

Origin and Development of the Commercial Driver's License Program

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by

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PRIOR TO THE COMMERCIAL DRIVER'S LICENSE PROGRAM

It is widely recognized that driving certain commercial motor vehicles (CMVs) requires special skills and knowledge. Prior to implementation of the Commercial Driver's License (CDL) Program, there was no classified driver licensing system in 18 states and the District of Columbia. Any person licensed to drive an automobile could also legally drive a large truck or bus. Even in the 32 states that had a classified driver licensing system in place with special requirements for different types of vehicles, only 12 of those states required a person take a skills test in a representative vehicle. As a result, many drivers were operating commercial motor vehicles that they may not have been qualified to operate.

Equally serious was the problem of multiple driver's licenses. Even though 35 states were voluntarily participating in the Driver's License Compact, an agreement which requires that an existing or expired license be turned in before a new one is issued, many drivers were able to obtain driver's licenses from more than one State, thereby hiding a bad driving record by spreading convictions among several driving records. Even the worst repeat offenders were able to continue to drive. This situation existed because of the lack of an immediately accessible national information network to quickly check a driver license applicant's driving status and history. At best, there was some communication and sharing of information with adjacent states. Further complicating the situation were requirements by a few states that commercial drivers residing in other states who operated in their state had to also obtain a driver's license in their state regardless of whether they were already licensed in their home state.

While it was clear that this problem had to be overcome, there were wide differences among interested parties as to how this should be achieved.

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

In 1985, Congress proposed a bill to remedy this licensing situation by creating a national commercial driver's license (CDL) that was to be issued by the U.S. Department of Transportation. Many groups, including most states and the Secretary of Transportation, were opposed to this Federal license program. The states felt that the bill, if passed, would take away an existing right to test and issue driver's licenses to all persons residing in their state. The Secretary of Transportation was opposed to the bill because the Department did not have the resources nor the expertise to duplicate a driver testing and licensing system that already existed in each of the 50 states and the District of Columbia. This proposed bill was not passed by Congress.

In January 1986, the U.S. Department of Transportation, the American Association of Motor Vehicle Administrators (AAMVA) and the Highway users Federation for Safety and Mobility sponsored a national forum in Washington, D.C. to bring together the parties with a stake in this issue. All parties at the meeting agreed to support the concept of a single, classified commercial driver's license, based on federal standards, administered by the states, and supported by a national information network.

The culmination of the effort started at the forum in January 1986 was the signing into law of the Commercial Motor Vehicle Safety Act of 1986 on October 27, 1986. The goal of the Act was to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways. The Act retained the States' right to issue a driver's license to their residents, but established minimum national standards which States must meet when testing and licensing CMV drivers and required the establishment of the Commercial Driver's License Information System to serve as a clearinghouse and depository of commercial driver licensing and conviction data. The Act also assigned the Secretary of Transportation the responsibility for establishing the CDL program and monitoring the states compliance with the standards established under the Act.

The Act also corrected the multiple license and representative vehicle testing issues that existed prior to 1986 by making it illegal to hold more than one license (effective on July 1, 1987) and by requiring States to adopt testing and licensing standards for truck and bus drivers to check a person's ability to operate the type of vehicle he/she plans to operate and to assure that the person with a bad driving record is prohibited from operating a CMV.

While the Act does not require drivers to obtain a separate Federal license; it required the states to upgrade their existing testing and licensing programs, if necessary, to conform with the Federal minimum standards.

The Act also set the time frame under which this new CDL program was to be implemented and placed requirements on the CMV driver, the employing motor carrier and the states.

PROGRAM DEVELOPMENT AND IMPLEMENTATION

Due to the amount of work that had to be accomplished in a relatively short time frame, the development and implementation of rulemakings, the knowledge and skills tests and the Commercial Driver's License Information System and the administration of the CDL grant program had to be worked on simultaneously. There was also the need to provide technical assistance to the states in implementing their CDL programs and to educate the industry drivers and motor carriers about the new requirements and deadlines for meeting each requirement.

From the beginning, it was realized that this had to be a cooperative effort of the Federal government, the states and the American Association of Motor Vehicle Administrators (AAMVA). Within the Federal government, the Secretary of Transportation assigned the responsibility for developing and implementing the CDL program to the Federal Highway Administration with assistance from the National Highway Traffic Safety Administration.

Rulemaking

The first major requirement of the Act became effective on July 1, 1987, making it illegal for commercial drivers to hold more than one license, and for employers to allow a driver with multiple licenses to operate a CMV. In addition, this first major CDL rule established disqualification requirements for driving under the influence of alcohol, leaving the scene of an accident, certain felonies, including controlled substance felonies, and serious traffic violations. It also established requirements for a driver to notify his/her home state and employer of

convictions for driving violations and license suspensions and prohibited employers from using a driver whose license is suspended. Drivers were also required to notify prospective employers of any previous employment as a commercial driver over the past 10 years.

The second major requirement of the Act became effective on August 22, 1988, establishing minimum standards for state testing (knowledge and driving skills) and licensing of CMV drivers. This rule also established the various classes of CDL licenses, along with the necessary endorsements and air brake restriction. In addition, it allowed current drivers with driving experience and a good driving record to be waived from taking the skills test. All drivers were required to pass the tests and be licensed by April 1, 1992. A provision was also included to allow states to enter into agreements with third parties to administer the skills tests.

The third major requirement of the Act became effective on October 27, 1988, establishing 0.04 percent as the blood alcohol concentration (BAC) level at or above which a CMV driver would be disqualified, thereby holding a CMV driver to a higher standard than automobile drivers.

The fourth major requirement of the Act became effective on June 17, 1994, establishing the standards a state must meet to be in substantial compliance with all of the requirements of the Commercial Motor Vehicle Safety Act of 1986 and avoid the loss of Federal-aid highway funds. The standards and procedures established in this rulemaking are the basis for conducting state CDL compliance reviews.

Section 4009 of the Motor Carrier Act of 1991 directed the Secretary of Transportation to establish sanctions, penalties and disqualifications relating to violations of out-of-service orders by persons operating CMVs. A final rule making the violation of an out-of-service order a CDL disqualifying offense became effective on June 17, 1994. The rule also imposes monetary penalties on both drivers and their motor carriers for violations of this rule.

Section 403 of the ICC Termination Act of 1995 directed the Secretary of Transportation to require sanctions and penalties for CMV drivers who are convicted of violating laws or regulations pertaining to railroad-highway grade crossings. A final rule making the violation of laws or regulations pertaining to railroad-highway grade crossings a CDL disqualifying offense became effective on October 4, 1999. The rule also imposes monetary penalties on both drivers and their motor carriers for violations of this rule.

Knowledge and Skills Tests

While the FHWA was developing the CDL testing standards, the states in cooperation with the AAMVA decided to pool their efforts and resources in developing the actual contents of the various knowledge and skills tests. A committee of states was formed to direct the project and a contractor was hired to develop and field test the various knowledge and skills tests. The final package of tests were delivered to the states in January 1989. Once the final test package was distributed to the states, they were encouraged to begin testing drivers as soon as possible to avoid having an unmanageable number of drivers needing to be tested later as the April 1, 1992 deadline approached. Since the FHWA had previously reviewed the test package and approved it as meeting the testing standards that became effective on August 22, 1988, all states chose to

use this testing package or sought approval for minor variations rather than develop their own testing package and wait for individual review and approval by the FHWA.

Since many states were interested in hiring third parties to either perform all their skills tests or to at least help them with getting drivers tested before the April 1, 1992 deadline, the AAMVA formed a third party testing subcommittee to develop guidelines and a model agreement to be used by the states. The model agreement was developed to meet the standards and conditions prescribed in the FHWA testing rule.

Commercial Driver's License Information System (CDLIS)

Early in 1987, the FHWA awarded a contract to develop the functional and technical specifications for CDLIS. The AAMVA through its CDLIS Committee that was established in June 1987, worked closely with the FHWA and the contractor on the development of the clearinghouse system requirements.

Prior to the enactment of the Commercial Motor Vehicle Safety Act of 1986, the AAMVA in cooperation with its member states had supported and worked on the development of an initiative to establish a communications network linking the motor vehicle agencies in the U.S. and Canada.

In March 1988, a contract was signed with the State of New York and a contractor to develop and test the CDLIS application required by the Act.

On December 21, 1988, an agreement was signed between the FHWA, AAMVA and AAMVAnet, Inc., the newly created affiliate of AAMVA and designated operator of CDLIS. The AAMVAnet communications network that links all the states and the CDLIS application became operational on January 1, 1989 and the first driver was entered on to the system and issued a CDL on January 3, 1989.

Grant Program

The Commercial Motor Vehicle Safety Act of 1986 provided funding for 4 categories of grants to assist in the implementation of the CDL program. This grant program had a total of \$61 million that was distributed to the states according to the conditions established in the Act and the administrative guidelines developed by the FHWA over the 5-year period of fiscal years 1987 through 1991.

The Basic grants were the primary source of Federal grant funds to the states over the 5-year period to implement their CDL programs. The funds were equally divided among the states over the 5 years at a total of \$25 million.

A second category of grant funds, Clearinghouse grants, were awarded to the States during the last three years of the program, fiscal years 1989 through 1991. The funds were provided to the States that agreed to meet the FHWA minimum standards and to participate in CDLIS. This total of \$15 million had to be used for CDLIS implementation efforts.

A third category of grant funds, Supplemental grants, were distributed on a discretionary basis the first three years of the program, fiscal years 1987 through 1989 to develop national efforts such as the CDL tests and CDLIS. In the last two years fiscal years 1990 through 1991, the funds were distributed on a formula basis based on a state's progress in the previous year testing drivers and issuing CDLs. A total of \$15 million was distributed over the 5 years.

The fourth category of grant funds, Information System grants, were distributed over the first three years of the grant program, fiscal years 1987 through 1989. A total of \$6 million was used to develop CDLIS.

Waivers

The Commercial Motor Vehicle Safety Act of 1986 granted the Secretary of Transportation the authority to waive any class of persons or class of CMV from any provisions of the CDL program and its regulations provided the waiver did not diminish the safe operation of CMVs and is not contrary to the public interest.

In early 1988, the FHWA received petitions for waivers for six classes of CMVs:

- Farm vehicles;
- Firefighting and emergency equipment;
- Military vehicles;
- Transit buses;
- Certain vehicles used by railway companies; and
- Public utility vehicles.

A notice of petition and request for comment was published in the Federal Register on April 14, 1988. A final disposition was published on the Federal Register on September 26, 1988, granting an exemption to all military drivers and allowing the states to grant waivers to firefighters and emergency equipment operators and certain farmers. All the other petitions were denied on grounds of public interest and safety.

On August 14, 1989, the FHWA granted a waiver to certain drivers in isolated sections of Alaska from having to meet certain testing requirements and have a photograph on their CDL.

On April 17, 1992, the FHWA allowed the states to waive the CDL knowledge and skills tests and issue restricted CDLs for certain seasonal drivers of custom harvesters, farm retail outlets and suppliers, agri-chemical businesses and livestock feeders provided the driver has and maintains a good driving record.

On June 30, 1995, the FHWA also allowed the states to waive the hazardous materials endorsement test and issue restricted CDLs for certain seasonal drivers in the pyrotechnics industry during the week of July Fourth each year provided the driver has demonstrated training in hazardous materials.

Technical Assistance/Outreach

In November 1989, the FHWA established a CDL Implementation Team to serve as a resource to state and FHWA field personnel regarding implementation issues. The team consisted of FHWA headquarters and AAMVA staff who were involved in the development and

implementation of the CDL program. As a first step, 2-day regional meetings were held in 9 locations around the country in January and February 1990. These meetings were attended by FHWA field staff (Region and Division) and state staff that were assigned the responsibility of CDL coordinator for their jurisdiction. The purpose of the meetings were to make sure every one understood the new requirements and deadlines and to answer questions and clarify any issues that were raised by the participants. The meetings also provided the CDL Implementation Team with a wealth of information on the status of state programs and gave the team a better understanding of the issues facing the states in implementing their CDL programs.

These initial meetings were followed up in February 1991 with a meeting of all FHWA field staff and a July 1991 meeting with a select panel of state CDL coordinators to discuss outstanding CDL problems and issues and possible solutions. In September 1991, the FHWA sponsored a National CDL Coordinators Workshop that was attended by representatives of FHWA, AAMVA, AAMVAnet and the states. The focus of the workshop was on ideas and solutions to meet the April 1, 1992 deadline for drivers to be tested and issued a CDL.

In addition to the meetings, materials were periodically developed and distributed to FHWA and state CDL coordinators explaining the many aspects of the program in more detail. Also, a checklist was developed to be used by the states as they implemented the program and interpretations to help clarify the intent of the new requirements. The FHWA, in addition, worked closely with AAMVA in developing a Model Law that the states could use in developing their state CDL laws.

Implementation Team members also made presentations at meetings of various interest groups to explain the CDL requirements. These groups included industry associations, driver training schools and motor carriers.

At the request of several states, the FHWA trained 12 headquarters and field staff to be CDL skills examiners. These examiners were sent to states that requested help in skills testing a backlog of applicants.

IMPLEMENTATION MILESTONES

October 1986

Commercial Motor Vehicle safety Act of 1986

July 1987

Illegal for CMV driver to hold more than one driver's license (final rule)

March 1988

Contract awarded to develop CDLIS

August 1988

State testing standards established (final rule)

October 1988

0.04 BAC established for driver disqualification (final rule)

November 1988

AAMVAnet Telecommunication Network vendor contract awarded

December 1988

Model CDL Law distributed to states AAMVAnet,
Inc. becomes operating entity 4 states pass CDL
legislation

January 1989

AAMVAnet Telecommunications Network and CDLIS become operational
Knowledge and skills test package distributed to states
4 states begin knowledge and skills testing
1 state begins issuing CDLs

April 1989

25 states pass CDL legislation

March 1990

20 states are knowledge and skills testing
7 states are issuing CDLs

April 1990

12 states are issuing CDLs
44 states pass CDL legislation

July 1990

37 states are knowledge and skills testing
17 states are issuing CDLs

October 1990

51 states pass CDL legislation

January 1991

1 million CDLs issued
39 states are knowledge and skills testing
33 states are issuing CDLs

May 1991

47 states are knowledge and skills testing
38 states are issuing CDLs

August 1991

50 states are knowledge and skills testing
39 states are issuing CDLs

January 1992

3 million CDLs issued
45 states are issuing CDLs

March 1992

51 states are knowledge and skills testing
51 states are issuing CDLs

April 1992

5 million CDLs issued

November 1992

6 million CDLs issued

June 1994

State CDL compliance standards established (final rule)
Violation of out-of-service order becomes CDL disqualifying offense

November 1994

7 million CDLs issued

October 1995

7.5 million CDLs issued

December 1995

First full CDL compliance review completed for all states
Letter report on CDL program effectiveness sent to Congress

January 1999

CDL Benefits and Effectiveness Study Final Report sent to Congress

October 1999

Violation of railroad-highway grade crossing laws and regulations becomes CDL disqualifying offense

January 2000

9.6 million CDLs issued

RECENT CDL LEGISLATION

Both the Transportation Equity Act for the 21st Century (TEA-21) and the Motor Vehicle Safety Improvement Act of 1999 contains new requirements to improve the effectiveness of the CDL program:

TEA-21

- Eliminates 10-day period after issuing CDL for drivers to have more than one license. TEA-21 Bill requires only one license (CDL) at any time.

- All CDLs issued after January 1, 2001 must include unique identifiers on the license (which may include biometric identifiers).
- Current CDL and other Federal Motor Carrier Safety Regulations waiver authority is removed. All waivers and exemptions granted before enactment of TEA-21 (June 9, 1998) remain in force.
 - New temporary waivers may be granted for a period of no more than 3 months. No Federal Register notice or public comment period is required to grant the waiver. The waiver must be limited in scope and circumstances and be for a unique, nonemergency event.
 - New exemptions may be granted for a period of no more than 2 years, but can be renewed. It is a more formal request process requiring Federal Register notice and request for public comments. A decision must be made within 180 days of a request.
 - An Interim Final Rule was published on December 8, 1998 and is currently in effect.
- Requires the FHWA to review current CDL knowledge and skills testing to determine if it is an accurate measure and reflection of a driver's knowledge and skills to operate a CMV. The review is to identify methods to improve testing and licensing standards, and benefits and costs of a graduated licensing system. Regulations are to be issued reflecting the results of the review. The CDL testing program is currently under review by the FMCSA under a cooperative effort with AAMVA and NHTSA. The graduated license is being considered under a feasibility study being conducted under contract to the American Trucking Association's Transportation Research Institute.
- Expands current definitions of CMV (CDL and Non-CDL) to include both "gross vehicle weight rating" and "gross vehicle weight", whichever is greater.

Motor Vehicle Safety Improvement Act of 1999

- The Secretary may prohibit a state from issuing CDLs if it is not in substantial compliance with the CDL requirements.
- The DOT may provide emergency grants of up to \$1 million to a state that is having difficulty meeting CDL program requirements and is in danger of having its program suspended.
- If a state is not in substantial compliance with the CDL requirements, the Secretary shall withhold the allocation of Motor Carrier Safety Assistance Program grant funds to that state.
- Creates new 1-year to lifetime disqualifying offenses for driving a CMV while a CDL is suspended and causing a fatality through the negligent or criminal operation of a CMV.
- The Secretary may disqualify a CDL driver for up to 30 days if allowing a driver to continue operating a CMV will create an imminent hazard. The Secretary can disqualify

a driver for more than 30 days with notice and a hearing.

- Imminent hazard is to mean a condition that "substantially increases the likelihood of serious injury or death."
- Adds 3 more serious traffic violations; driving a CMV without obtaining a CDL, without a CDL in your possession and without a required endorsement.
- Before issuing a CDL, a state must request the driving record of the person from any other State that has issued a driver's license to the person.
- All notifications of a disqualification or suspension of a CDL for at least 60 days must include the underlying violation.
- All out of state convictions must be sent to the home state within 10 days of the conviction.
- A state may not issue a hardship license to a CDL holder to operate a CMV while his/her license is suspended.
- States must record and maintain all convictions of violations committed by a CDL holder of motor vehicle traffic control laws in any vehicle.
- States must suspend a CDL holder for controlled substance and alcohol offenses whether or not it occurred in a CMV.
- Before issuing any motor vehicle driver's license, a state must check both the NDR and CDLIS.
- The Department must create a new CDL endorsement for school bus drivers.
- The Department must merge the medical fitness process into the CDL process.
- The Department must develop a uniform system to support electronic transmission of all state-to-state conviction data of CDL holders.
- The Department must conduct a study on the feasibility and merits of reporting positive tests of employer drug testing to the CDL driver's state record and have prospective employers check the record before hiring the driver.

CURRENT EFFORTS TO IMPROVE THE CDL PROGRAM

The following is a summary of major ongoing efforts to improve the effectiveness of the CDL program:

Continuous Monitoring and Review of State Compliance

All states have completed at least one full CDL compliance review and over 70 percent have had

two reviews. A review of the state CDL operation and compliance with the CDL requirements is conducted every three years or sooner if a problem is identified.

Graduated CDL Feasibility Study

This study is querying a cross-section of the truck and bus industries, insurance companies, state driver licensing and law enforcement agencies, public interest groups, etc. to quantify the need for and likely use of a graduated CDL program. A combination of focus groups and a survey are being used in gathering the information. The focus group effort is complete and the survey is being finalized. A final report will discuss the need for and potential benefits and costs for implementing a graduated CDL program. This 2-year project is projected to be completed in the Spring of 2000.

Zero Base Review and Rulemaking

The drafting of a new rule book structure (Driver, Motor Carrier, Vehicle, State and Administrative) in an easier to understand language began in January 1997. The new rule book is using "plain language" and a question and answer format. The notice of proposed rulemaking is scheduled to be published in early 2000.

Merging Medical Fitness Determinations into CDL Process

Section 12005 of the CMVSA of 1986 authorized the FHWA to include driver medical qualification decisions in the minimum standards to be used by states in issuing CDLs. The provision was elective, rather than mandatory in the Act. The FMCSA has decided to merge the two processes. A notice of proposed rulemaking is scheduled to be published in early 2000.

Commercial Vehicle Safety Partnership Program

The goal of the program is to achieve appropriate and uniform adjudication of CMV safety violations in all States. It is a two prong effort:

- Targeted messages to judges, prosecutors, law enforcement officials, legislators and other opinion leaders through a presenters network to increase awareness of the need for strong CMV enforcement.
- Formal training to judges and law enforcement on disqualifying offenses as defined in the FMCSRs through agreements starting in 1998 with the National Judicial College and the International Association of Chiefs of Police. The Agency is currently seeking an agreement with an organization to provide training to prosecutors.

Driver History Initiative

The goal of this initiative is to improve the timely, accurate and complete reporting and recording of traffic convictions within a State and between States. Proposals have been solicited from the states in fiscal years 1998 and 1999 for projects to evaluate their current driver licensing procedures and policies. Participating states are required to identify deficiencies and develop new or revised systems, procedures and/or policies to improve the reporting and recording of traffic convictions. Grant funds are to be used by selected States in conjunction with other existing Federal and State funding sources. Results of the projects are to be shared

with other States. A total of \$2.8 million has been granted to 15 states over the first two years.

Appendix - Summary of Current CDL Requirements

THE DRIVER

Drivers have been required to have a CDL in order to drive a CMV since April 1, 1992.

The Federal Highway Administration (FHWA) has developed and issued standards for testing and licensing CMV drivers. Among other things, the standards require States to issue CDLs to their CMV drivers only after the driver passes knowledge and skills tests administered by the State related to the type of vehicle to be operated. Drivers need CDLs if they are in interstate, intrastate, or foreign commerce and drive a vehicle that meets one of the following definitions of a CMV:

- Has a gross combination weight rating (GCWR) of 11,794 kilograms or more (26,001 pounds or more), inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 4,536 kilograms (10,000 pounds); or
- Has a gross vehicle weight rating (GVWR) of 11,794 kilograms or more (26,001 pounds or more); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is transporting hazardous materials in an amount that requires placarding under the Hazardous Materials Transportation Act.

Classes of License:

The Federal standard requires States to issue a CDL to drivers according to the following license classifications:

- Class A – Any combination of vehicles with a GCWR of 11,794 kilograms or more (26,001 pounds or more) provided the GVWR of the vehicle(s) being towed is in excess of 4,536 kilograms (10,000 pounds).
- Class B – Any single vehicle with a GVWR of 11,794 kilograms or more (26,001 pounds or more), or any such vehicle towing a vehicle not in excess of 4,536 kilograms (10,000 pounds) GVWR.
- Class B – Any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers, including the driver, or is placarded for hazardous materials.

Endorsements and Restrictions:

Drivers who operate special types of CMVs also need to pass additional tests to obtain any of the

following endorsements on their CDL:

- T - Double/Triple Trailers (Knowledge test only)
- P - Passenger (Knowledge and Skills Tests)
- N - Tank Vehicle (Knowledge Test only)
- H - Hazardous Materials (Knowledge Test only)
- X - Combination of Tank Vehicle and Hazardous Materials

If a driver either fails the air brake component of the general knowledge test or performs the skills test in a vehicle not equipped with air brakes, the driver is issued an air brake restriction, restricting the driver from operating a CMV equipped with air brakes.

THE STATES

Knowledge & Skills Tests:

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

- The general knowledge test must contain at least 30 questions.
- To pass the knowledge tests (general and endorsement), applicants must correctly answer at least 80 percent of the questions.
- To pass the skills test, applicants must successfully perform all the required skills (listed in 49 CFR 383.113). The skills test must be taken in a vehicle representative of the type of vehicle that the applicant operates or expects to operate.

Third Party Skills Testing:

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

- Tests must be the same as those given by the State.
- Examiners must meet same qualifications as State examiners.
- States must conduct an on-site inspection at least once a year.
- At least annually, State employees must evaluate the programs by taking third party tests as if they were test applicants, or by testing a sample of drivers tested by the third party

and then comparing pass/fail rates.

- The State's agreement with the third party skills tester must allow the FHWA and the State to conduct random examinations, inspections, and audits without prior notice.

Grandfathering Provision:

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

- Driver has a current license at time of application; and
- Driver has a good driving record and previously passed an acceptable skills test; or driver has a good driving record in combination with certain driving experience.

"Good driving record" means:

A driver can certify that, during the 2-year period immediately prior to applying for a CDL he/she:

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

"Driving experience" means:

A driver can certify and provide evidence that:

- He/she is regularly employed in a job requiring operation of CMV, and that either:
 - He/she has previously taken a behind-the-wheel skills test in a representative vehicle; or
 - He/she has operated a representative vehicle for at least 2 years immediately preceding application for a CDL.

Commercial Driver's License Document:

A State determines the license fee, the license renewal cycle, most renewal procedures, and continues to decide the age, medical and other driver qualifications of its intrastate commercial drivers. Interstate drivers must meet the longstanding Federal driver qualifications (49 CFR 391).

All CDLs must contain the following information:

- The words "Commercial Driver's License" or "CDL";
- The driver's full name, signature, and address;
- The driver's date of birth, sex, and height;
- Color photograph or digitized image of the driver;
- The driver's State license number;
- The name of the issuing State;
- The date of issuance and the date of the expiration of the license;
- The class(es) of vehicle that the driver is authorized to driver;
- Notation of the "air brake" restriction, if issued;
- The endorsement(s) for which the driver has qualified.

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

Waiver Provisions:

All active duty military drivers were waived from the CDL requirements by the Federal Highway Administrator. A State, at its discretion, may waive firefighters, emergency response vehicle drivers, farmers and drivers removing snow and ice in small communities from the CDL requirements, subject to certain conditions.

In addition, a State may also waive the CDL knowledge and skills testing requirements for seasonal drivers in farm-related service industries and waive certain knowledge and skills testing requirements for drivers in remote areas of Alaska. The drivers are issued restricted CDLs. A State can also waive the CDL hazardous materials endorsement test requirements for part-time drivers working for the pyrotechnics industry, subject to certain conditions.

OTHER REQUIREMENTS

There are a variety of other requirements related to this legislation which affect the commercial drivers, their employing motor carriers and the States. These include:

Penalties:

The Federal penalty to a driver who violates the CDL requirements is a civil penalty of up to \$2,500 or, in aggravated cases, criminal penalties of up to \$5,000 in fines and/or up to 90 days in prison. An employer is also subject to a penalty of up to \$10,000, if he or she knowingly uses a driver to operate a CMV without a valid CDL.

Clearinghouse:

States must be connected to the Commercial Driver's License Information System (CDLIS) and the National Driver Register (NDR) to exchange information about CMV drivers and traffic convictions and disqualifications. A State must use both the CDLIS and NDR to check a driver's record and the CDLIS to make certain that the applicant does not already have a CDL. Employing motor carriers also have access to the CDLIS.

BAC Standards:

The FHWA has also established 0.04% as the blood alcohol concentration (BAC) level at or above which a CMV driver is deemed to be driving under the influence of alcohol and subject to the disqualification sanctions in the Act. States maintain a BAC level between .08% and .10% for non-CMV drivers.

Employer Notifications:

Within 30 days of a conviction for any traffic violation, except parking, a driver must notify his/her employer, regardless of the nature of the violation or the type of vehicle which was driven at the time.

If a driver's license is suspended, revoked, canceled, or if he/she is disqualified from driving, his/her employer must be notified. The notification must be made by the end of the next business day following receipt of the notice of the suspension, revocation, cancellation, lost privilege or disqualification.

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

Disqualifications:

For conviction while driving a CMV, drivers must be disqualified and lose their privilege to drive for:

- **60 to 120 days:**
 - Two or more serious traffic violations within a 3-year period. These include

excessive speeding, reckless driving, improper or erratic lane changes, following the vehicle ahead too closely, and traffic offenses in connection with fatal traffic accidents.

- **60 days to 1 year:**
 - One or more violations of a railroad-highway grade crossing law or regulation in a 3-year period.
- **90 days to 5 years:**
 - One or more violations of an out-of-service order within a 10-year period.
- **1 Year:**
 - Driving under the influence of a controlled substance or alcohol; or
 - Leaving the scene of an accident; or
 - Using a CMV to commit a felony.
- **3 Years:**
 - Any of the 1-year offenses while operating a CMV that is placarded for hazardous materials.
- **Life:**
 - Second offense of any of the 1-year or 3-year offenses; or
 - First offense using a CMV to commit a felony involving manufacturing, distributing, or dispensing controlled substances.

States have the option to reduce certain lifetime disqualifications to a minimum disqualification period of 10 years if the driver completes a driver rehabilitation program approved by the State.

If a CDL holder is disqualified from operating a CMV, the State may issue him/her a license to operate non-CMV's. Drivers who are disqualified from operating a CMV can not be issued a "conditional" or "hardship" CDL or any other type of limited driving privileges to continue driving a CMV.

For disqualification purposes, convictions for out-of-state violations will be treated the same as convictions for violations that are committed in the home State. The CDLIS will ensure that convictions a driver receives outside his or her home State are transmitted to the home State so that the disqualifications can be applied.

*Federal Motor Carrier Safety Administration
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