

1 HB332
2 155315-1
3 By Representative Morrow
4 RFD: Public Safety and Homeland Security
5 First Read: 22-JAN-14

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SYNOPSIS: Under existing law, the driver of a commercial motor vehicle is required to have a commercial driver's license. The Alabama law implements federal law relating to commercial motor vehicles.

This bill would require the Department of Public Safety to develop a program to assist veterans who have experience driving a military commercial motor vehicle (CMV driver).

Under existing federal rules, the driving skills test may be waived for military personnel who have similar experience driving a military commercial motor vehicle and who meet certain other requirements.

This bill would require the Department of Public Safety to waive the skills test for an individual driver who meets the requirements of the federal rules.

A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Relating to commercial driver's license; to require
5 the Department of Public Safety to develop a program to assist
6 veterans, including National Guard and reserve members, who
7 have experience driving a military commercial motor vehicle
8 (CMV driver) to obtain a CDL; and for this purpose to amend
9 Section 32-6-49.8 of the Code of Alabama 1975, to require the
10 department to waive the skills test for former CMV drivers
11 under certain conditions in accordance with federal law.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) The Department of Public Safety shall
14 develop a program for approved training and for the testing
15 and issuance of commercial driver's license to veterans of
16 military service, including National Guard and reserve
17 members, who have experience driving a military commercial
18 motor vehicle.

19 (b) The Department of Public Safety shall by rule
20 allow skills testing for a commercial driving license to be
21 given by the U.S. Armed Forces personnel at U.S. military
22 bases and for testing on-site at military bases for the
23 knowledge portion of the test.

24 Section 2. Section 32-6-49.8 of the Code of Alabama
25 1975, is amended to read as follows:

26 "§32-6-49.8.

1 "Commercial driver license qualification standards
2 shall be as follows:

3 "(a) Testing.

4 "(1) GENERAL. No person may be issued a commercial
5 driver license unless that person is a resident of this state
6 and has passed a knowledge and skills test for driving a
7 commercial motor vehicle which complies with minimum federal
8 standards established by federal regulation enumerated in 49
9 C.F.R. part 383, subparts G and H, and has satisfied all other
10 requirements of the CMVSA in addition to other requirements
11 imposed by state law or federal regulation. The tests shall be
12 prescribed and conducted by the department.

13 "(2) THIRD PARTY TESTING. The department may
14 authorize a person, including an agency of this or another
15 state, an employer, a private driver training facility, or
16 other private institution, or a department, agency, or
17 instrumentality of local government to administer the skills
18 test specified by this section, if the test is the same as
19 what would otherwise be administered by the state and the
20 third party has entered into an agreement with this state
21 which complies with requirements of 49 C.F.R. part 383.75.

22 "(b) Waiver of skills test. The department ~~may~~ shall
23 waive the skills test specified in this section for a
24 commercial driver license applicant who meets the requirements
25 of 49 C.F.R. part 383.77. In the case of school bus drivers
26 the department shall waive the skills test herein specified.

1 "(c) Limitations on issuance of license. A
2 commercial driver license may not be issued to a person while
3 the person is subject to a disqualification from driving a
4 commercial motor vehicle, or while the person's driver license
5 is suspended, revoked, or cancelled in any state or foreign
6 jurisdiction with reciprocity; nor may a commercial driver
7 license be issued to a person who has a commercial driver
8 license issued by any other state unless the person first
9 surrenders all such licenses, which shall be returned to the
10 issuing state(s) for cancellation.

11 "(d) The holder of a valid commercial driver license
12 learner's permit may drive a commercial motor vehicle only
13 when accompanied by the holder of a commercial driver license
14 valid for the type of vehicle driven who occupies a seat
15 beside the individual for the purpose of giving instruction in
16 driving the commercial vehicle.

17 "(e) A commercial driver license learner's permit
18 for a particular class or classes of commercial vehicle may be
19 issued to a person who meets all the qualifications required
20 of a person seeking a commercial driver license and has passed
21 the vision and written tests for that class of commercial
22 driver license."

23 Section 3. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.