driver who is subject to an out-of-service order under this section may petition for review of that order by submitting a petition for review in writing within 10 days of the issuance of the order to the Regional Director of Motor Carrier Safety for the Region in which the order was issued. The Regional Director may affirm or reverse the order. Any driver adversely affected by such order of the Regional Director may petition the Associate Administrator for review in accordance with 49 CFR 386.13.

CDL Waivers Granted

Following is a listing of waivers granted to classes of drivers under the provisions of 49 CFR Section 383.7, together with relevant language from the waiver notices.

| <u>Class of Drivers</u> | <u>Date and Cite of Waiver</u> | <u>Terms of Waiver</u> |
|---|--|--|
| Farmers | 9/26/88 53 FR 37313 | States may elect to waive "those operators of a farm vehicle which is: -- Controlled and operated by a farmer; -- Used to transport either agricultural products, farm machinery, farm supplies or both to or from a farm; -- Not used in the operations of a common or contract carrier; and -- Used within 150 miles of the person's farm. |
| Firefighters and operators of emergency equipment | 9/26/88 53 FR 37313 | States may elect to waive "drivers who operate emergency or fire equipment which is necessary to the preservation of life or property or the execution of emergency governmental functions . . . Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included." |
| Active duty military | 9/26/88 53 FR 37313 | A Federal waiver is granted for "military vehicles when operated by military personnel for military purposes . . . This waiver applies to any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice)." |

(Listing continues on following page.)

| <u>Class of Drivers</u> | <u>Date and Cite of Waiver</u> | <u>Terms of Waiver</u> |
|-----------------------------------|--|--|
| Isolated sections of Alaska | 8/14/89 54 FR 33230 | Waiver covers CMV operators in the State of Alaska "who operate exclusively over roads that meet <u>both</u> of the following criteria: (1) Such roads are not connected by land highway or vehicular way to the land- connected State highway system; and (2) Such roads are not connected to any highway or vehicular way with an average daily traffic volume greater than 499. With respect to drivers satisfying the above criteria, the FHWA [granted] Alaska a waiver from the following specific portions of 49 CFR Part 383: (1) The specifications in Subpart H for knowledge test procedures and methods; (2) All requirements for driving skills tests; and (3) The requirement for a photograph on the commercial driver's license (CDL) in Section 383.153(a)(4). CDLs issued pursuant to this waiver must restrict the driver from operating a CMV over roads other than those specified above, and must also carry a restriction so that the license is not valid for use in CMVs outside the State of Alaska. |

**Portions of CMVSA
not yet addressed
In regulations**

The following topics under the Commercial Motor Vehicle Safety Act of 1986 are not yet addressed in the regulations pertaining to the CDL program:

| <u>Act section</u> | <u>Act language</u> |
|--------------------|---|
| § 12009(a)(8) | <p>Notification of disqualifications. -- Within 10 days after disqualification of the holder of a CDL from operating a CMV (or after suspension, revocation, or cancellation of such license) for a period of 60 days or more, the State shall notify --</p> <p style="margin-left: 40px;">(A) the Secretary or the operator of the information system under section 12007, as the case may be, and</p> <p style="margin-left: 40px;">(B) the State which issued the license,</p> <p>of such disqualification, suspension, revocation, or cancellation.</p> |
| § 12009(a)(9) | <p>Notification of traffic violations. -- Within 10 days after a person who operates a CMV, who has a driver's license issued by any other State, and who violates a State or local law relating to motor vehicle traffic control (other than a parking violation) in the State, shall notify a State official designated by the State which issued such license of such violation, within 10 days after the date such person is found to have committed such violation. <i>[Note: the syntax of this provision is deficient in the published version of the law.]</i></p> |
| § 12009(a)(13) | <p>Penalty approval. -- The State shall impose such penalties as the State determines appropriate and the Secretary approves for operating a CMV while not having a CDL, while having a driver's license suspended, revoked, or cancelled, or while being disqualified from operating a CMV.</p> |

**List of rules
applied in preparation
of this edition**

| <u>Date</u> | <u>Federal Register Citation</u> | <u>Description</u> |
|-------------|--------------------------------------|---|
| 6/1/87 | 52 FR 20574 | Commercial Driver Licensing Standards; Requirements and Penalties; Final Rule and Request for Comments |
| 7/21/88 | 53 FR 27628 | Commercial Driver Testing and Licensing Standards; Final Rule |
| 9/26/88 | 53 FR 37313 | *Commercial Driver's License Program; Waivers; Final Disposition |
| 10/4/88 | 53 FR 39044 | Blood Alcohol Concentration Level for Commercial Motor Vehicle Drivers; Final Rule |
| 5/23/89 | 54 FR 22285 | Commercial Driver Testing and Licensing Standards; Canadian Provinces and Territories [Final rule; technical amendment] |
| 8/14/89 | 54 FR 33230 | *Commercial Driver's License Program; Limited Waiver for State of Alaska |
| 10/3/89 | 54 FR 40782 | Commercial Driver's License Standards; Disqualifications; Final Rule |
| 11/20/89 | 54 FR 47983 | Commercial Driver Testing and Licensing Standards; Corrected Description of Vehicle Group "C" |

*Asterisked items do not contribute to regulatory text, but are reflected in the summary of waivers granted.

Diana Kelso

2-8-89

List of exemptions requested
- Approved } what criteria?
- Denied }

Cops of Calif. law

Status of legislation in other states

722.36

*Mari Sam
Barkdoll*

*SB
137*

STATUS REPORT
COMMERCIAL DRIVER LICENSE PROGRAM

*who prepared?
USDOT?*

December 2, 1988

from 12/2/88 status report

Subject: Status of Commercial Driver License Program

MAJOR POINTS:

1. The Federal Highway Administration has met or exceeded the rulemakings schedule required to date by the CMVSA.
2. These requirements are:
 - ° issued the final rule on front brakes on January 25, 1987, two days before the due date;
 - ° published the final rule on the Blood Alcohol Concentration (BAC) level on October 4, 1988 to be effective on October 27, 1988.
 - ° published the final rule implementing the single license (Section 12002), notification (Section 12003), employer (Section 12004), driver disqualification (Section 12008(a)), and penalty (Section 12012) provisions of the Act; the rule was published June 1, 1987, and became effective July 1 of that year;
 - ° on July 20, 1987, 3 months before the required due date, published the final rule implementing the out-of-service provision (Section 12008(d)) regarding violations of the prohibition on the use of alcohol; and
 - ° on July 15, 1988, exactly on schedule, issued the final rule establishing minimum standards which States must adopt and implement for driver testing and license document standards.
3. In addition to the CMVSA's rulemaking activities, FHWA is on schedule with all other areas of the Act. These include:
 - ° obligated basic grants to all 50 States and DC;
 - ° obligated supplemental grants on a variety of national CDL projects, including public information programs, development of State driver manuals and tests, and development of the CDL Information System.
 - ° The State of New York has the lead to develop the CDL Information System; a contract has been given to EDS Corp. to develop the CDLIS. The States of California and Nebraska have the lead to develop the telecommunication system which will connect the states to the information system. A contract for this system was awarded to IBM in late August.
 - ° FHWA continues to work with and monitor State activity in preparation to their implementation of the testing/licensing process.

Statutory Deadlines

The Commercial Motor Vehicle Safety Act of 1986 specified the following deadlines:

| <u>Deadline</u> | <u>Requirement</u> | <u>Status</u> |
|-----------------|---|---|
| July 1, 1987 | Single license Requirement | Final rule published June 1, 1987 |
| Oct 27, 1987 | NAS Study on BAC Standard | Final report released by NAS on November 4, 1987. Recommends 0.04 percent BAC (or greater) for enforcing "driving under the influence of alcohol" sanctions in the Act. |
| July 15, 1988 | Minimum Testing standards | Final Rule issued July 15, 1988, and published in the <u>Federal Register</u> July 21, 1988. |
| July 15, 1988 | License document specifications | |
| Oct 27, 1988 | BAC Standard 0.10% vs 0.04% | FHWA published NPRM May 10 in the <u>Federal Register</u> . We published a final rule on October 4, 1988 which became effective October 27, 1988. |
| Jan 1, 1989 | Establish clearinghouse | FHWA is working with the States to establish the clearinghouse and the telecommunications network (AAMVAnet) which States could use to electronically transmit licensing records and other information. We have committed over \$10 million of Federal grant funds for these efforts. We expect that the clearinghouse will be operating by the deadline. |
| April 1, 1992 | All drivers must pass test | This requirement is included in the Final Rule for the testing and licensing standards. |
| October 1, 1993 | States to substantially comply or face loss for highway funds | FHWA is working with States to help them implement CDL programs which meet the requirements listed in Section 12009 of the Act. |

SUBJECT: Commercial Driver's License Program (CDL) - Grants to States

BACKGROUND: The Commercial Motor Vehicle Safety Act of 1986 earmarks a portion of the MCSAP authorization for 3 types of CDL Program grants to the States:

(1) Basic Grants - \$5 million (FY 1987 - 1991)

States may use the grants to develop and administer their program for testing and licensing commercial operators. If a State receives a grant, it must be at least \$100,000 dollars (although we do not have to provide grants to all eligible States).

**(2) Supplemental Grants - \$3 million (FY 1987 & 1988) earmarked from NHTSA 402 funds
\$3 million (FY 1989 & 1991) earmarked from MCSAP funds (FY 1989 - 1991)**

The Supplemental Grants are discretionary for the first few years; in FY 1990, they must be distributed on a formula basis. States may use the Supplemental Grants to develop their testing and licensing program (FY 1987 - 1989) and to test operators of commercial motor vehicles (after FY 1989).

(3) Clearinghouse Grants - \$5 million (FY 1989 - 1991) earmarked from MCSAP funds

The grants will be made to States that agree to participate in the CDL Program established by the 1986 Act and the national clearinghouse. States may use the grants for developing their program, for testing operators of commercial motor vehicles, and for complying with the Act's requirements.

NOTE: The Basic and Supplemental Grants for FY 1988 will be at their authorized level; i.e., no reduction due to Budget Reconciliation.

However, there will be a reduction in the \$2 million available to the Secretary in FY 1988 for development of the clearinghouse. The net amount will likely be approximately \$1.8 million.

STATUS: The Office of Highway Planning has lead responsibility for administering the grants in cooperation with motor carrier staff.

o **Basic Grants:** We awarded Basic Grants to all 50 States and the District of Columbia during FY 1987. As of early September 1988, we have awarded grants to 32 States for FY 1988.

The States are using the grants to carry out an array of activities:

- studies of the number of drivers to be tested,
- studies of other resources needed to conduct tests,
- studies of existing State laws needed to comply with the minimum Federal standards, and
- pilot applications of testing practices.

o Supplemental Grants: We are using the Supplemental Grants to fund projects that will benefit all States nationwide. AAMVA has formed Steering Committees of State officials to oversee each project. The top priorities are:

- development of driver testing program:
Nebraska is the lead State and has awarded a contract to Essex Corporation to develop testing materials.
\$1.6 million committed from Supplemental Grant program.
- development of the clearinghouse (CDLIS - Commercial Driver's License Information System):
New York is the lead State and has contracted with EDS to develop and initially operate the clearinghouse.
\$7.4 million committed from the Supplemental Grant program and the funds available to the Secretary for development of the clearinghouse (\$2 million FY 1987-89)
- development of AAMVAnet telecommunications network which States could use to electronically transmit licensing records and other information:
Nebraska is the lead State and has contracted with IBM to implement AAMVAnet.
\$3.6 million committed from the Supplemental Grants -- approximately \$1 million for earlier developmental work and \$2.6 million for current IBM effort.
- other Supplemental Grant projects include materials for a national public information program and multiple license checks thru NLETS.

o Clearinghouse Grants: FHWA is developing guidelines for distribution and use of the Clearinghouse Grants for FY 1989.

FUTURE PLANS:

Beginning FY 1990, FHWA must allocate Supplemental Grants by formula. FHWA is developing guidelines for distribution and use of the Supplemental Grants in FY 1990 through FY 1991. //

Table 1: MCSAP and CDL Funding
(millions of dollars)

| | 1987 | 1988 | 1989 | 1990 | 1991 |
|--|----------|----------|-----------|-----------|-----------|
| MCSAP | \$50 | \$50 | \$60 | \$60 | \$60 |
| $\frac{1}{2}$ percent to FHWA | 0.25 | 0.25 | 0.3 | 0.3 | 0.3 |
| <u>CDL Grants to States</u> | <u>5</u> | <u>5</u> | <u>13</u> | <u>13</u> | <u>13</u> |
| net MCSAP funds available | \$44.75 | \$44.75 | \$46.7 | \$46.7 | \$46.7 |
| CDL Program | | | | | |
| ---State Grants--- | | | | | |
| S.12005(c) Basic Grants/1 | 5 | 5 | 5 | 5 | 5 |
| S.12005(d) Supplemental Grants/2 | 3 | 3 | 3 | 3 | 3 |
| S.12010 Clearinghouse Grants/1 | - | - | 5 | 5 | 5 |
| ---DOT Activities--- | | | | | |
| Funding for clearinghouse (CDLIS)/3 | 2 | 2 | 2 | - | - |

/1 Earmarked from MCSAP funds.

/2 Earmarked from NHTSA 402 funds for FY 1987 and 1988; earmarked from MCSAP for FY 1989 - 1991.

/3 Earmarked from NHTSA 402 funds.

Table 2: Eligibility, Distribution, and Availability of CDL Program Grants to the States

| | Basic Grants | Supplemental Grants | Clearinghouse Grants |
|---------------------|---|---|--|
| Eligibility | <p>**FY 1987 - 1989**</p> <ol style="list-style-type: none"> 1. agree w/ SecDOT to <u>develop</u> testing & licensing program 2. enforce 0.10% BAC for DUI, and 3. maintain State and local funding for licensing activities <p>**Beginning FY 1990**</p> <ol style="list-style-type: none"> 1. agree w/ SecDOT to <u>adopt</u> and <u>administer</u> program, 2. enforce 0.10% BAC for DUI (or DOT standard), 3. maintain State and local funding for licensing activities, and 4. require CMV operators to pass written and road tests | <ol style="list-style-type: none"> 1. States qualified for Basic Grants, | <ol style="list-style-type: none"> 1. agree w/ SecDOT to participate in CDL Program, 2. participate in the CDL program (clearinghouse), and 3. comply with CDL Program requirements (S.12009) |
| Eligible Activities | <p>**FY 1987 - 1989**</p> <p><u>develop</u> testing & licensing program</p> <p>*Beginning FY 1990*</p> <p><u>testing</u> operators of commercial motor vehicles</p> | <p>**FY 1987 - 1989**</p> <p><u>develop</u> testing & licensing program</p> <p>*Beginning FY 1990*</p> <p><u>testing</u> operators of commercial motor vehicles</p> | <p><u>issuing</u> CDL's</p> <p>complying with CDL Program requirements (S.12009)</p> |
| Distribution | <p>\$100k minimum; if in excess, ensure equitable treatment</p> | <p>*Beginning FY 1991*</p> <p>on basis of no. of tests administered and no. of licenses issued (in the previous FY)</p> | <p>\$100k minimum; if in excess, ensure equitable treatment</p> |
| Availability | <p>obligate during FY available; otherwise SecDOT may use for other requirements of the 1986 Act.</p> | <p>same</p> | <p>same</p> |

SUBJECT: COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

P.L. 99-570, TITLE XII: 12007(b) & (c) (Establish Clearinghouse and Telecommunications Network)

BACKGROUND:

- ° The Secretary of Transportation is required to establish the Commercial Driver License Information System (CDLIS) by January 1, 1989.
- ° The CDLIS will serve as a clearinghouse and depository of licensing identification information for commercial vehicle drivers.
- ° The CDLIS will prevent drivers from obtaining multiple licenses, and facilitate tracking of convictions, suspensions, revocations, disqualifications, etc.

*one aspect
of CMVSA*

STATUS:

- ° Progress continues to be very rapid toward implementation of the CDLIS system. Programming of the CDLIS central site software is well underway. Detailed design specifications for the state and central site interfaces have been completed and programming is beginning on the first interface for the IBM compatible CICS environment.
- ° The CDLIS Technical committee completed agreement on the data elements and format of the CDLIS Driver History Record and is distributing it to all states. That completes initial specification of CDLIS message standards which will provide a way for States to transmit driver license information among one another.
- ° Nebraska awarded the AAMVAnet implementation contract to IBM on Friday August 25, 1988. A coordination meeting was held between IBM and EDS the week of August 28, 1988, and both vendors worked together well. Telecommunication lines have been ordered for sites needing immediate connectivity to the AAMVAnet. Milestones were tentatively agreed to that include commencement of implementation testing by November 1.
- ° A detailed financial plan was approved showing projected use of grant funds and user fees for the entire period through March of 1992 for both AAMVAnet and CDLIS. Nebraska will be handling income and re-billing for AAMVAnet services such as access to CDLIS and other applications.
- ° AAMVA is making rapid progress in augmenting their staff to include a full time person to lead implementation of the AAMVAnet and CDLIS coordination to meet the March 1992 deadline for full implementation of the CDL and CDLIS.

Subject: Waivers for Farmers from Commercial Driver's License Requirements

Background:

- o The CMVSA defines a commercial motor vehicle subject to the Act as any vehicle: 1) with a gross vehicle weight rating of 26,001 pounds or more, 2) designed to transport more than 15 passengers, including the driver, or 3) transporting placarded hazardous materials. The definition is very broad and includes fire fighting equipment, farm vehicles, the military, and other groups not previously subject to Federal licensing standards.
- o Congress anticipated that certain classes of drivers or vehicles would not need to be covered by the provisions of the Act, even though they fall within the broad definitions originally established in the law. To exempt drivers and vehicles from the implementing regulations, the Act included a waiver provision in Section 12013.
- o According to this provision, the Secretary may grant exemptions to the licensing, testing, or other requirements after a formal notice and comment period, if the exemptions are in the public interest and would not diminish the safe operation of commercial motor vehicles.
- o The Federal Highway Administration (FHWA) has received more than 500 requests from farmers, firefighters, and other groups asking for exemptions from the Act.

Status:

- o The DOT is very concerned about motor vehicle safety and strongly supports the objectives of the 1986 Act. However, we also want to take a reasonable, common-sense approach in implementing this important piece of legislation. Accordingly, the FHWA on April 14, 1988 published a notice in the Federal Register requesting comments from interested parties on the request for waivers for farmers, firefighters, military drivers, transit operators, and drivers of railroad and public utility motor vehicles.
- o More than 2000 comments were received. Those comments have undergone staff review and a waiver notice of final disposition for the CDL program was published on September 26, 1988, in the Federal Register.
- o The waiver notice affords States the option of exempting farmers and firefighters from the CDL regulations. Military drivers are granted a blanket waiver. On the other hand, the waiver petitions covering transit, railway, and public utility drivers are denied.

From USDOT
12-2-88
Status Report

Subject: Truck Driver Training/Testing Simulators

Background:

- Under the Commercial Motor Vehicle Safety Act (Act) a commercial motor vehicle is any vehicle 1) with a gross vehicle weight rating of 26,001 pounds or more, 2) designed to transport more than 15 passengers, including the driver, or 3) transporting placarded amounts of hazardous materials. Commerce is defined so as to include not only interstate and foreign commerce but intrastate commerce also.
- An estimated 5.5 million persons are subject to the commercial license testing standards as a result of the Act.
- The Act requires that all persons who operate or expect to operate a commercial motor vehicle must be tested for and receive a commercial driver license by April 1, 1992.
- This testing/licensing requirement will be a challenging task for State agencies responsible for this activity in view of the number of drivers covered and the 1992 deadline. While the CDL testing and licensing final rule provides for third-party testing and for "grandfathering" from skills exams as important options for reducing the testing burden, States may wish to explore other means to facilitate the testing process.
- Testing in certain types of vehicles such as cargo tanks and double or triple trailer combinations can be difficult and dangerous for both testing personnel and driver applicants.

STATUS:

- The use of driver training/testing simulators has been proposed as a partial substitute for behind-the-wheel testing.
- Simulator manufacturers have said that state of the art machines can be used by the States in the testing process and even complex simulations such as product movement or surge can be duplicated.
- It is possible that the use of simulators by the States could increase their testing/licensing capability, in terms of both applicant throughput and range of conditions to be tested.
- The American Trucking Associations and the Federal Highway Administration jointly sponsored a meeting to explore the use of simulator technology for better training/testing of truck drivers. This meeting was a one-day forum held in Washington D.C. on May 26, 1988.
- This meeting was attended by simulator manufacturers, trucking company officials, insurance executives, truck manufacturers, truck driving school personnel and others.
- ATA is a strong supporter of this activity. FHWA and ATA continue to explore the possibility of using simulators in the training/licensing of commercial drivers.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to commercial vehicle driver licensing
Sponsor: Rules
Requestor: Governor

Agency Affected: Public Safety
BRU: Division of Motor Vehicles
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

This specific piece of legislation has a zero fiscal impact. It's main purpose is to reword current law to bring Alaska into compliance with the Federal Commercial Motor Vehicle Safety Act (CMVSA) of 1986. The CMVSA of 1986 mandates all states to have a driver licensing system which includes written and road tests for the size commercial vehicle being operated, or face loss of 10% of federal highway funding.

Prepared by: Bill Brown
Division: Motor Vehicles

Phone: 465-4335
Date: 11/08/88

Approved by Commissioner: *B.A.H.* Arthur English
Agency: Department of Public Safety

Date: 11/08/88

CONTINUATION OF FISCAL NOTE ANALYSIS
(Act Relating to Commercial Driver Licensing)
Page 2 of 2

The Federal Government is providing each state with a limited number of \$100,000.00 annual grants for planning and implementation of a Commercial Driver License (CDL) Program. We are still in the planning process to determine how we can best comply with the federal mandate. With passage of this piece of legislation, and some regulation changes, current plans are to commence issuing new classes of driver licenses to commercial vehicle operators by January 1, 1991. The federal law requires all such operators to be licensed by April 1, 1992.

It is anticipated that administration of the CDL program will entail some additional operating expenses. These costs have not been determined to date. The department will include such costs as an increment in the FY91 operating budget.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 23, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Kelly:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to commercial vehicle driver licensing.

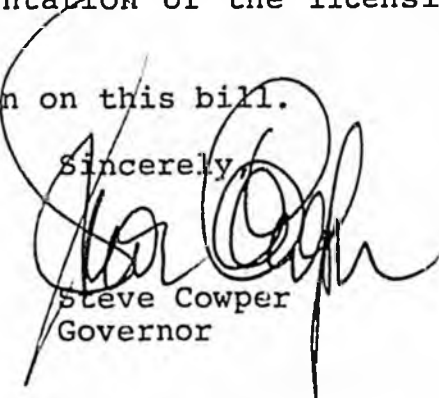
This bill is intended to bring Alaska into compliance with the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 2701 -- 2716), which conditions future federal highway funding upon adoption of a commercial vehicle driver licensing program that is consistent with federal law.

The primary component of this bill is a definition of "commercial motor vehicle" in sec. 4 of the bill, which adopts federal standards while recognizing the uniqueness of Alaska roadways. The definition continues the tradition of less strict regulation of vehicles on roads not connected to the main state highway system or to heavily-travelled roads. See, e.g., AS 28.10.011 (registration) and AS 28.22.200 (insurance).

By coming into compliance with federal law, the state will maintain its eligibility for continued federal highway funding, and also will become entitled to additional federal money to assist in implementation of the licensing program itself.

I urge your favorable action on this bill.

Sincerely,


Steve Cowper
Governor

COMMERCIAL DRIVER LICENSE PROGRAM

Congress passed the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to achieve some important highway safety objectives through uniform national standards for drivers of commercial vehicles. These federal standards to insure that commercial drivers are properly trained and physically qualified to operate the vehicles they drive were issued by the U. S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), in July 1988. Alaska is one of 19 states that does not now issue a classified commercial driver's license.

By April 1, 1992, every commercial driver will be required to have a state-issued driver's license that meets the minimum federal standards. Drivers will be tested and licensed according to the class of vehicle they will drive. These classes include trucks over 26,000 pounds, vehicles designed to carry at least 15 passengers including the driver, and all vehicles carrying hazardous materials that require placarding under federal regulations.

The FHWA set October 1, 1993, as the deadline for states to comply without penalty with the basic requirements of the Act. After that date, they risk forfeiting five percent of their federal highway funds the first year, and ten percent thereafter. For Alaska, compliance with federal law by this deadline would prevent the State from having to forfeit over \$7 million in federal highway funds that first year. Compliance entitles the State to additional federal dollars to assist in implementation of the licensing program itself.

Eligibility for these dollars requires a state to enter into an agreement with the USDOT to develop a Commercial Driver License (CDL) program. The state also must have in effect and enforce a 0.10 percent Blood Alcohol Concentration (BAC) level for "driving under the influence." Alaska now meets this requirement. For commercial drivers, this BAC level was reduced to 0.04 percent by the U. S. Secretary of Transportation in October 1988. At this time, Alaska law does not meet this new standard. Alaska first applied for and received federal funds to develop a CDL Program in April 1987 and is still operating on that grant. A second-year (FY88) grant to continue the CDL development process also has been applied for and approved. Additional grants will be applied for as needed.

Alaska plans to begin testing drivers of commercial vehicles and issuing a Commercial Driver's License in January 1991. This will provide the State 15 months to license drivers and, thereby, allow the drivers to comply with requirements of the Act by the April 1992 federal target date.

Passage of SB 137 will allow Alaska to complete its planning process in a timely manner. The major component of SB 137 defines "commercial vehicle" by adopting the federal standards while still recognizing the uniqueness of Alaska by continuing its tradition of less strict regulation of vehicles on roads not connected to the main State highway system or to heavily-travelled roads. Passage of SB 137 will enable the State to identify those geographic areas where commercial drivers need to be tested so that plans and actions for licensing them can continue.

Look at federal law/definition. What is minimum requirement? Deadline for adoption?

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 137

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*defined comm
vehicle to suit us!*

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

FEDERAL EXPRESS

USE THIS AIRBILL FOR DOMESTIC SHIPMENTS WITHIN THE CONTINENTAL U.S.A., ALASKA AND HAWAII
USE THE INTERNATIONAL AIRWAYBILL FOR SHIPMENTS TO PUERTO RICO
QUESTIONS? CALL 800-238-5355 TOLL FREE

AIRBILL
PACKAGE
TRACKING NUMBER

4384626116

4384626116

SENDER'S COPY

| | | | |
|---|--|--|--|
| Sender's Federal Express Account Number | | Date 3/5 | |
| From (Your Name) Please Print | | To (Recipient's Name) Please Print Linda Dorn | |
| Company | | Company FVIA | |
| Street Address 170 4th | | Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes) 1816 Preston Drive | |
| City Sunderland | | City Preston | |
| State Ark | | State VA | |
| ZIP Required 72801 | | ZIP Required 22090 | |

| | | | |
|---|--|---|--|
| YOUR BILLING REFERENCE INFORMATION (First 24 characters will appear on invoice.) | | IF HOLD FOR PICK-UP, Print FEDEX Address Here | |
| PAYMENT <input type="checkbox"/> Bill Sender 2 <input checked="" type="checkbox"/> Bill Recipient's FedEx Acct No 3 <input type="checkbox"/> Bill 3rd Party FedEx Acct No 4 <input type="checkbox"/> Bill Credit Card | | Street Address | |
| 5 <input type="checkbox"/> Cash 0700-3121-60 Expiration Date | | City | |
| | | State | |
| | | ZIP Required | |

SENDER'S COPY

SERVICES
(Check only one box)

| | |
|---|---|
| Priority Overnight Service (Delivery by next business morning!) | Standard Overnight Service (Delivery by next business afternoon) |
| 11 <input type="checkbox"/> YOUR PACKAGING 51 <input type="checkbox"/> | 18 <input type="checkbox"/> FEDEX LETTER* 56 <input type="checkbox"/> |
| 12 <input checked="" type="checkbox"/> FEDEX PAK* 52 <input type="checkbox"/> | 13 <input type="checkbox"/> FEDEX BOX 53 <input type="checkbox"/> |
| 14 <input type="checkbox"/> FEDEX TUBE 54 <input type="checkbox"/> | |
| Economy Service (formerly Standard Air) (Delivery by second business day) | Heavyweight Service (For Extra Large or any package over 150 lbs.) |
| 30 <input type="checkbox"/> ECONOMY SERVICE | 70 <input type="checkbox"/> HEAVYWEIGHT** |
| | 80 <input type="checkbox"/> DEFERRED HEAVYWEIGHT** |

* Delivery commitment may be later in some areas.
** Call for delivery schedule.

DELIVERY AND SPECIAL HANDLING

| |
|--|
| 1 <input type="checkbox"/> HOLD FOR PICK-UP (if in Box M) |
| 2 <input checked="" type="checkbox"/> DELIVER WEEKDAY |
| 3 <input type="checkbox"/> DELIVER SATURDAY (Extra charge) |
| 4 <input type="checkbox"/> DANGEROUS GOODS (Extra charge) |
| 5 <input type="checkbox"/> CONSTANT SURVEILLANCE SVC. (CSS) (Extra charge) (Requires Signature Not Applicable) |
| 6 <input type="checkbox"/> DRY ICE Lbs. |
| 7 <input type="checkbox"/> OTHER SPECIAL SERVICE |
| 8 <input type="checkbox"/> |
| 9 <input type="checkbox"/> SATURDAY PICK-UP (Extra charge) |
| 10 <input type="checkbox"/> |
| 11 <input type="checkbox"/> |
| 12 <input type="checkbox"/> HOLIDAY DELIVERY (if observed) (Extra charge) |

| PACKAGES | WEIGHT in Pounds Only | YOUR DECLARED VALUE (See right) | OVER SIZE |
|----------|-----------------------|---------------------------------|-----------|
| 1 | 1 | | |
| 2 | | | |
| Total | Total | Total | |

DIM SHIPMENT (Heavyweight Services Only)

Received At: Regular Stop Station

3 Drop Use 4 BSC 5 Station

FedEx Est. No. 3120 Date: 3/5

SERVICE CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY

Use of this airbill constitutes your agreement to the service conditions in our current Service Guide, available upon request. See back of sender's copy of this airbill for information.

We will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, and document your actual loss for a timely claim. Maximum amount limitations found in the current Federal Express Service Guide apply. Your right to recover from Federal Express for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the declared value printed to the left. Recovery cannot exceed actual documented loss.

In the event of untimely delivery, Federal Express will at your request and with some limitations, refund all transportation charges paid. See Service Guide for further information.

Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom.

5 Release Signature

Federal Express Use:

Base Charges

Declared Value Charge

Other 1

Other 2

Total Charges

REVISION DATE 8/89
PART #119501 EXEM 7/83
FORMAT #014

014

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TERMS AND CONDITIONS

DEFINITIONS

On this Airbill, we, our and us refer to Federal Express Corporation, its employees and agents. You and your refer to the sender, its employees and agents.

AGREEMENT TO TERMS

By giving us your package to deliver, you agree to all the terms on this Airbill and in our current Service Guide, which is available on request. If there is a conflict between the current Service Guide and this Airbill, the Service Guide will control. No one is authorized to alter or modify the terms of our Agreement.

RESPONSIBILITY FOR PACKAGING AND COMPLETING AIRBILL

You are responsible for adequately packaging your goods and for properly filling out this Airbill. Omission of the number of packages and weight per package from this Airbill will result in a billing based on our best estimate of the number of packages received from you and an estimated "default" weight per package, as determined and periodically adjusted by us.

AIR TRANSPORTATION TAX INCLUDED

Our basic rate includes a federal tax required by Internal Revenue Code Section 4221 on the air transportation portion of this service.

LIMITATIONS ON OUR LIABILITY AND LIABILITIES NOT ASSUMED

Our liability for loss or damage to your package is limited to your actual damages or \$100, whichever is less, unless you pay for and declare a higher actual value. We do not provide cargo liability insurance, but you may pay an additional charge for each additional \$100 of declared value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your package.

In any event, we will not be liable for any damages, whether direct, incidental, special or consequential in excess of the declared value of a shipment, whether or not Federal Express had knowledge that such damages might be incurred, including, but not limited to, loss of income or profits.

We won't be liable for your acts or omissions, including but not limited to improper or insufficient packing, securing, marking or addressing, or for the acts or omissions of the recipient or anyone else with an interest in the package. Also, we won't be liable if you or the recipient violates any of the terms of our agreement. We won't be liable for loss of or damage to shipments of cash, currency or other prohibited items.

We won't be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, mechanical delays, acts of public enemies, war, strikes and demonstrations, or acts or omissions of public authorities (including customs and quarantine officials) with actual or apparent authority.

DECLARED VALUE LIMITS

The highest declared value we allow for FedEx Letter and FedEx Pak shipments is \$100. For other shipments, the highest declared value we allow is \$25,000 unless your package contains items of "extraordinary value," in which case the highest declared value we allow is \$500. Items of "extraordinary value" include artwork, jewelry, furs, luxury products and fine, negotiable instruments and other items listed in our current Service Guide.

If you send more than one package on this Airbill, you may list the total declared value for all packages, not to exceed the \$100, \$500 or \$25,000 per package limit described above. (Example: 5 packages can have a total declared value of up to \$125,000.)

If more than one package is shipped on this Airbill, our liability for loss or damage will be limited to the actual value of the package(s) lost or damaged (not to exceed the lesser of the total declared value or the per package limits described above). You have the responsibility of proving the actual loss or damage.

FILING A CLAIM

ALL CLAIMS MUST BE MADE BY YOU IN WRITING. You must notify us of your claim within strict time limits. See current Service Guide.

We'll consider your claim filed if you call and notify our Customer Service Department at 800-238-5355 and notify us in writing as soon as possible.

Within 90 days after you notify us of your claim, you must send us all relevant information about it. We are not obligated to act on any claim until you have paid all transportation charges, and you may not deduct the amount of your claim from those charges.

If the recipient accepts your package without noting any damage on the delivery record, we will assume that the package was delivered in good condition. In order for us to process your claim, you must, to the extent possible, make the original shipping cartons and packing available for inspection.

RIGHT TO INSPECT

We may, at our option, open and inspect your packages prior to or after you give them to us to deliver.

NO C.O.D. SERVICES

We don't provide C.O.D. services.

RESPONSIBILITY FOR PAYMENT

Even if you give us different payment instructions, you will always be primarily responsible for all delivery costs, as well as any costs we may incur in either returning your package to you or warehousing it pending disposition.

QUALIFIED ACCEPTANCE

We reserve the right to reject a shipment at any time, when such shipment would be likely to cause damage or delay to other shipments, equipment or personnel, or if the transportation of which is prohibited by law or is in violation of any rules contained in this Airbill or our Service Guide.

MONEY-BACK GUARANTEE

In the event of undelivered delivery, Federal Express, as well as your request and with some limitations, refund or credit all transportation charges. See current Service Guide for further information.

S B

145

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 145

SPONSOR Sturgulewski

BILL TITLE Appropriation to DDA for grant to Alaska
Native Cultural Center Corporation

DATE REFERRED

HEARING SCHEDULED 2-27-89, 3-13-89

FISCAL NOTE PREPARED not needed

SPONSOR CONTACTED Melissa (3818)

INTERESTED PARTIES CONTACTED

~~Ashley Reed~~
✓ Ashley Reed (lobbyist)
Roy Huhndorf, CIRI (yes) Paul Morris
Janie Leask, AFN
(yes) Lydia Hays, Alaska Native Center

OTHER

Kay Brown's Tourism Bill has the 500.0
HB 209

Terry Cameron

SENATE COMMITTEE REPORT

FURTHER

FINANCE

2/28/89

DATE TURNED INTO OFFICE 3-13-89

Mr. President:

STATE AFFAIRS

Committee considered SB 145

special appropriation to the Department of Administration for payment as a grant to the Alaska Native Cultural Center Corporation; efd

and recommended

replace with _____ CS SB 145 (ST AFF)) same title
 or adopt _____ CS _____) new title
 attached amendment(s) and technical title change (HB only)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero fiscal impact appropriation no FN
 new updated previous
 same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS
De Adams
Tim Kelly
Rich Kelly (DO PASS)

OTHER RECOMMENDATIONS

Do Pass

Chairman signature and recommendation

Committee Backup attached

SB 145 SPECIAL APPROPRIATION TO D.O.A. FOR A GRANT TO THE
ALASKA NATIVE CULTURAL CENTER CORPORATION

TO TESTIFY

SENATOR STURGULEWSKI, SPONSOR (MELISSA)

CARL MARRS, C.I.R.I.

LYDIA HAYS, AK NATIVE CULTURAL CENTER CORP.

OTHERS (SEE WITNESS LIST)

F.Y.I.

C.I.R.I. SUBMITTED A FINANCIAL PLAN EARLIER THIS WEEK, BUT MARRS
CONSIDERED IT INACCURATE AND ASKED US NOT TO DISTRIBUTE IT
(INDICATED STATE SHARE OF PHASE I FACILITIES AND GROUND
CONSTRUCTION WOULD BE \$2,125,000 -- 25% OF THE TOTAL).

THE \$500,000 IS ALSO IN HB 209, KAY BROWN'S TOURISM PROJECTS
BILL.

COMMITTEE SUBSTITUTE -- STURGULEWSKI SAYS O.K.
DOLLAR FOR DOLLAR MATCH WITH NON-STATE SOURCES
PLANNING, ENGINEERING, ARCHITECTURAL DESIGN, SITE
DEVELOPMENT
PURPOSE IS TO FOSTER PRIVATE DEVELOPMENT

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman

Sen. Al Adams

Sen. Tim Kelly

Sen. Rick Uehling



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

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members

FROM: Senator Pat Pourchot, Chairman

RE: March 13 Committee Meeting

DATE: March 10, 1989

On Monday, March 13 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:

SB 145, An Act making a special appropriation to the Department of Administration for payment as a grant to the Alaska Native Cultural Center Corporation

SB 145 would appropriate \$500,000 to the Alaska Native Cultural Center Corporation for Phase I of the Alaska Native Cultural Center in Anchorage. The bill was heard by the State Affairs Committee meeting jointly with the Special Committee on International Trade and Tourism on February 27.

A draft committee substitute has been prepared. It would require that state funds be matched by funds from non-state sources and that the state funds be spent on planning, design, engineering, and site preparation.

SB 170, An Act relating to state procurement

SB 170 makes a series of amendments to the state procurement code. The code has been in effect since January 1, 1988. During the past year state agencies have identified a number of provisions that they feel need clarification or change to address the practical realities of administering the code. Additional changes recommended by the Alaska Railroad Corporation and the University are attached.

The bill has a zero fiscal note. Any cost savings will be reflected as increased efficiencies in the procurement process.

Alaska Native Culture Center, Inc.

Proposed
for
Anchorage, Alaska

Alaska Native Culture Center, Anchorage

Mission

- * To portray Alaska's diverse Native cultures, including Eskimos, Indians and Aleuts, through educational presentations, displays and experiences so that visitors may participate in authentic historic and contemporary Native traditions.

Alaska Native Culture Center, Anchorage

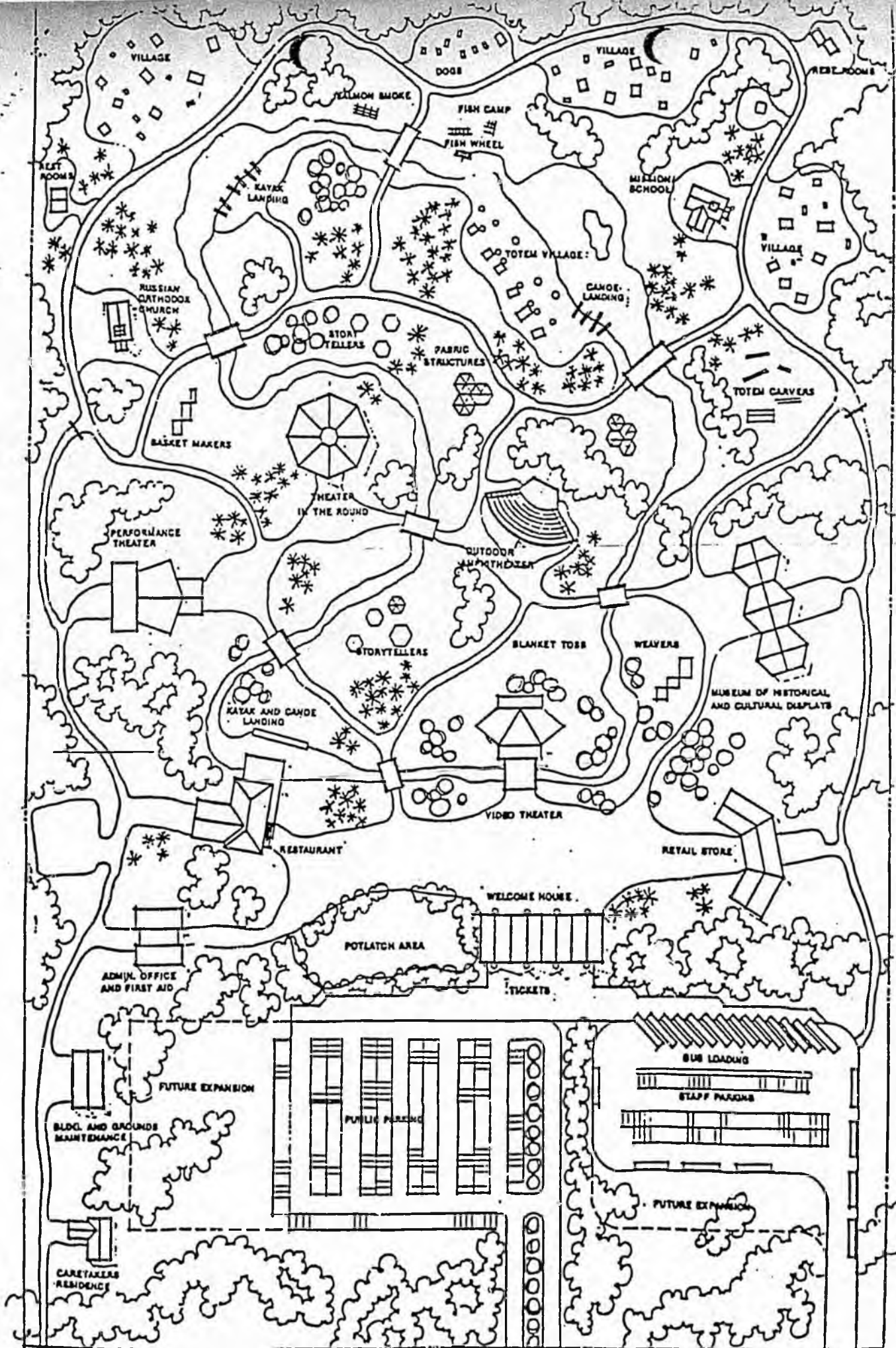
Objectives

- * To present an accurate portrayal of traditional and contemporary Alaska Native cultures for Alaska's visitors and residents
- * To foster Native heritage preservation, promotion and participation
- * To encourage statewide tourism for first-hand visitor experiences
- * To promote Native self-sufficiency through employment and educational opportunities through the center
- * To manage a high quality financially sound enterprise

Alaska Native Culture Center, Anchorage

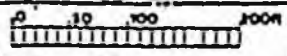
Program

- * Dancing, singing, storytelling, drama, demonstrations presented by Alaska Native musicians, storytellers and artists
- * Visitor participation encouraged through the Athabascan cloth ceremony, blanket toss, kayaking, dancing
- * Museum facilities for cultural material displays
- * Traditional community house for presentations
- * Media visual presentations
- * Guided tours
- * Featured attractions



SOURCE: FINAL REPORT: FEASIBILITY STUDY OF THE ALASKA NATIVE CULTURE CENTER AT ANCHORAGE, ALASKA
 Prepared under contract to The CIRI Foundation by Economics Research Associates, September 1988

Figure V-2



Hardy
 Whinn &
 Associates
 Architects

CONCEPTUAL SITE PLAN - ALASKA NATIVE CULTURE CENTER