

HCS HB 702 -- COMMERCIAL DRIVER'S LICENSES (Schlottach)

This substitute makes numerous modifications to the Commercial Driver's License Law in order to comply with the rules of the Federal Motor Carrier Safety Administration.

OFFENSES

(1) Courts must forward to the Department of Revenue, within seven days, a record of any guilty conviction involving a moving traffic violation. The Director of the Department of Revenue will be required to enter any conviction information into the appropriate computer systems and transmit the conviction information as required by federal requirements; and

(2) Commercial driver's license holders will not be allowed limited driving privileges for the purpose of operating a commercial motor vehicle if their driving privileges are suspended, revoked, canceled, denied, or disqualified.

TRAFFIC VIOLATIONS

The substitute adds to the list of serious traffic violations the following:

(1) Driving a commercial motor vehicle without a commercial driver's license;

(2) Driving a commercial vehicle without a commercial driver's license in possession; and

(3) Driving a commercial vehicle without the proper commercial driver's license class or endorsement.

STATE RECORD CHECKS

(1) Applicants for a commercial driver's license must disclose the names of all states which have issued them a commercial driver's license during the previous 10-year period;

(2) The department director is required before the initial issuance of a commercial driver's license and for the first renewal to obtain driving record information from any state licensing system in which the person has been issued a license; and

(3) A commercial driver's license driving record must contain a complete history of the driver, including information and convictions from previous states of licensure.

RECORD KEEPING

The department director will be required to adopt the federal requirements for record keeping.

DISQUALIFICATION

The department director is required to disqualify any driver the U. S. Secretary of Transportation has determined to constitute an imminent hazard.

A person will be disqualified from operating a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

- (1) Driving any motor vehicle under the influence of alcohol or a controlled substance;
- (2) Driving a commercial motor vehicle which causes a fatality due to negligent operation of the vehicle;
- (3) Leaving the scene of an accident involving any type of vehicle; or
- (4) Using any type of vehicle in the commission of a felony.

OUT-OF-SERVICE ORDER

Any driver who violates an out-of-service order is subject to a civil penalty not to exceed an amount as determined by the U. S. Secretary of Transportation.

SCHOOL BUS ENDORSEMENT

Any individual who operates a school bus must meet the requirements for and be issued a school bus endorsement as required by the U. S. Secretary of Transportation.

SENTENCING

No federal, state, county, municipal, or local court can defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses or is required to possess a commercial driver's license to enter into a diversion program that will prevent a conviction for any violation of any traffic law from appearing on the driver's record maintained by the department director.

The substitute has an effective date of September 30, 2005.

FISCAL NOTE: Net Estimated Cost to Highway Fund of \$0 in FY 2004, \$82,080 in FY 2005, and \$0 in FY 2006.