

TCRP
Transit Cooperative Research Program
Sponsored by the Federal Transit Administration

LEGAL RESEARCH DIGEST

December 2001—Number 18

Subject Areas: IC Transportation Law; IVA Highway Operations, Capacity and Traffic Control; VI Public Transit; VIII Freight Transportation

Federal and State Licensing and Other Safety Requirements for Commercial Motor Vehicle Operators and Equipment

This report was prepared under TCRP Project J-5, "Federal and State Licensing and Other Safety Requirements for Commercial Motor Vehicle Operators and Equipment," for which the Transportation Research Board is the agency coordinating the research. The report was prepared by George L. Reed, J.D., P.E., TransTech Group, Inc. James B. McDaniel, TRB Counsel for Legal Research Projects, was the principal investigator and content editor.

THE PROBLEM AND ITS SOLUTION

The nation's transit agencies need to have access to a program that can provide authoritatively researched, specific, limited-scope studies of legal issues and problems having national significance and application to their businesses. The TCRP Project J-5 is designed to provide this insight.

The intermodal approach to surface transportation requires a partnership between transit and other transportation modes.

Transit attorneys have noted that they particularly need information in several areas of transportation law, including environmental requirements; construction and procurement contract procedures and administration; civil rights and labor standards; and tort liability, risk management, and system safety.

In other areas of the law, transit programs may involve legal problems and issues that are not shared with other modes; as, for example, compliance with transit equipment and operations guidelines, FTA financing initiatives, and labor or environmental standards.

To improve safety, the federal government has enacted a series of regulations for commercial motor vehicles (CMVs) and commercial drivers licenses (CDLs). Since state and local regulations must inherently conform to the federal regulations, the federal requirements are fairly well known but diversely presented. Although state requirements for CMV operations and commercial driver licensing derive from state statutes and regulations, knowledge of them is incomplete and is not centrally tabulated. Knowledge of local requirements, if any, is

even more vague. In addition, there is some confusion about the extent that highway transit agencies are subject to, have adopted, or have created such regulations. Thus, a main purpose of this investigation is to compile an index of federal, state, and local CDL/CMV safety regulations.

APPLICATIONS

The research described herein is based upon a review of state statutes or regulations regarding CMV operation and commercial driver licensing; information contained in various state statute, regulation, or department of motor vehicle Web sites; both commercial and regular state driver licensing manuals; and other information. The research encompasses a questionnaire survey sent to state departments of motor vehicles, both state and local public transit operators, school transportation agencies, and commercial motor carriers regarding their practices in keeping up with the frequent changes in CMV regulations, as well as their knowledge of local requirements.

This report presents a compilation of state CDL/CMV regulations, an overview summary of the federal motor carrier safety regulations, and information on the availability of state CMV and regular driver's manuals, among other information. The report should be useful to attorneys, legislators, transit and trucking company administrators, school and other types of transportation administrators, and those in charge of state driver's manuals and legislation. The reader, however, is cautioned that regulations change frequently and as such, should seek the latest or more complete version for actual applications.

CONTENTS

I. INTRODUCTION.....	3
II. FEDERAL COMMERCIAL DRIVER’S LICENSE AND COMMERCIAL MOTOR VEHICLE SAFETY REQUIREMENTS AND REGULATION.....	3
A. Federal Acts	3
1. Commercial Motor Vehicle Safety Act of 1986	3
2. Transportation Equity Act for the 21 st Century and TEA-21 Restoration Act.....	4
3. Motor Carrier Safety Improvement Act of 1999	4
4. Hazardous Materials Transportation Act of 1975.....	4
B. United States Code	5
C. Federal Motor Carrier Safety Regulations.....	5
1. 49 C.F.R. Part 382—Controlled Substances and Alcohol Use and Testing	5
2. 49 C.F.R. Part 383—Commercial Driver’s License Standards; Requirements and Penalties.....	5
3. 49 C.F.R. Part 390—Federal Motor Carrier Safety Regulations, General.....	6
4. 49 C.F.R. Part 391—Qualifications of Drivers	6
5. 49 C.F.R. Part 392—Driving of Commercial Motor Vehicles	6
6. 49 C.F.R. Part 393—Parts and Accessories Necessary for Safe Operation.....	6
7. 49 C.F.R. Part 395—Hours of Service of Drivers	6
8. 49 C.F.R. Part 396—Inspection, Repair, and Maintenance.....	7
9. 49 C.F.R. Part 397—Transportation of Hazardous Materials; Driving and Parking Rules	7
10. 49 C.F.R. Part 399—Employee Safety and Health Standards.....	7
D. Other Federal Regulations or Documents.....	7
1. National Highway Transportation Safety Administration.....	7
III. STATE AND LOCAL CDL/CMV SAFETY REQUIREMENTS AND REGULATIONS.....	7
A. State CDL/CMV Regulation	7
B. Data Sources.....	7
1. State CDL and Regular Driver’s Manuals	7
2. State Statutes	8
3. Use of the American Association of Motor Vehicle Administrators Model CDL Manual.....	8
4. State Department of Motor Vehicles Web Sites	9
C. State Application of Federal CDL/CMV Regulations	9
1. State Adoption and Variance Regarding Federal CDL/CMV Regulations.....	9
2. State Dissemination of CDL/CMV Regulations	10
3. State CDL Requirements for School Bus and Transit Bus Operation	13
D. Local CDL/CMV Regulation.....	14
IV. CDL/CMV STATE INFORMATION QUESTIONNAIRE	15
A. Questionnaire Survey.....	15
B. Questionnaire Survey Responses	16
1. State Departments of Motor Vehicles.....	16
2. Transit Systems.....	17
3. School Pupil Transportation Agencies	17
4. Motor Freight Carriers.....	18
APPENDIX A FEDERAL MOTOR CARRIER SAFETY REGULATIONS	A-1
APPENDIX B STATE CDL/CMV SAFETY REQUIREMENTS AND REGULATIONS.....	B-1
APPENDIX C QUESTIONNAIRE SURVEY INSTRUMENT	C-1

FEDERAL AND STATE LICENSING AND OTHER SAFETY REQUIREMENTS FOR COMMERCIAL MOTOR VEHICLE OPERATORS AND EQUIPMENT

By George L. Reed, J.D., P.E.
TransTech Group, Inc., Palm Harbor, Florida

I. INTRODUCTION

This report presents an overview of federal, state, and local laws and regulations regarding commercial motor vehicle (CMV) safety and commercial driver licensing (CDL) requirements. As federal requirements inherently require that state and local regulations conform to the federal regulations, the federal requirements are fairly well known but diversely presented. Although state requirements derive from state statutes and regulations, knowledge of them is incomplete and not centrally tabulated. Knowledge of local requirements, if any, is even more vague. In addition, there is some confusion concerning the extent that highway transit agencies (including those operating Interstate, local, and school bus vehicles) have adopted or created such regulations. Thus, a main purpose of this investigation is to compile an index of state and local safety regulations, in addition to the federal regulations for operation of commercial motor vehicles, including school bus and transit vehicles.

Safety regulations encompass operator qualifications and licensing, operational rules and regulations, vehicles and equipment, and other rules and regulations. Federal motor carrier safety regulation is primarily vested in the U.S. Department of Transportation (DOT), as stated in Chapter 23 of the United States Code (U.S.C.), Part 49 of the Code of Federal Regulations (C.F.R.), and other regulatory pronouncements of various agencies. On October 9, 1999, the Secretary of Transportation rescinded the authority previously delegated to the Federal Highway Administration (FHWA) Administrator to perform motor carrier functions and operations and to carry out the duties and powers related to motor carrier safety, and redelegated that authority to the Director, Office of Motor Carrier Safety (OMCS), a new office within the U.S. DOT¹. On December 9, 1999, the Motor Carrier Safety Improvement Act of 1999² established a new administration—the Federal Motor Carrier Safety Administration (FMCSA).

Federal regulatory requirements form the basis of comparison for state and local regulations, and are summarized herein for use and comparison. Each state motor vehicle agency was contacted by letter with a request for copies of their commercial and the regular

(noncommercial) driver's manual. A generalized questionnaire was then prepared to obtain state and local information concerning CMV safety regulations. Following review by the Transportation Research Board's (TRB) Counsel for Legal Research Projects, the survey instrument was sent to all state motor vehicle agencies and a randomly selected sample of transit agencies, school bus authorities, and commercial motor carriers. Survey returns were then summarized for use in this report.

Federal rules and regulations for CDL/CMV safety, primarily as contained in 49 C.F.R., were then summarized. A generalized summary of state regulations, obtained by accessing public statutory and regulatory Web sites for each state, as well as from reviewing each state's CDL and regular driver's manuals, were then prepared. Particular attention was paid to whether a state had adopted the Federal regulations by statute in total or in part, state regulations regarding driving school buses or regular transit buses, and how each state presented its CDL/CMV regulations to the motoring public. Differences between state and federal regulations were obtained in part by contacting representatives of the FHWA, who maintain records on CDL/CMV state/federal conformance, as well as by reviewing the state regulations.

II. FEDERAL COMMERCIAL DRIVER'S LICENSE AND COMMERCIAL MOTOR VEHICLE SAFETY REQUIREMENTS AND REGULATION

A. Federal Acts

This section provides a summary of selected past and current federal CDL and CMV related acts.

*1. Commercial Motor Vehicle Safety Act of 1986*³

The Commercial Motor Vehicle Safety Act of 1986 became law on October 27, 1986, with the goal of improving highway safety by requiring drivers of large trucks and buses to demonstrate competence in their operation through testing and licensing. The Act imposed standards upon the individual states in issuing a CDL, although the states retained the right to issue these licenses. The Act also provided that it was illegal for a CMV driver to hold more than one CDL.

Federal standards require states to issue CDLs for the following classification of vehicles:

¹ MOTOR CARRIER SAFETY REGULATIONS; REVISION OF CHAPTER HEADING AND REMOVAL OF C.F.R. PART; FINAL RULE; 49 C.F.R. CHAPTER III AND PART 301; 12/29/99; Effective Date: 01/01/2000; [Docket No. OST-2000-6698]; 64 Fed. Reg. 72959. This and other regulatory documents are available at the FMCSA Web site, <http://www.fmcsa.dot.gov>.

² Pub. L. No. 106-159, 113, Stat. 1748 (December 9, 1999).

³ Pub. L. No. 99-570, 49 U.S.C. § 2701 *et seq.* (October 27, 1986).

1. Class A. Any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 lbs., provided that the gross vehicle weight rating (GVWR) of the vehicle being towed is in excess of 10,000 lbs.
2. Class B. Any single vehicle with a GVWR of 26,001 lbs., or any such vehicle towing a vehicle not in excess of 10,000 lbs.
3. Class C. 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 are established for certain types of vehicles, including:

1. T—Double/triple trailers,
2. P—Passenger,
3. N—Tank vehicle,
4. H—Hazardous materials,
5. X—Combination of tank and hazardous materials,
6. Some states have additional endorsement classes, such as “S” for school bus vehicles.

2. *Transportation Equity Act for the 21st Century⁴ and TEA-21 Restoration Act⁵*

The Transportation Equity Act for the 21st Century (TEA-21 and its associated Restoration Act) restructured the National Motor Carrier Safety Program into two major categories, which together set the format for current regulations. The two categories are: (1) the Motor Carrier Safety Assistance Program focusing on driver and vehicle programs, and (2) Information Systems, with the goal of improving carrier, vehicle, and driver safety records, and expanded data analysis.

Among other changes, TEA-21 strengthened the authority to order unsafe motor carriers to cease commercial motor vehicle operations by extending the existing out-of-service order authority to all motor carriers failing to meet Federal safety fitness requirements. The Act also restructured the penalty provisions to enhance their effectiveness and establish a maximum penalty for all non-record keeping violations of the safety regulations of up to \$10,000.

The definition of a CMV was amended to take into account the actual gross vehicle weight of a vehicle rather than just the GVWR. This change addresses evasion of safety regulations by those purchasing vehicles with weight ratings below the level at which the safety regulations apply, but hauling above that threshold. New procedures regarding safety regulations and CDL requirements allow waivers to be granted for a period of up to 3 months, and exemptions for a period of up to 2 years were also authorized.

3. *Motor Carrier Safety Improvement Act of 1999*

The Motor Carrier Safety Improvement Act of 1999 established the FMCSA within the DOT on January 1, 2000. The FMCSA’s primary mission is to prevent commercial motor vehicle-related fatalities and injuries. Administration activities contribute to ensuring safety in motor carrier operations through strong enforcement of safety regulations, targeting high-risk carriers and CMV drivers, improving safety information systems and CMV technologies, strengthening CMV equipment and operating standards, and increasing safety awareness. To accomplish these activities, the Administration works with federal, state, and local enforcement agencies; the motor carrier industry; labor safety interest groups; and others.⁶

Stated purposes of this Act are:

To improve the administration of the Federal motor carrier safety program and to establish a Federal Motor Carrier Safety Administration in the Department of Transportation; and

To reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver’s license testing, record keeping and sanctions.⁷

4. *Hazardous Materials Transportation Act of 1975*

The Hazardous Materials Transportation Act (HMTA) of 1975, as amended, is the major transportation-related act regarding the transportation of hazardous materials. The objective of the HMTA was to “improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce.”

The Act established the basis for defining hazardous materials, classified each type of material, and specified requirements for the packaging, labeling, and transportation of the materials. 49 C.F.R., Parts 171–180, are the primary parts of this Act, which were modified by a comprehensive revision of the hazardous materials regulations in 1990.

The HMTA, as modified, establishes the following basic classes of hazardous materials.

1. Class 1—Explosives,
2. Class 2—Gasses,
3. Class 3—Flammable liquids,
4. Class 4—Flammable solids, spontaneously combustible materials, and materials that are dangerous when wet,
5. Class 5—Oxidizers and organic peroxides,

⁴ Pub. L. No. 105-178, 112 Stat. 107 (June 9, 1998).

⁵ Pub. L. No. 105-206, 112 Stat. 685 (July 22, 1998).

⁶ FMCSA Web site at <http://www.fmcsa.dot.gov>.

⁷ Motor Carrier Safety Improvement Act of 1999, § 4, “Purposes.”

6. Class 6—Poisons and etiological materials,
7. Class 7—Radioactive materials,
8. Class 8—Corrosives,
9. Class 9—Miscellaneous,
10. ORM-D—Other regulated material.

Extensive information concerning the transport of these types of materials can be found within the federal and state regulations. For purposes of this report, information related to the operation of CMVs and requirements of the CDL related to hazardous materials are briefly presented.

B. United States Code

The U.S.C. contains current federal CDL/CMV laws, which focus on CMV operators, employers, and equipment. These are summarized in Chapters 311-315, 49 U.S.C. The overall purposes of the federal program include:

The purpose of this subchapter is to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by –

- (1) focusing resources on strategic safety investments to promote safe for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes;
- (2) increasing administrative flexibility and developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including improving enforcement of State and local traffic safety laws and regulations;
- (3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, *designing appropriate performance standards, measures, and benchmarks, improving performance information and analysis systems, and monitoring program effectiveness*;
- (4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and
- (5) advancing promising technologies and encouraging adoption of safe operational practices.⁸

C. Federal Motor Carrier Safety Regulations

The translation of federal CDL/CMV laws into rules and regulations, now known as the Federal Motor Carrier Safety Regulations (FMCSRs), is contained in Title 49 of the C.F.R. Basic federal regulations pertaining to CMVs and CDLs are contained in, but not necessarily limited to, 49 C.F.R., Parts 382, 383, 387, 390–397, 399, and 40. Pertinent parts of 49 C.F.R. (except 49 C.F.R. §

387, dealing with motor carrier financial responsibility) are described below, with more detail given in Appendix A.

The paraphrased descriptions of the FMCSRs provided below and in Appendix A are based on versions available in mid-2000, and should not be relied upon as a substitute for the official text. Readers should refer to the latest versions of the described sections as well as the latest proposed or adopted revisions for specific applications.

1. 49 C.F.R. Part 382—Controlled Substances and Alcohol Use and Testing

Part 382 establishes programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. The regulations prohibit drivers from using controlled substances and prohibit drivers from consuming alcohol within 4 hours of performing a “safety sensitive function.” Drivers are subject to pre-employment (controlled substances only), post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Employers are required to keep records and maintain the confidentiality of the testing program.

2. 49 C.F.R. Part 383—Commercial Driver’s License Standards; Requirements and Penalties

Part 383 requires drivers to have a single CMV driver's license and disqualifies drivers who operate CMVs in an unsafe manner. The rules apply to every person who operates a CMV in Interstate, foreign, or intrastate commerce; to all employers of such persons; and to all states. Specific exceptions, such as military personnel, farmers, and emergency personnel are allowed.

Basic requirements of this part prohibit a CMV driver from having more than one CDL; prohibit an employer from allowing a person with a suspended license to operate a CMV; establish testing and licensing requirements for CDLs; set forth the federal standards for procedures, methods, and minimum passing scores for testing and licensing CMV operators; and establishes CDL documentation requirements for states.

Part 383, Subpart D, presents events leading to driver disqualification, which includes driving while under the influence, leaving the scene of an accident, commission of a felony, serious traffic violations, violation of an out-of-service order, or highway-railroad grade crossing violations (if incurred while driving a CMV). Administrative procedures and requirements (license transfers, upgrades, etc.) are also covered.

An important section of Part 383 establishes three groups of CDLs. Testing is to be provided for each group⁹:

⁸ 49 U.S.C. § 31100.

⁹ 49 C.F.R. § 383.91 (10/1/2000; all references to C.F.R. are to 10/1/2000 revision unless otherwise noted).

1. Group A—Combination vehicle. This group encompasses any combination of vehicles with a (GCWR)¹⁰ of 26,001 pounds or more, provided the GVWR¹¹ of the vehicles being towed is in excess of 10,000 pounds GVWR.

2. Group B—Heavy straight vehicle. Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

3. Group C—Small vehicle group. Any single vehicle, or combination of vehicles, that meets neither the definition of Group A nor that of Group B, 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 HMTA and that require the motor vehicle to be placarded under the Hazardous Materials Regulations.¹²

CDL endorsements are required for various types of vehicles, including double or triple trailers, passenger vehicles, tank vehicles, or placarded hazardous materials vehicles. In addition, drivers of air brake equipped CMVs must pass the air brake component of the skills test.

3. 49 C.F.R. Part 390—Federal Motor Carrier Safety Regulations, General

Section 390.3 establishes the general applicability, definitions, general requirements and information as they pertain to persons subject to the FMCSRs. The FMCSRs are applicable to all employers, employees, and CMVs that transport property or passengers in Interstate commerce. The rules related to CDLs are applicable to every person who operates a commercial motor vehicle in Interstate or intrastate¹³ commerce and to all employers of such persons.

4. 49 C.F.R. Part 391—Qualifications of Drivers

The rules in this part establish minimum qualifications for persons who drive CMVs, and minimum duties of motor carriers with respect to the qualifications of their drivers. Self-employed motor carriers/drivers must also comply with the rules in this part that apply to both motor carriers and drivers. Basic CMV driver qualifications include being 21 years of age, having the ability to read and speak the English language, having proper experience or training, being physically qualified, possessing a current CDL, not being disqualified to drive a CMV, and successfully completing a driver's road test. Each motor carrier must also maintain a driver qualification file for each driver-employee.

¹⁰ Gross combination weight rating (GCWR) is the loaded weight of a combination (articulated) vehicle.

¹¹ Gross vehicle weight rating (GVWR) is the loaded weight of a single vehicle.

¹² 49 C.F.R., Part 172, Subpart F.

¹³ Intrastate commerce means any trade, traffic, or transportation in any state that is not described in the term "interstate commerce." 49 C.F.R. § 390.5.

5. 49 C.F.R. Part 392—Driving of Commercial Motor Vehicles

Rules related to the actual driving of CMVs are provided in Part 392. This part applies to every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of CMVs, or the hiring, supervising, training, assigning, or dispatching of drivers. The rule requires that every CMV must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, the rule also provides that if a federal regulation imposes a higher standard of care, compliance with the federal regulation is required.

Part 392 also deals with those that are not permitted to drive CMVs. These include ill or fatigued operators, and those under the influence or in possession of scheduled drugs, alcohol, or certain other substances. Other rules in Part 392 require observance of speed limits, basic safety parts and equipment to be in good working order, and that emergency equipment is in place. Safe loading requirements and specific rules about driving a CMV across a highway-railroad grade crossing intersection are provided. Special actions, such as use of hazard warning signal flashers and placement of warning devices, are covered. Miscellaneous rules covered in Part 392 include fueling, transporting of certain unauthorized persons, and use of radar speed detectors. Special rules are provided for the operation of buses.

6. 49 C.F.R. Part 393—Parts and Accessories Necessary for Safe Operation

Part 393 provides many specific requirements for parts and accessories deemed necessary for safe operation of CMVs. This section frequently references the Federal Motor Vehicle Safety Standards (FMVSS), and provides that no employer or employee may operate a CMV or allow it to be operated without compliance with rules established by this part. Specific equipment requirements are given for lighting devices, reflectors, and electrical equipment; brakes; glazing and window construction; fuel systems; coupling devices and towing methods; miscellaneous parts and accessories (such items as tires, windshield wipers, mirrors, floors, and rear-end protection); emergency and protective equipment; and frames and body components.

7. 49 C.F.R. Part 395—Hours of Service of Drivers

Hours of service of CMV drivers are regulated by a complex set of rules established by this Part. The rules stated in Part 395 apply to all motor carriers and drivers, unless there is an exception. No motor carrier shall permit or require any of its drivers to drive nor shall any such driver drive more than 10 hours following 8 consecutive hours off duty; or for any period after having been on duty 15 hours following 8 consecutive hours off duty. To comply with the hours of service regulations, drivers are required to maintain a written record

of their duty status, or use an automatic onboard recording device.

8. 49 C.F.R. Part 396—Inspection, Repair, and Maintenance

Federal requirements for inspection, repair, and maintenance of CMVs are summarized in Part 396. Every motor carrier, its drivers, and all its agents and employees that are directly concerned with the inspection or maintenance of CMVs are required to comply. Every motor carrier must systematically inspect, repair, and maintain all motor vehicles subject to its control. This requirement covers prohibition of unsafe operations, inspection of CMVs in operation, driver vehicle inspections and reports, periodic detailed inspections, lubrication, and qualifications of both regular and brake inspectors.

9. 49 C.F.R. Part 397—Transportation of Hazardous Materials; Driving and Parking Rules

49 C.F.R. § 397 covers the operation of vehicles carrying hazardous materials (HAZMAT or HM).¹⁴ Rules in this part apply to operators of CMVs and to officers and employees of the motor carrier performing supervisory duties regarding the transportation of hazardous materials. When a motor vehicle is carrying hazardous materials that require placarding in accordance with 49 C.F.R. § 177.823, 49 C.F.R. §§ 390–397 shall apply.

CMVs carrying hazardous materials are to be driven and parked in accordance with the laws, ordinances, and rules of the jurisdictions in which they are being operated, unless the federal regulations are more stringent. Other requirements are that if the CMV covered by this part is on a public street or highway, it must be attended by the driver unless he or she is performing necessary CMV-related duties, that vehicles containing hazardous materials must not be operated or parked near an open fire, and that the CMV be fueled with the engine off and a person in charge of the fueling process. Section 397.17 requires the tires on a CMV under this part to be checked every 2 hours or 100 miles of travel, and requires prompt repair of flat, leaking, or improperly inflated tires.

10. 49 C.F.R. Part 399—Employee Safety and Health Standards

This short part has but one subpart relating to CMVs that presents step, handhold, and deck requirements. The subpart applies to all trucks and truck-tractors having a high profile cab-over-engine (COE) configuration, for entrance, egress, and back-of-cab access. The general rule is that sufficient vehicular equipment

must be provided to allow the user to have at least three limbs in contact with the vehicle at any time.

D. Other Federal Regulations or Documents

1. National Highway Transportation Safety Administration

The National Highway Transportation Safety Administration's (NHTSA's) Highway Safety Program Guideline 17, *Pupil Transportation Safety*, notes that all drivers who operate a vehicle designed to carry 16 or more persons (including the driver)

are required by FHWA's Commercial Driver License Standards by April 1, 1992 (49 C.F.R. Part 383) to have a valid commercial driver's license; [and] be qualified as a driver under the Federal Motor Carrier Safety Regulations of the FHWA, 49 C.F.R. Part 391, if the driver or the driver's employer is subject to those regulations.¹⁵

III. STATE AND LOCAL CDL/CMV SAFETY REQUIREMENTS AND REGULATIONS

A. State CDL/CMV Regulation

State and local CDL and CMV regulations are required to conform to federal requirements. While federal requirements are fairly well known, there is less collective knowledge about corresponding state CDL/CMV regulations. Knowledge of local requirements, if any, is even more vague. In addition, there is some confusion about the extent that highway transit agencies (including those operating Interstate, local, and school bus vehicles) have adopted or created such regulations. Thus, a main purpose of the proposed investigation is to compile an index of state and local CDL/CMV regulations, including those for school bus and transit vehicle operation, and differences between federal and state regulations.

B. Data Sources

Information on state CDL/CMV regulation was sought from several sources. These included individual state CDL manuals, regular state driver's manuals, state statutes, and state Department of Motor Vehicle (DMV) Web sites (if available). The following sections provide a brief discussion of the availability of information, with state-by-state information provided in Appendix B.

1. State CDL and Regular Driver's Manuals

Publication of the requirements for obtaining a CDL and operation of CMVs is facilitated by individual state CDL manuals. As an initial step in this study, copies of each state's CDL and regular driver's manual were requested. To determine state responses to such requests, letters were sent to each state's DMV during the month

¹⁴ A basic definition of "hazardous materials" is provided in the section, *Hazardous Materials Transportation Act of 1975*, above. However, reference must be made to 49 C.F.R. § 171-180 for a full definition of what constitutes a hazardous material, as well as other information concerning its transport.

¹⁵ U.S. DOT, NHTSA, Highway Safety Program Guideline 17, *Pupil Transportation Safety*, effective December 2, 1992.

of March 2000 requesting a copy of their current CDL and regular driver's manual. These requests were written as an individual or a potential new resident might request, and not as part of any research effort. Responses were received from 45 states. Thirty-six states sent both manuals as requested. One state sent the CDL but not the regular driver's manual, and eight states sent the regular manual but not the CDL. Arizona, Delaware, Hawaii, New York, Rhode Island, and the District of Columbia did not respond with either manual. Second written requests were sent to all states not sending both manuals. This request did not produce any further responses. Table 1 summarizes the individual state responses.

2. State Statutes

State statutes were searched for specific adoption of the federal regulations. The statutes were accessed via public Web sites as contrasted to proprietary legal sites or references. The public site was chosen for use because not all persons interested in the CDL or CMV statutes of a particular state may have access to a proprietary legal database for state statute compilations.

State statutory information availability via the different Web sites varies significantly. One problem in using the public sites is that many database programs are used—ranging from very easy to use to the practically impossible. In addition, state statutes vary as to the subject matter discussed in this report. Some states have directly adopted the federal regulations; others have adopted them indirectly by requiring compliance, but with no direct reference to the federal requirements or adoption language. Some requirements can be implied, as in the case where a state defines a specific class of vehicles as a CMV, and thereby indirectly requiring a CDL for its operation. In cases where a direct reference was not found in the statutes, the Web site was searched for adoption by administrative regulations. It should be noted, however, that this part of the study focused on the extent of established or written state requirements only within the types of documents referenced.

State statutes were also searched regarding CDL requirements for school bus and transit bus operator requirements, in particular, whether a CDL was specifically called for. The regular state driver's manuals were reviewed to determine if they contained references to the state's CDL manual.

3. Use of the American Association of Motor Vehicle Administrators Model CDL Manual

All states for which CDL manuals were received use the model CDL manual published by the American Association of Motor Vehicle Administrators (AAMVA).¹⁶ The AAMVA is:

a voluntary association of public service executives responsible for motor vehicle administration, driver licensing issues and the enforcement of state and national laws that govern the safe use of vehicles on the roads in the United States and Canada. The Association's mission seeks to improve the administration of *motor vehicle and law enforcement agencies by providing educational forums for its jurisdictional members to exchange ideas; to more effectively serve the driving public by encouraging jurisdictions to implement uniform laws and regulations; and to foster excellence in service to its diverse customer base by providing jurisdictional service delivery best practices.*¹⁷

The AAMVA Model CDL Manual is composed of three parts and 12 sections. Part 1, for all commercial drivers, provides basic instruction on driving and transporting cargo safely. Part 2 provides information necessary for special CDL endorsements (passengers, air brakes, combination vehicles, doubles and triples, tank vehicles, and hazardous materials). Part 3 covers the pre-trip vehicle inspection test, the basic vehicle control test, and the on-road driving test subjects. Use of this manual facilitates uniformity with the federal requirements and ensures that CDL/CMV information is disseminated. Many states add materials to the basic document ranging from a page or two to a chapter describing that state's regulations, place of obtaining licenses, taking tests, and similar information. See Table 2 for a summary of each state's use of the AAMVA Model Manual.

¹⁶ AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS, MODEL COMMERCIAL DRIVER LICENSE MANUAL, VERSION 2.0.

¹⁷ Statement of purpose, AAMVA Web site, located at <http://www.aamva.org>.

TABLE 1

STATE RESPONSES TO REQUESTS FOR CDL AND REGULAR DRIVER'S MANUALS

State	CDL Manual Rcd?	Regular Driver's Manual Rcd?	State	CDL Manual Rcd?	Regular Driver's Manual Rcd?
Alabama	Y	Y	Nebraska	Y	Y
Alaska	Y	Y	Nevada	Y	Y
Arizona	N	N	N. Hamp.	Y	Y
Arkansas	N	Y	N. Jersey	Y	Y
California	Y	Y	N. Mexico	Y	Y
Colorado	Y	Y	N. York	N	N
Conn.	Y	Y	No. Carolina	Y	Y
Delaware	N	N	No. Dakota	Y	Y
Florida	Y	Y	Ohio	Y	N
Georgia	Y	Y	Oklahoma	Y	Y
Hawaii	N	N	Oregon	Y	Y
Idaho	Y	Y	Penna.	N	Y
Illinois	Y	Y	Rhode Island	N	N
Indiana	Y	Y	So. Carolina	Y	Y
Iowa	Y	Y	So. Dakota	Y	Y
Kansas	Y	Y	Tennessee	Y	Y
Kentucky	N	Y	Texas	N	Y
Louisiana	N	Y	Utah	Y	Y
Maine	Y	Y	Vermont	Y	Y
Maryland	Y	Y	Virginia	N	Y
Massachusetts	Y	Y	Washington	Y	Y
Michigan	Y	Y	W. Virginia	Y	Y
Minnesota	N	Y	Wisconsin	Y	Y
Mississippi	Y	Y	Wyoming	Y	Y
Missouri	Y	Y	Dist. Col.	N/A	N/A
Montana	N	Y	Puerto Rico	N/A	N/A

4. State Department of Motor Vehicles Web Sites

A significant amount of information related to the operation of CMVs and licensing of commercial drivers is now available via the Internet. All state DMVs have a Web site, although the sophistication and information provided over the range of these sites varies significantly. No standardization is apparent. Nevertheless, these sites are useful to motorists. State DMV Web sites were accessed to determine if the CDL was available online and to review the type of CMV information available. This information is summarized in Table 2, and pertinent Web site addresses are given in the state summaries contained in Appendix B.

C. State Application of Federal CDL/CMV Regulations

1. State Adoption and Variance Regarding Federal CDL/CMV Regulations

State methodology in adoption of the Federal CDL/CMV regulations varies. States are required to adopt and enforce the FMCSRs:

a) No funds shall be awarded under this part to States that do not adopt and enforce laws and regulations that are compatible with the FMCSR (except as may be determined by the Administrator to be inapplicable) and the FHMR, unless otherwise provided in the Tolerance Guidelines....

b) The State shall conduct an annual review of all its laws and regulations pertaining to commercial motor vehicle safety to determine their compatibility with the FMCSR and FHMR. The review shall be carried out in accordance with part 355 of this subchapter. To support a State's contention of compatibility, the State may submit opinions from the State's Attorney General or other

chief legal officer with respect to the effect and enforceability of State laws, rules, regulations, standards, or orders in relation to the FMCSR and FHMR.

(c) State laws and regulations pertaining to commercial motor vehicle safety in interstate commerce are also subject to preemption under the provisions of Sec. 355.25 of this chapter.

(d) State laws and regulations that are not identical to the FMCSR or FHMR will be deemed compatible for purposes of this part only if they are within the variances permitted ...¹⁸

State methods of adoption vary.¹⁹ Thirty-four states adopt the Federal regulations directly by statute, citing the Federal acts, the FMCSRs by title or section as contained in the C.F.R., or sections of the U.S.C. Fourteen states adopt the regulations indirectly, using such general statements as “[T]he governor may contract and do all other things necessary to secure the full benefits available to this state under the federal highway safety act of 1966....”²⁰ One state adopts the FMCSRs by administrative reference, and information regarding adoption in one additional state was not found. See Table 2. State-by-state CDL/CMV regulatory details are presented in Appendix B, and contain:

1. State statute references regarding adoption of federal CDL/CMV regulations.
2. Differences between federal and state CDL/CMV regulations.
3. Description of CDL and regular driver’s manuals regarding CDL/CMV requirements.
4. Availability of the state CDL manual, whether the state has adopted or modified the AAMVA model CDL manual, and whether the state CDL manual is available electronically (online).
5. Type of driver’s license required for school bus and regular transit bus operation.
6. Web/Internet site addresses (public sites) for statutes and regulations.

While the majority of states generally comply with the overall requirements of the FMCSRs, some do not. Differences between state and federal regulations were summarized from materials received from the FHWA, which provides a comparison by state. See Table 3. The FHWA notes that three states, Florida, Maine, and South Dakota, each contain nonconforming variances. Florida, for example, exempts certain driver-salespersons, drivers with no convictions, and drivers with diabetes from portions of the FMCSRs; extends the 100 mi. exemption radius specified in 49 C.F.R. § 395.1(e) to 200 miles; changes the federal 8 hours off–10 hours on duty hours rule to 8 hours off–15 hours on, as provided in § 316.302(2)(b); and exempts certain utility company drivers from driver vehicle inspection and record keeping. Maine’s CDL/CMV statutes do not

directly address the requirements of 49 C.F.R. § 391 (CMV Driver Qualifications), and 49 C.F.R. § 395 (Hours of Service) of the FMCSRs. South Dakota’s qualifications for driving a CMV (49 C.F.R. § 391), hours of service (49 C.F.R. § 395), and other regulations (49 C.F.R. §§ 392, 393, and 395) differ from the federal regulations. Although a sentence-by-sentence comparison was not performed, more details regarding federal/state nonconformance are provided in Appendix B.

2. State Dissemination of CDL/CMV Regulations

Methods used by the various states to disseminate CDL/CMV information vary considerably. As noted, all states appear to use the AAMVA Model CDL Manual (Model Manual) as a base for their individual CDL manuals. Thirteen states use the Model Manual without change, while 23 states add either administrative or vehicle operational skills information to the Model Manual. In addition, eight states provide their CDL/CMV manual electronically on their DMV Web site (see Table 2), and two other states provide some information (but not the complete manual) regarding operation of CMVs.

One particular point of interest was whether a state provides any CDL/CMV information in their regular driver’s manuals. Because the state driver’s manual should be read at least once by new drivers, this manual is a basic form of communication between a state and its aspiring drivers. Some states merely refer the reader to their CDL manual, while others describe the type of vehicles that require an operator to have the CDL, or what constitutes a CMV. Other states provide a more complete description of the CDL program. Details are provided in Table 2.

¹⁸ 49 C.F.R. § 350.11 (a), (b), (c), & (d).

¹⁹ Differences between specific state and federal requirements of the FMCSRs are discussed later in this report.

²⁰ ARIZ. REV. STAT. S.28-602.

TABLE 2
STATE METHODOLOGY REGARDING ADOPTION OF FEDERAL CDL/CMV REGULATIONS AND
AVAILABILITY OF STATE CDL MANUAL

State	Are Federal CDL/CMV Regulations Adopted by Statute?	Is AAMVA Model Manual Used for State CDL?	Are CDL/CMV Requirements Mentioned in Regular Driver's Manual?	CDL Manual Available via Internet?
Alabama	Y	Y	Y	N
Alaska	Indirectly	Y	Limited	N
Arizona	Indirectly	--	--	N
Arkansas	Y	--	N	N
California	Y	Y (1)	Y	Y
Colorado	Y	Y (2)	References CDL manual	N
Connecticut	Y	Y	Y	Y
Delaware	Y	--	--	--
Florida	Y	Y (2)	Y	Y
Georgia	Y	Y	Y	N
Hawaii	By reference	--	--	N
Idaho	Indirectly	Y (1)	References CDL manual	Some information
Illinois	Y	Y	Y	N
Indiana	Adopts U.S.C.	Y (1)	Y	N
Iowa	Indirectly	Y	Y	Y
Kansas	Y	Y (1)	Limited	N
Kentucky	Y	Y	Y	Some information
Louisiana	--	--	N	N
Maine	Y	Y	References CDL manual	N
Maryland	Y	Y (1)	N	N
Massachusetts	Indirectly	Y (1)	Limited	N
Michigan	Y	Y (1)	Y	Y
Minnesota	Y	--	N	N
Mississippi	Indirectly	Y (1)	N	N
Missouri	Y	Y	Limited	N
Montana	Y	--	Limited	N
Nebraska	Indirectly	Y (1)	Limited	N
Nevada	Y	Y	Y	Y
New Hampshire	Y	Y	Y	N
New Jersey	Y	Y (1)	Y	N
New Mexico	Y	Y (1)	Y	N
New York	Y	Y (1)	--	N
No. Carolina	Y	Y (1)	Y	N
No. Dakota	Y	Y (1)	Limited	N
Ohio	Y	Y (1)	--	N
Oklahoma	Indirectly	Y	Y	Y
Oregon	Indirectly	Y (1)	N	N
Penna.	Y	--	References CDL manual	N
Rhode Island	Y	--	--	N
So. Carolina	Indirectly	Y (1)	N	N
So. Dakota	Y	Y	Y	N
Tennessee	Indirectly	Y (1)	Y	N
Texas	Indirectly	--	Y	N
Utah	Y	Y	Limited	N
Vermont	Y	Y (1)	Limited	N

State	Are Federal CDL/CMV Regulations Adopted by Statute?	Is AAMVA Model Manual Used for State CDL?	Are CDL/CMV Requirements Mentioned in Regular Driver's Manual?	CDL Manual Available via Internet?
Virginia	Indirectly	--	Y	Some information
Washington	Y	Y (1)	Y	Y
W. Virginia	Y	Y (1)	Limited	N
Wisconsin	Adopts U.S.C.	Y (1)	Limited	N
Wyoming	Indirectly	Y (1)	Limited	N
Dist. Col.	Y	--	--	N
Puerto Rico	--	--	--	N

Notes:

Are Federal CDL/CMV Regulations Adopted by Statute?

Y = Direct reference to Federal Act, U.S.C., or one or more C.F.R. sections.

Indirectly = Implied, but not a specific citation.

Is AAMVA Model Manual Used for State CDL?

Y = Version 2.0 generally used without change, or with limited added information.

Y (1) = Version 2.0 used, with a greater amount of added information.

Y (2) = Some information from Version 2.0 is eliminated.

-- Unknown or not applicable.

TABLE 3

FMCSR STATE/FEDERAL VARIANCES

(AS OF JANUARY 1999)

State	390	391	391.11(b) (1)	391.41	392	393	395	395.1(e)	395.3(a)	395.3(b)	396	HIM
Alabama												X
Alaska			X									X
Arizona		X					X				X	X
Arkansas												
California							X			X		X
Colorado		X			X		X				X	X
Connecticut			X						X			X
Delaware	X	X			X	X	X				X	X
Florida	X	I	X	X	X		I	X	X	X	I	X
Georgia												X
Hawaii												X
Idaho		I			I	I	I				I	X
Illinois			X				I					X
Indiana	I	X			I	I	I				I	X
Iowa		I					I	X				X
Kansas	I	I			I	I	I				I	X
Kentucky												X
Louisiana												
Maine		X	X				X				X	X
Maryland	X	X		X	X	X	X				X	X

State	390	391	391.11(b) (1)	391.41	392	393	395	395.1(e)	395.3(a)	395.3(b)	396	HIM
Massachusetts			X									
Michigan	X	X	X			X	X			I	X	X
Minnesota	I	I	X				I			X	I	X
Mississippi	I	I			I	I	I				I	X
Missouri	I	I			I	I	I				I	X
Montana		X		X	X		I				X	X
Nebraska		I					I					I
Nevada												X
New Hampshire			X									X
New Jersey			X									X
New Mexico												
New York												X
No. Carolina	X	X	X		X	X	X		X	X	X	X
No. Dakota			X	X								X
Ohio			X	X			I					I
Oklahoma	X	X		X	X	X	X		X		X	X
Oregon		X					X					X
Penna.		X					X				X	
Rhode Island		X					X					X
So. Carolina	I	I			I	I	I				I	X
So. Dakota	X	X	X	X	X	X	X				X	X
Tennessee	I	I		X	I	I	I				I	X
Texas												
Utah		X				X						X
Vermont	X	X	X			X	X				X	X
Virginia		X	X			X	X	X			X	X
Washington		X		X	X		I					X
W. Virginia		X	X									X
Wisconsin		X	X				X			X		X
Wyoming		X	X		X		I				X	X
Dist. Col.	-	-	--	--	--	--	--	--	--	--	--	X
Puerto Rico	-	-	X	--	--	--	--	--	--	--	--	X

Notes:

X = Variance for which FHWA has previously granted waiver.

I = Variance for which FHWA has previously granted industry waiver.

X = Nonconforming variance.

I = Nonconforming industry variance.

Source: U.S. DOT, FHWA

3. State CDL Requirements for School Bus and Transit Bus Operation

Federal regulations currently define a CMV as a for-hire vehicle capable of transporting more than eight passengers for compensation or 15 not for compensa-

tion, including the driver. Operation of a CMV requires a CDL, unless the driver meets one of the federal exemptions, so the requirement for a CDL can be inferred in any state through the federal regulations defining a passenger bus as a CMV. However, TEA-21 amended the definition of a CMV to include vehicles designed or used to transport for compensation more than eight

passengers, including the driver.²¹ FHWA has proposed to amend the FMCSRs to include this definition, with the proposal currently in the form of an interim final rule.²² The comments in this section are based on the FMCSR 15-passenger rule.

States vary in their requirements for the school bus operators' license, and vary considerably in terms of communicating the requirements through their public documents. While the requirement for a CDL is exempted for school bus operators under the FMCSRs,²³ some states require the CDL by statute or regulation. Other states have special requirements, including extra training and endorsements on the regular drivers license, or on the CDL. Some states directly reference the CDL for operation of regular public transit vehicles; others require the CDL indirectly by defining a transit vehicle per the federal regulations of 15-passenger capacity (including the driver). Some states vary the public-bus-CMV definition within the range from 10 to 16 passengers.

In many states, it is very difficult to determine the requirements for driving school and regular transit buses by referring to the regular state driver's manuals. However, it could be expected that a transit or school pupil transportation agency would have knowledge of the state requirements for these types of licenses. Table 4 presents the author's interpretation of information gleaned from the data sources discussed previously, and readers are referred to the specific state statutes or additional details as given in Appendix B.

D. Local CDL/CMV Regulation

The questionnaire survey contained questions leading to the identification of local CMV- or CDL-related regulations, but no such areas were identified by respondents or otherwise. State and federal regulations have precedence over any local CDL requirements, and would override any local attempts to discount the federal or state regulations.

²¹ § 4008(a), TEA-21.

²² Fed. Reg., Sep. 3, 1999, Vol. 64, No. 171, p. 48509. An exemption for small vehicle operators was granted for a 6-month period.

²³ 49 C.F.R. § 390.3(f)(1).

TABLE 4

CDL REQUIREMENTS FOR SCHOOL BUS OR TRANSIT BUS OPERATION

State	School Bus Driver's License	CDL Required for Transit Bus Operation?	State	School Bus Driver's License	CDL Required for Transit Bus Operation?
Alabama	State	CMV	Nebraska	State	CMV
Alaska	State	--	Nevada	State	CMV
Arizona	CDL	CMV	New Hampshire	State	CMV
Arkansas	State	CMV	New Jersey	CMV	CMV
California	State	CMV	New Mexico	State	CMV
Colorado	State	CMV	New York	State	CMV
Connecticut	CDL	CDL	No. Carolina	CDL	CMV
Delaware	--	--	No. Dakota	--	CMV
Florida	CDL	CDL	Ohio	CDL	CMV
Georgia	CDL	CMV	Oklahoma	State	CMV
Hawaii	--	--	Oregon	CMV	CMV
Idaho	CDL	CMV	Penna.	CDL	CMV
Illinois	CDL	CDL	Rhode Island	CDL	CDL
Indiana	Chauffeur	CDL	So. Carolina	State	CMV
Iowa	--	CDL	So. Dakota	CDL	CMV
Kansas	--	CMV	Tennessee	CDL	CMV
Kentucky	CDL	CMV	Texas	--	CMV
Louisiana	State	CMV	Utah	State	CMV
Maine	CDL	CDL	Vermont	CDL	CMV
Maryland	--	--	Virginia	CDL	CMV
Massachusetts	State	--	Washington	CDL	CMV
Michigan	State	CDL	W. Virginia	State	CMV
Minnesota	CDL	CDL	Wisconsin	CDL	CMV
Mississippi	--	--	Wyoming	CDL	CMV
Missouri	--	For Hire	Dist. Col.	--	CMV
Montana	CDL	CMV	Puerto Rico	--	--

Notes:

CDL = Regulations or statutes with direct or easily implied indirect reference to the CDL.

State = Reference to a state regulation or statute section.

CMV = CDL requirement based on public transit or school bus definition as a CMV.

-- = Not applicable or unknown.

IV. CDL/CMV STATE INFORMATION QUESTIONNAIRE

A. Questionnaire Survey

A questionnaire survey was developed for state motor vehicle agencies, transit companies, school pupil transportation agencies, and trucking companies. The intent was to determine how these entities learn of and deal with federal and state commercial motor vehicle regulations, including methods of monitoring regulatory changes. Information on commercial driver licensing was also sought.

Questions included those addressing:

1. Differences between state and federal CMV safety regulations.
2. Information on the state requirements regarding CDLs.
3. Knowledge of any local CMV-related regulations.
4. Agency type and services provided.
5. Authority and responsibility for CMV safety regulation.
6. Methodology used in obtaining CMV safety regulation information.
7. Methodology used in dissemination of CMV safety information.
8. How agencies respond to proposed regulatory rule-making.

9. Responsibility for enforcement.

B. Questionnaire Survey Responses

Names and addresses of public transit agencies, school transportation agencies, and motor freight carriers were randomly selected from lists of such agencies. Effort was expended to achieve national coverage. In addition, names and addresses of all state motor vehicle agencies were assembled. One hundred and ninety-five questionnaires were sent during the month of June 2000. Of these, 74 (38 percent) were returned, including

those from a repeat mailing in July 2000, with an accompanying explanatory letter containing a reconfirmation of anonymity and a request for participation in the survey. Table 5 presents the number of questionnaires sent and the number of responses received. A forty to fifty percent return rate had been expected. While the number returned was lower than this expectation, most information requested concerning the CMV and CDL regulatory information via the questionnaire can be obtained from state statutes and regulations.

TABLE 5
QUESTIONNAIRES SENT AND RECEIVED BY TYPE OF AGENCY

Type of Agency	Questionnaires Sent	Questionnaires Returned	Percent Returned
State Departments Of Motor Vehicles	50	23	46
Transit Service Providers	98	33	34
School Pupil Transportation	29	13	45
Motor Freight Carriers	18	5	28
Totals	195	74	38

An important purpose of the questionnaire survey was to determine whether the respondents were aware of any local areas with regulations that differed from the federal or state CMV or CDL regulations. No such areas or differences were noted by any of the respondents, although numerous responses indicated knowledge of differences between state and federal regulations.

Secondary purposes of the survey were to determine how the various agencies keep up with changes in the CMV regulations, particularly from what sources other than directly from the state or federal government agencies information is obtained, and whether legal counsel is commonly used by the agencies in evaluating proposed changes. It was also of interest whether the agencies respond with official requests for interpretation, or provide comments to proposed changes. The questionnaire survey was deemed appropriate to answer these questions.

The following sections summarize the information received by type of respondent.

1. State Departments of Motor Vehicles

A total of 23 responses were received from questionnaires sent to the state motor vehicle agencies. Eighteen returns were from separate departments of motor vehicles, three from state police agencies, and two from state DOTs. As to responsibility of enforcement of CMV

regulations, eight reported motor carrier enforcement agencies either within a state's DOT or within another agency of the state DOT (such as a DMV). Two of the 20 states responding reported the state police agency had the enforcement responsibility.

The majority of reporting states (85 percent) enforce regulations involving public transit providers or school pupil transportation agencies.

Although this question is also answered by the individual state reviews, 30 percent of responding states note the federal CMV regulations have been adopted by state statute, and 60 percent note the federal regulations have been adopted fully or in part by rule, regulation, or practice. Fifty percent of the states monitor federal CMV regulations via a professional or trade organization (the AAMVA was frequently mentioned), and nearly 50 percent note that changes in federal regulations are received directly from the federal agency (FMCSA) or via the Internet. Internet access to the Federal Register was mentioned in two cases. Review of state CMV regulations was most often accomplished by ongoing reviews, although two states noted an annual review.

As expected, the AAMVA Model Manual was used by all states. Fifty percent of respondents note this manual is edited for particular state requirements, sometimes periodically (30 percent), and whenever a new edition is published (35 percent).

Forty percent of responding states noted differences between their state regulations and the federal regulations. Differences mentioned include exceptions for drivers of farm service or agricultural vehicles, driver hours of service, age of CMV driver, CDLs required for limousine and eight-passenger vans, substance testing, and the steer axle brake rule. No state noted any local agencies or areas with additions or modifications to state or federal CMV regulations.

Keeping up with actual or proposed changes was found to be little different from methods used by transit agencies. Sixty-five percent of respondents noted the use of professional or industry organizations (again, the AAMVA was frequently mentioned), and roughly 50 percent of all agencies use in-house legal assistance. (No state noted use of retained counsel.)

Equipment manufacturers or vendors were not noted as helping states monitor the CMV regulations. However, states apparently do react to proposed changes to the federal regulations, as 60 percent report having made a formal response to a proposed CMV change or rule. In addition, states frequently request formal interpretations of the federal rules, as 80 percent indicated such a request. Reported issues have involved size and weight, tank vehicle, cargo securement, CDL requirements, and the use of onboard computers.

2. Transit Systems

A total of 33 responses from transit systems were received. All of these systems classified themselves as local transit providers. Three systems indicated they provided charter service, and two indicated Interstate service. The 98 systems selected for the questionnaire had been selected at random among systems in 45 states. Responses covered 32 states.

System size ranged from three to 650 regular transit buses. Of these, approximately one-third are large systems, with a size of 100 vehicles or more. Systems offering demand-responsive service operated from three to 124 small buses or passenger vans, defined as a passenger capacity of 15 or less.

Regarding federal CMV regulations, 21 systems or nearly 70 percent reported that they obtain this information from their state DOT. About 40 percent reported use of the Internet or similar source or a professional or trade organization for this type of information. For state regulations, about 71 percent reported obtaining the information from the state DOT, with 23 percent each reporting use of another state agency, a professional or trade organization, or the Internet. A small percentage indicated use of a proprietary service.

Fifty-two percent of reporting organizations noted they review their CMV regulations regarding conformance with state or federal sources on an ongoing basis. Other schedules include "on an as-needed basis" (23 percent) and "when we become aware of new regulations" (16 percent).

Twenty-nine, or 94 percent, of the 31 transit agencies reported that they were unaware of any local agencies or areas that had additions or modifications to the

State or federal CMV regulations. Agencies in California, Florida, Kentucky, and Oregon reported differences between their state and the federal regulations.

The majority of agencies (more than 60 percent) reported use of a professional or industry organization to keep up with actual or proposed changes in state or federal CMV regulations. In-house or retained counsel were reported by 42 percent of the transit agencies, followed by 31 percent using non-lawyer personnel. Fifty-five percent reported receiving assistance from equipment manufacturers or vendors.

Although only three agencies reported making a formal response to a proposed CMV rule or regulation, 18 (58 percent) reported seeking a formal interpretation of a state or federal CMV rule. Reported questions included medical issues (part-time drivers, hearing, diabetes, requirements for maintenance staff), drug and alcohol, charter service, and Americans With Disabilities Act issues.

In response to the question about CDL requirements for drivers of small vans (eight to 15 passengers), 52 percent of the agencies responding indicated a CDL was required. Seventy-seven percent of all agencies indicated that assistance in obtaining a CDL is provided in-house (as opposed to requiring a CDL prior to employment), and 81 percent indicated use of a training manual. Copies of training manuals or schedules indicate a full range of training for transit vehicle drivers.

3. School Pupil Transportation Agencies

Responses from the school pupil transportation agencies indicated that the average fleet size for these providers was 78 regular school buses and 54 vehicles for special transportation needs. All the respondents were divisions of local school authorities.

These transportation agencies predominantly received information concerning CMV or CDL from the state DOT or another state agency, which in these cases was the state educational department. Driving of school buses or other vehicles used to transport pupils is covered by state statute in nearly every case. CDLs are required by some states, while other special state driver's licenses are required by others.

The school pupil transportation agencies indicated that they update their driving regulations most frequently on an as-needed basis, or conduct ongoing reviews. Of more importance, no agency noted any differences between state and federal regulations, or was aware of any local areas having regulations different from state or federal regulations.

More so than transit agencies, equipment manufacturers were noted as providing assistance in monitoring proposed regulations. Due to the limited number of school bus manufacturers and their participation in federal and state regulatory matters, this was as expected. The majority of agencies had never made a response to a proposed CMV rule or regulation and had never sought an interpretation of such a rule. The majority of agencies assist employees in obtaining a CDL to operate school buses.

4. Motor Freight Carriers

Little useful information was received from the limited number of responses from motor freight carriers, and insufficient responses were received even after a second, directed request for information. However, the three carriers that responded to the survey indicated that they were unaware of any differences between local area and state CMV or CDL requirements, that they depended on professional or industry organizations to learn of actual or proposed changes to state and federal regulations, and that they required a CDL for employment as a CMV driver.

APPENDIX A

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

1. 49 C.F.R. Part 382—Controlled Substances and Alcohol Use and Testing

The purpose of 49 C.F.R. § 382, consisting of six subparts, is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol²⁴ or use of controlled substances²⁵ by drivers²⁶ of CMVs. The rules set forth in this part apply to every person and to all employers²⁷ of such persons who operate a CMV in commerce in any state, and in particular, are related to alcohol use.²⁸ The rules also apply to an “employer-driver.”²⁹ An employer who employs only himself/herself as a driver shall also implement a random alcohol and controlled substances testing program.

The exceptions contained in 49 C.F.R. § 390.3(f)³⁰ do not apply to this part. The employers and drivers identified in § 390.3(f) must comply with the requirements of this part, unless otherwise specifically provided in paragraph (d) of this section. However, there are a few exceptions to the alcohol and substance abuse regulations as stated in this section.³¹ Employers are to ensure that alcohol and controlled substance testing complies with procedures set forth in 49 C.F.R. § 40.

Part 382 sets forth specific alcohol use prohibitions. No driver shall report for duty or remain on duty, requiring the performance of safety-sensitive functions,³² while having an alcohol concentration of 0.04 or greater (nor shall an employer having knowledge of this violation allow the driver to perform or continue to perform).³³ No driver shall use alcohol while performing safety-sensitive functions (nor shall an employer having knowledge of this violation allow the driver to perform or continue to perform).³⁴ A driver shall not

²⁴ Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part. 49 C.F.R. § 382.107.

²⁵ Controlled substances mean those substances identified in 49 C.F.R. § 40.21(a) (See 49 C.F.R. § 107).

²⁶ Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers; and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a CMV at the direction of or with the consent of an employer. 49 C.F.R. § 382.107.

²⁷ Employer means any person (including the United States, a state, District of Columbia, tribal government, or a political subdivision of a state) who owns or leases a commercial motor 49 C.F.R. § 382.107.

²⁸ 49 C.F.R. § 383.72 states that any person who holds a CDL shall be deemed to have consented to testing as required in enforcement of 49 C.F.R. § 383.51(b)(2)(i).

²⁹ An employer who employs himself/herself as a driver must comply with both the requirements in this part that apply to employers and the requirements in this part that apply to drivers. 49 C.F.R. § 382.103(b).

³⁰ Operator exceptions to the CMVs as provided in 49 C.F.R. § 390.3(f) *do not* apply to the provisions for alcohol or substance abuse (49 C.F.R. § 382.103(c)). These operators include (1) all school bus operations; (2) transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States; (3) the occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise; (4) the transportation of human corpses or sick and injured persons; (5) the operation of fire trucks and rescue vehicles while involved in emergency and related operations; and (6) the operation of CMVs designed to transport less than 16 passengers (including the driver) until March 6, 2000. 49 C.F.R. § 390.3(f).

³¹ Exceptions do include operators tested under 49 C.F.R. §§ 653 and 654 (Federal Transit Administration regulations), certain military personnel, and those specifically exempted under state law (such as farmers or firefighters) 49 C.F.R. 382.103(c)(3).

³² “Safety-sensitive function” means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer; (2) All time inspecting equipment as required by §§ 392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All time spent at the driving controls of a CMV in operation; (4) All time, other than driving time, in or upon any CMV except time spent resting in a sleeper berth (a berth conforming to the requirements of § 393.76 of this subchapter); (5) All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments loaded or unloaded; and (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

³³ 49 C.F.R. § 382.201.

³⁴ 49 C.F.R. § 382.205.

perform safety sensitive functions within 4 hours after using alcohol (nor shall an employer having knowledge of this violation allow the driver to perform or continue to perform).³⁵ Any driver required to take a post-accident alcohol test shall not use alcohol for 8 hours following the accident or until he/she has been tested.³⁶ No driver will be allowed to refuse to submit³⁷ to a post-accident test, a random test, a reasonable suspicion test, or a follow up alcohol or controlled substances test (nor shall an employer permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions).³⁸ No driver shall report for duty, remain on duty, or perform a safety-sensitive function if he/she tests positive for controlled substances (nor shall an employer having knowledge of this violation allow the driver to perform or continue to perform).³⁹

Part 382 also specifies six types of alcohol and controlled substance abuse testing. The rules for these tests are involved. Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo pre-employment testing for alcohol and controlled substances.⁴⁰ As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test each surviving driver for alcohol and controlled substances.⁴¹

Every employer shall comply with the random testing requirements, and every driver shall submit to random alcohol and controlled substance testing.⁴² A driver must submit to an alcohol or a controlled substance test when the employer has reasonable suspicion to believe that the driver has violated the pertinent prohibitions.⁴³ Each employer shall ensure that before a driver returns to a duty requiring the performance of a safety-sensitive function, after engaging in alcohol or controlled substance abuse conduct, the driver shall undergo testing.⁴⁴ Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, and if the driver is to perform safety-sensitive functions, each employer shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional.⁴⁵

Employers are required to keep records concerning the alcohol and controlled substance abuse testing program. Specific rules apply to where the records are to be kept, who may have access to them, employee notification, confidentiality, and other matters.⁴⁶ The remaining sections of Part 382 further prohibit a driver from performing safety-sensitive functions following prohibited conduct of alcohol or substance abuse provisions, and requires employers to provide the alcohol and substance abuse provisions of the FMCSRs, and to

³⁵ 49 C.F.R. § 382.207.

³⁶ 49 C.F.R. § 382.209.

³⁷ Refuse to submit (to an alcohol or controlled substances test) means that a driver: (1) Fails to provide adequate breath for alcohol testing as required by Part 40 of this title, without a valid medical explanation, after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) Fails to provide an adequate urine sample for controlled substances testing as required by Part 40 of this title, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or (3) Engages in conduct that clearly obstructs the testing process. 49 C.F.R. § 382.107.

³⁸ 49 C.F.R. § 382.211.

³⁹ 49 C.F.R. § 382.215.

⁴⁰ 49 C.F.R. § 382.301.

⁴¹ Testing is required if the accident involved the loss of human life; if the driver received a citation under state or local law for a moving traffic violation arising from the accident; if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or if one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. 49 C.F.R. § 382.303.

⁴² In general, the minimum annual percentage rate for random alcohol testing is 25 percent of the average number of driver positions, and the minimum annual percentage rate for random controlled substances testing is 50 percent of the average number of driver positions. The FHWA Administrator may increase or decrease the minimum annual percentage rates for alcohol and controlled substance testing. 49 C.F.R. § 382.305.

⁴³ The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. 49 C.F.R. § 382.307.

⁴⁴ The standard for alcohol abuse is an alcohol concentration of less than 0.02, and for substance abuse, a verified negative result for controlled substances use. 49 C.F.R. § 382.309.

⁴⁵ 49 C.F.R. § 382.311.

⁴⁶ 49 C.F.R. § 382.401-13.

advise drivers who participate in prohibited alcohol or substance abuse conduct of counseling and treatment programs.⁴⁷

2. 49 C.F.R. Part 383—Commercial Driver’s License Standards; Requirements and Penalties

Part 383, consisting of seven subparts, establishes standards, requirements, and penalties for CDLs. A basic requirement is that a driver may hold but one CDL, and drivers who operate CMVs in an unsafe manner are disqualified. This Part also requires a driver to notify his current employer and his state of domicile of certain convictions. And it requires that a driver provide previous employment information when applying for employment as an operator of a CMV and prohibits an employer from allowing a person with a suspended license to operate a CMV. It establishes periods of disqualification and penalties for persons convicted of certain criminal and other offenses and serious traffic violations, or subject to any suspensions, revocations, or cancellations of certain driving privileges. It establishes testing and licensing requirements for CMV operators and requires states to give knowledge and skills tests that meet the federal standard to all qualified CDL applicants. It also specifies CMV groups and endorsements; specifies the knowledge and skills test requirements for the motor vehicle groups and endorsements; sets forth the federal standards for procedures, methods, and minimum passing scores for testing and licensing CMV operators; and establishes CDL documentation requirements for states.⁴⁸

The rules established in Part 383 apply to every person who operates a CMV in Interstate, foreign, or intrastate commerce, to all employers of such persons, and to all states. Exceptions to this part exclude those established in 49 C.F.R. § 390.3, but do include individuals who are active and reserve military personnel operating a CMV for military purposes. Also included are farmers, firefighters, emergency response vehicle drivers, and government drivers removing snow and ice. In addition, a restricted CDL may be issued to certain CMV operators in the State of Alaska, certain CMV drivers in farm related service industries, and certain CMV operators in the pyrotechnic industry.

No person who operates a CMV may have more than one driver’s license.⁴⁹ A person may not drive a CMV without taking and passing both written and driving tests.⁵⁰ Violation notices are required from CMV operators to state officials and their employers for violation convictions of traffic control laws in any type of vehicle (other than parking violations),⁵¹ or for driver’s license suspensions, revocations, or other disqualifications.⁵² Employers may not allow a driver to operate a CMV during any time the CDL is suspended or revoked. Each employer shall not allow a driver to operate a CMV if the operator has more than one CDL, is subject to an out-of-service order, or is in violation of any law pertaining to a highway-railroad grade crossing.⁵³

Part 383, Subpart D, presents issues leading to driver disqualification.⁵⁴ Disqualification events include driving while under the influence, leaving the scene of an accident, the commission of a felony, a serious traffic violation, violation of an out-of-service order, or highway-railroad grade crossing violations.⁵⁵

State procedures for issuance of CDLs are contained in 49 C.F.R. § 383.73. Specific procedures are provided for initial licensure, license transfers, license renewals, license upgrades, nonresident CDLs, license issuance, penalties for false information, reciprocity, and alternative procedures. The initial licensure requires driver certification of eligibility for licensure, testing, and provision of certain information, and a representative vehicle for testing. A check of the applicant’s driving record for disqualifications, suspensions, revocations, or cancellations, including previous states of licensure shall be obtained. It is also required that

⁴⁷ 49 C.F.R. § 382.501–605.

⁴⁸ 49 C.F.R. § 383.1.

⁴⁹ 49 C.F.R. § 383.21.

⁵⁰ 49 C.F.R. § 383.23(a).

⁵¹ 49 C.F.R. § 383.31.

⁵² 49 C.F.R. § 383.33.

⁵³ 49 C.F.R. § 383.37.

⁵⁴ “Disqualification” means the suspension, revocation, cancellation, or any other withdrawal by a state of a person’s privileges to drive a CMV; or a determination by the FHWA, under the rules of practice for motor carrier safety contained in 49 C.F.R. § 386 that a person is no longer qualified to operate a commercial motor vehicle under 49 C.F.R. § 391; or the loss of qualification that automatically follows conviction of an offense listed in 49 C.F.R. § 383.51. 49 C.F.R. § 383.5.

⁵⁵ Disqualification for a railroad-highway grade crossing offense includes not stopping or failing to slow down and check that the tracks are clear of an approaching train; failing to stop before reaching the crossing, if the tracks are not clear; failing to stop before driving onto the crossing; failing to have sufficient space to drive completely through the crossing without stopping; failing to obey a traffic control device or the directions of an enforcement official at the crossing; and failing to negotiate a crossing because of insufficient undercarriage clearance. 49 C.F.R. § 383.51(e).

the Commercial Driver's License Information System (CDLIS)⁵⁶ and the National Driver Register⁵⁷ be checked. Surrender of any driver's license issued by another state will be checked also.

To transfer a CDL among different states, the driver's eligibility for licensure must be checked. A check of the applicant's driving record for disqualifications, suspensions, revocations, or cancellations, including previous states of licensure, the CDLIS, and the National Driver Register is also required. Receipt of information contained on the CDL will be viewed. For hazardous materials endorsement, it must be determined that the applicant has received the required testing for this endorsement. The CDL issued by the other state must be taken up.⁵⁸

For license upgrades the applicant needs to provide certifications and pass tests regarding the upgrade. A check of the applicant's driving record for disqualifications, suspensions, revocations, or cancellations, including previous states of licensure, the CDLIS, and the National Driver Register will also be completed. A state may issue a nonresident CDL to applicants domiciled in foreign countries whose CDL requirements do not meet the federal standards. However, testing for U. S. standards is required. Such a license is marked "nonresident."⁵⁹ 49 C.F.R. § 383.75 also allows for third party testing, and 49 C.F.R. § 383.77 allows waiver of a driving skill test for a CMV operator currently licensed at the time of application for a CDL and with certain experience in driving a CMV.

There are three CMV groups. CDL testing is to be provided for each group desired by the applicant. Group A encompasses any combination of vehicles with a GCWR⁶⁰ of 26,001 pounds or more, provided the GVWR⁶¹ of the vehicles being towed is in excess of 10,000 pounds GVWR. Group B or the heavy straight vehicle is any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. Group C or the small vehicle group is any single vehicle, or combination of vehicles, that meets neither the definition of Group A nor that of Group B, 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 that require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

For purposes of the driving test, a representative vehicle for a given vehicle group is any CMV that meets the definition of that vehicle group. Each driver applicant who desires to operate in a different commercial motor vehicle group from the one that his/her CDL authorizes shall be required to retake and pass all related tests. However, a driver qualified for Group A vehicles may drive Group B and C vehicles, and a driver qualified for Group B may drive Group C vehicles, assuming they have the proper CDL endorsements.

CDL endorsements⁶² are required for various types of vehicles. These vehicles include double or triple trailers, passenger vehicles, tank vehicles, or placarded hazardous materials vehicles. In addition, drivers of air brake⁶³ equipped CMVs must pass the air brake component of the skills test.

Subpart G of 49 C.F.R. § 383 specifies the knowledge and skills requirements for CMV operation. All CMV operators are required to have knowledge⁶⁴ of safe operations regulations, CMV safety control systems, safe vehicle control, vehicle inspections, hazardous materials, air brake and combination vehicle operation, coupling, uncoupling, and vehicle inspection. Required skills⁶⁵ include basic vehicle control, safe driving, air brake, and on the street test conditions.

In order to obtain a Double/Triple Trailer endorsement,⁶⁶ each applicant must have knowledge covering procedures for the assembly and hookup of the units, proper placement of the heaviest trailer, handling and stability characteristics, and potential problems in traffic operations.

⁵⁶ The CDLIS is the Commercial Driver's License Information System established by FHWA pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986. 49 C.F.R. § 383.5.

⁵⁷ National Drivers Register Act of 1982 (23 U.S.C. § 401). 49 C.F.R. § 383.73(a)(3)(iii).

⁵⁸ 49 C.F.R. § 383.73(b).

⁵⁹ 49 C.F.R. § 383.73(d) & (e).

⁶⁰ 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.

⁶¹ Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

⁶² 49 C.F.R. § 383.93.

⁶³ Air brakes include any braking system operating fully or partially on the air brake principle. 49 C.F.R. § 383.95(b).

⁶⁴ 49 C.F.R. § 383.111.

⁶⁵ 49 C.F.R. § 383.113.

⁶⁶ 49 C.F.R. § 383.115.

An applicant for passenger endorsement⁶⁷ must satisfy both of the additional knowledge and skills test requirements. Each applicant must know the proper procedures for loading/unloading passengers; use of emergency exits, including push out windows; responses to such emergency situations as fires and unruly passengers; the proper procedures at railroad crossings and drawbridges; and proper braking procedures. 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.

In order to obtain a Tank Vehicle Endorsement,⁶⁸ each applicant must have knowledge of the causes, prevention, and effects of cargo surge on motor vehicle handling. Each applicant should also know the proper braking procedures for the motor vehicle when it is empty, full, and partially full. They should know the differences between handling of baffled/compartmental tank interiors versus nonbaffled motor vehicles. Each should be aware of the differences in tank vehicle type and construction and the differences in cargo surge for liquids of varying product densities. The applicant should have knowledge of the effects of road grade and curvature on motor vehicle handling with filled, half-filled, and empty tanks and know the proper use of emergency systems.

In order to obtain a Hazardous Material Endorsement,⁶⁹ each applicant must have such knowledge as is required of a driver of a hazardous materials laden vehicle, including hazardous materials, hazardous materials handling, operation of emergency equipment, and emergency responses.

The remainder of Part 383 covers test and testing procedures,⁷⁰ testing methodologies,⁷¹ minimum passing scores,⁷² and information to be displayed on the CDL.⁷³

3. 49 C.F.R. Part 390—Federal Motor Carrier Safety Regulations, General

49 C.F.R. 390, through its four subparts (one reserved), establishes the general applicability, definitions, requirements, and information as they pertain to persons subject to the FMCSRs. The FMCSRs are applicable to all employers,⁷⁴ employees,⁷⁵ and CMVs,⁷⁶ which transport property or passengers in interstate commerce.⁷⁷ The rules related to CDLs are applicable to every person who operates a CMV in Interstate or intra-

⁶⁷ 49 C.F.R. § 383.117.

⁶⁸ 49 C.F.R. § 383.119.

⁶⁹ 49 C.F.R. § 383.121.

⁷⁰ 49 C.F.R. § 383.131.

⁷¹ 49 C.F.R. § 383.133.

⁷² 49 C.F.R. § 383.135.

⁷³ 49 C.F.R. § 383.153.

⁷⁴ “Employer” means any person engaged in a business affecting Interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such terms [sic] does not include the United States, any state, any political subdivision of a state, or an agency established under a compact between states approved by the Congress of the United States. 49 C.F.R. § 390.5.

⁷⁵ “Employee” means any individual, other than an employer, who is employed by an employer and who in the course of his or her employment directly affects CMV safety. Such term includes a driver of a CMV (including an independent contractor while in the course of operating a CMV), a mechanic, and a freight handler. Such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. 49 C.F.R. § 390.5.

⁷⁶ “CMV” means any self-propelled or towed motor vehicle used on a highway in Interstate commerce to transport passengers or property when the vehicle (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg. (10,001 pds.) or more, whichever is greater; or (2) Is designed or used to transport more than eight passengers (including the driver) for compensation; or (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. § 5103.... 49 C.F.R. § 390.5.

Note: Section 4008(a) of TEA-21 amended the definition of CMV to include vehicles used to transport more than eight passengers. The FHWA amended the FMCSRs to adopt this statutory definition, but exempted the operation of these small vehicles from all of the FMCSRs for a period of 6 months (until March 3, 2000.) Interim Final Rule, FHWA Docket No. FHWA-97-2858.

⁷⁷ “Interstate” commerce means trade, traffic, or transportation in the United States (1) Between a place in a state and a place outside of such state (including a place outside of the United States); (2) Between two places in a state through another state or a place outside of the United States; or (3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States. 49 C.F.R. § 390.5.

state⁷⁸ commerce and to all employers of such persons. The rules related to minimum levels of financial responsibility for motor carriers are applicable to motor carriers⁷⁹ as provided in 49 C.F.R. § 387.3 or 49 C.F.R. § 387.27.

An employer may require and enforce more stringent requirements relating to safety of operation and employee safety and health. Such employers shall have knowledge of and comply with all CMV regulations contained in 49 C.F.R. that are applicable to that motor carrier's operations. Drivers and employees shall be instructed, and shall comply with all applicable federal CMV regulations, and all required motor vehicle equipment and accessories shall be maintained in compliance with all of the applicable federal performance and design criteria.

Several exceptions apply to the regulations. Unless specifically provided, these include all school bus operations;⁸⁰ transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States; the occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise; the transportation of human corpses or sick and injured persons; the operation of fire trucks and rescue vehicles while involved in emergency and related operations; and the operation of commercial motor vehicles designed to transport less than 16 passengers (including the driver) until March 6, 2000.⁸¹

49 C.F.R. § 390.9 allows the establishment and enforcement of state or local laws related to safety, as long as those laws do not prevent full compliance with the federal regulations.

Section 390.21 requires specific markings of “self propelled” CMVs. The federal markings must display the name of the motor carrier, the city and state of its principal place of business, the U.S. DOT motor carrier identification number, and in some cases, the words “operated by.”⁸²

Applicability of Part 390 is noted to cover all for-hire motor carriers, with some exceptions. Subpart D, Identification of Vehicles, has been removed from 49 C.F.R. § 390.⁸³ Part 390 also provides rules related to such matters as location of records and documents, copies of documents, prohibitions against falsification of documents, and similar subjects.

4. 49 C.F.R. Part 391—Qualifications of Drivers

The rules in Part 391, including seven subparts, establish minimum qualifications for persons who drive CMVs as, for, or on behalf of motor carriers. These rules also establish minimum duties of motor carriers with respect to the qualifications of their drivers. A motor carrier who employs himself/herself as a driver must comply with the rules in this part that apply both to motor carriers and drivers. Exemptions apply to drivers of custom-harvesting operations, those employed by apiarian industries, or certain farm vehicle drivers.⁸⁴

A person is qualified to drive a CMV if he/she is at least 21 years of age; can read and speak the English language sufficiently for the tasks at hand; has the experience or training to safely operate the CMV; is physically qualified to drive a CMV; has a current CDL issued by only one state or jurisdiction; has furnished the employing motor carrier a list of motor vehicle violations; is not disqualified to drive a CMV under the

⁷⁸ “Intrastate” commerce means any trade, traffic, or transportation in any state that is not described in the term “interstate commerce.” 49 C.F.R. § 390.5.

⁷⁹ “Motor carrier” means a for-hire motor carrier or a private motor carrier. The term includes a motor carrier's agents, officers, and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of [49 C.F.R.] subchapter B, this definition includes the terms “employer” and “exempt motor carrier.” 49 C.F.R. § 390.5.

⁸⁰ “School bus” means a passenger motor vehicle that is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting preprimary, primary, or secondary school students to such schools from home or from such schools to home. 49 C.F.R. § 390.5. “School bus operation” means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home. 49 C.F.R. § 390.5.

⁸¹ 49 C.F.R. § 390.3.

⁸² If the name of any person other than the operating carrier appears on the CMV operated under its own power, either alone or in combination, the name of the operating carrier shall be followed by the [required] information...and be preceded by the words “operated by.” 49 C.F.R. § 390.21(b)(3).

⁸³ Note: 49 C.F.R. §§ 390.401 through 390.407 has been removed. See 65 F.R. 35297 (June 2, 2000).

⁸⁴ 49 C.F.R. §§ 391.1 and 391.2.

rules established by this part; and has successfully completed a driver's road test.⁸⁵ A driver must also be able to demonstrate knowledge of how to properly secure and transport cargo.⁸⁶ A driver may be disqualified from driving for loss of driving privileges, or conviction of certain criminal offenses.⁸⁷

49 C.F.R. § 391, Subpart C, specifies the background and character examinations related to driving a CMV, including the application for employment,⁸⁸ employment investigations and inquiries to be performed by motor carriers,⁸⁹ and motor vehicle violations reports to be furnished by drivers to their employers.⁹⁰

Subpart D of 49 C.F.R. § 391 covers the driver's road test (actual or equivalent). This test is different from the test performed upon issuance of a CDL, and involves the employer's determination that the driver in question is capable of operating the CMV to which he or she will be assigned.⁹¹

Subpart E deals with physical qualifications and examinations of CMV drivers. CMV drivers must be physically qualified to drive. In general, a driver may not have a debilitating physical or mental condition (without a medical waiver), a current diagnosis of alcoholism, or use a (nonmedically prescribed) controlled substance.⁹² A medical examination must be performed by a licensed medical examiner,⁹³ and the CMV driver is required to carry an original or copy of the certificate showing that he or she is physically qualified to drive a CMV.

Each motor carrier is to maintain a driver qualification file for each driver it employs as specified in Subpart F. The driver qualification file is to contain an application for employment, record of past employers contacted, certificate of the driver's road test for the vehicles to be driven, response of each state agency to the annual driver record inquiry, annual review of the driver's driving record, list of motor vehicle related violations, medical examiners' certificate, and official letters regarding any waiver for physical disqualifications.⁹⁴

Some limited exceptions apply to certain CMV drivers. These include single-employer drivers employed since January 1, 1971, intra-city zone drivers, multiple employer drivers, drivers furnished by other motor carriers, certain farm vehicle drivers, and both business and nonbusiness private motor carriers of passengers.⁹⁵

5. 49 C.F.R. Part 392—Driving of Commercial Motor Vehicles

Rules in this part apply to every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of CMVs, or the hiring, supervising, training, assigning, or dispatching of drivers. 49 C.F.R. § 392 contains seven subparts. Every CMV must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, if a regulation of FHWA imposes a higher standard of care than that law, ordinance, or regulation, the FHWA regulation must be complied with.

Several rules deal with those that are not permitted to drive CMVs. No driver shall operate a CMV, and a motor carrier shall not require or permit a driver to operate a CMV, while the driver's ability or alertness is so impaired through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the CMV.⁹⁶ No driver shall be on duty and possess, be under the influence of, or use scheduled

⁸⁵ 49 C.F.R. § 391.11.

⁸⁶ 49 C.F.R. § 391.13.

⁸⁷ Including alcohol and substance abuse offenses (on- or off-duty), leaving the scene of an accident while operating a CMV, or felonies involving the use of a CMV. 49 C.F.R. § 391.15.

⁸⁸ 49 C.F.R. § 391.21.

⁸⁹ 49 C.F.R. § 391.23.

⁹⁰ 49 C.F.R. § 391.27.

⁹¹ 49 C.F.R. §§ 391.31 and 391.33.

⁹² 49 C.F.R. § 391.41.

⁹³ 49 C.F.R. § 391.43. Subpart E lists specific standards of "medically qualified," provides instructions for performing and recording physical examinations, list those who must be medically examined, and provides methodologies for resolution of medical evaluation conflicts and procedures for obtaining a waiver.

⁹⁴ 49 C.F.R. § 391.51.

⁹⁵ 49 C.F.R. § 391.61–69.

⁹⁶ 49 C.F.R. § 392.3.

drugs or other substances.⁹⁷ A driver may not use alcohol, or be under the influence of alcohol, within 4 hours before going on duty or operating, or having physical control of, a CMV, or use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol, while on duty, operating, or in physical control of a CMV. No motor carrier shall schedule a run nor permit nor require the operation of any CMV between points in such period of time as would necessitate the CMV being operated at speeds greater than those prescribed by the jurisdictions in or through which the CMV is being operated.⁹⁸ No CMV shall be driven unless the driver is satisfied that basic safety parts and accessories are in good working order, and the driver makes use of such parts and accessories when and as needed.⁹⁹ Finally, no CMV shall be driven unless the driver thereof is satisfied that required emergency equipment is in place and ready for use; nor shall any driver fail to use or make use of such equipment when and as needed.¹⁰⁰

Section 392.9 deals with safe loading requirements. A CMV may not be driven unless the cargo is properly distributed and adequately secured. The CMV's tailgate, tailboard, doors, tarpaulins, spare tire and other equipment used in its operation and the means of fastening its cargo must also be secured. Finally the CMV's cargo or any other object should not obscure the driver's view ahead or to the right or left sides, or interfere with the free physical movement of the CMV operator.¹⁰¹

Special rules are provided for driving a CMV across a highway-railroad grade crossing intersection. The driver of a CMV shall not cross a railroad track or tracks at grade without first stopping the CMV within 50 feet of, and not closer than 15 feet to, the tracks, and listening and looking in each direction along the tracks for an approaching train, to ascertain that no train is approaching. When it is safe to do so, the driver may drive the CMV across the tracks in a gear that permits the CMV to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks. These actions should be adhered to by every bus transporting passengers; every CMV transporting any quantity of chlorine; every CMV that is required to be marked or placarded with certain hazardous material, every cargo tank motor vehicle, whether loaded or empty, used for the transportation of certain hazardous materials; and every cargo tank motor vehicle transporting a commodity that at the time of loading has a temperature above a specific flashpoint.¹⁰²

Exceptions to the grade crossing stopping rule include a streetcar crossing, or railroad tracks used exclusively for industrial switching purposes within a business district. Other exceptions include a railroad grade crossing being directed by a police officer or crossing flagman; a railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication that, under local law, permits the CMV to proceed across the railroad tracks without slowing or stopping; an abandoned railroad grade crossing that is marked with a sign indicating that the rail line is abandoned; and an industrial or spur line railroad grade crossing marked with an "Exempt" sign.¹⁰³

Other requirements for operation of CMVs when approaching a railroad grade crossing include driving at a rate of speed that will permit stopping before reaching the nearest rail of the crossing. CMVs are not to be driven upon or over the crossing until due caution has been taken to ascertain that the course is clear.¹⁰⁴ Every CMV is to be driven with "extreme caution" during hazardous conditions,¹⁰⁵ and the use of seat belts is required.

⁹⁷ Prohibited drugs include any 21 C.F.R. § 1308.11 Schedule I substance; an amphetamine or any formulation thereof (including, but not limited, to "pep pills," and "bennies"); a narcotic drug or any derivative thereof; or any other substance that renders the driver incapable of safely operating a motor vehicle. However, these restrictions do not apply to the possession or use of a substance administered to a driver by or under the instructions of a licensed medical practitioner, if the substance will not affect the driver's ability to safely operate a motor vehicle. 49 C.F.R. § 392.4.

⁹⁸ 49 C.F.R. § 392.6.

⁹⁹ This equipment includes service brakes, parking brake, steering mechanism, lighting equipment, tires, horn, windshield wipers, rear-vision mirrors, and coupling devices. 49 C.F.R. § 392.7.

¹⁰⁰ 49 C.F.R. § 392.8.

¹⁰¹ This section also requires the CMV driver assure himself/herself that the cargo is secured before driving the CMV, examine the cargo and its load-securing devices within the first 25 miles after beginning a trip, and reexamine the cargo and its load-securing devices periodically during the course of transportation and make any adjustments necessary. 49 C.F.R. § 392.9.

¹⁰² 49 C.F.R. § 392.10.

¹⁰³ 49 C.F.R. § 392.10(b)(1-5).

¹⁰⁴ 49 C.F.R. § 392.11.

¹⁰⁵ Hazardous conditions include those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke, when those conditions adversely affect visibility or traction. 49 C.F.R. § 392.14.

Subpart C describes actions to be taken when a CMV is stopped on the roadway. These regulations include whenever a CMV is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops. The driver of the stopped commercial motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver places the external warning devices. The general rule for placement of warning devices, except as provided in paragraph (b)(2) of this section, is whenever a commercial motor vehicle is stopped upon the traveled portion or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within 10 minutes, place the warning devices required by 49 C.F.R. § 393.95.¹⁰⁶

Subpart F presents miscellaneous regulations concerning operation of a CMV. A CMV may not be fueled with the engine running, nor may the driver or other employee smoke in the vicinity of a CMV during fueling.¹⁰⁷ Limited amounts of extra fuel designated as materials of trade, including small amounts of reserve fuel, may be transported. Unauthorized persons may not be transported on a CMV other than a bus. No person may ride within a closed CMV unless there is a proper exit. A CMV may not be driven if there is detected carbon monoxide. No open flame heater used in loading or unloading may be in operation when a CMV is in motion. Radar detectors are not permitted.¹⁰⁸

Special rules exist for the operation of buses. No person shall drive a bus and a motor carrier shall not require or permit a person to drive a bus unless all standees on the bus are rearward of the standee line as provided in 49 C.F.R. § 393.90.¹⁰⁹ All aisle seats in the bus shall conform to certain requirements.¹¹⁰ All baggage or freight on the bus is to be stowed and secured in a manner that assures unrestricted freedom of movement to the driver and his proper operation of the bus. There shall be unobstructed access to all exits by any occupant of the bus and protection of occupants of the bus against injury resulting from the falling or displacement of articles transported in the bus.¹¹¹ Any bus with passengers onboard may not be towed or pushed.¹¹²

6. 49 C.F.R. Part 393—Parts and Accessories Necessary for Safe Operation

This lengthy part, consisting of ten subparts, presents many specific requirements for parts and accessories for CMVs that are deemed necessary for safe operation. The part frequently references the FMVSS.

Every employer and employee shall comply and be conversant with the requirements and specifications of this part. No employer may operate a CMV or allow it to be operated, unless it is equipped in accordance with the requirements and specifications of this part. Additional equipment and accessories may be used, provided they do not decrease the safety of the operation of the motor vehicle.

Nine subparts (B through J) discuss specific equipment requirements. Subpart B sets forth the required color, position, and lighting devices by type of CMV. Electric wiring, battery installation, grounding, overload devices, and detachable connectors are covered.¹¹³

Requirements for brake service, parking, and emergency braking systems are included in Subpart C. Brake line installation, brake lining, dual brake systems, both hydraulic and air brake systems, and antilock braking systems are covered. Brake performance specified in required braking force by type of vehicle, in-

¹⁰⁶ Emergency devices referred to in this section include bi-directional emergency reflective triangles, fusees, or liquid-burning flares. Different requirements exist for vehicles manufactured before January 1, 1974. 49 C.F.R. § 393.95. Flame-producing emergency signals may not be used for CMVs transporting explosives, certain flammable liquids, or if compressed gas is used as a motor fuel. 49 C.F.R. § 392.22–25.

¹⁰⁷ 49 C.F.R. § 392.50.

¹⁰⁸ No driver shall use, nor a motor carrier require or permit a radar detector in a CMV, or operate a CMV that is equipped with or contains any radar detector. 49 C.F.R. § 392.71.

¹⁰⁹ 49 C.F.R. § 392.62.

¹¹⁰ The requirements are specified in 49 C.F.R. § 393.91: No bus shall be equipped with aisle seats unless such seats are so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied. No bus shall be operated if any seat therein is not securely fastened to the vehicle. 49 C.F.R. § 392.62.

¹¹¹ Baggage must be stowed in a manner that assures unrestricted freedom of movement to the driver and his proper operation of the bus; unobstructed access to all exits by any occupant of the bus; and protection of occupants of the bus against injury resulting from the falling or displacement of articles transported in the bus. 49 C.F.R. § 392.62.

¹¹² In general, no disabled bus with passengers aboard shall be towed or pushed; nor shall any person use or permit to be used a bus with passengers aboard for the purpose of towing or pushing any disabled motor vehicle unless the hazard to passengers would be increased without the towing or pushing. 49 C.F.R. § 392.63.

¹¹³ 49 C.F.R. § 393.9–33.

cluding specifications by seating capacity for buses, is specified.¹¹⁴ Requirements for windshield and window construction are specified in Subpart D. Bus windows as providing a means of escape, push out windows and their markings, and other emergency exits are covered.¹¹⁵ Location and installation of fuel tanks, prohibitions against gravity feed, location of fuel lines, and fuel control valves are specified in Subpart E. Full details of fuel tank construction and liquefied petroleum gas systems are covered.¹¹⁶ Full specifications are presented in Subpart F for coupling and towing devices, including tow-bars, fifth wheels and converter dollies,¹¹⁷ and attachment methods.¹¹⁸

Subpart G covers miscellaneous parts and accessories such as tires, windshield wipers, mirrors, floors, and rear-end protection. Interior noise levels are specified. Special requirements for buses include drive shaft protection, presence of a standee line, aisle seats, markings for emergency doors, and seat belts. Use of re-grooved, recapped, or retreaded tires on the front wheels of any bus are prohibited.¹¹⁹

Emergency equipment specifications apply to fire extinguishers and warning devices for stopped vehicles (emergency flares, fuses, or reflective triangles).¹²⁰

The rule presented in Subpart I for protective equipment against shifting or falling cargo requires that each CMV, when transporting cargo, be equipped to prevent the shifting or falling of cargo. Equipment consists of sides, sideboards, end gates (tail gates), stakes, tie downs, blocking, load binders, and similar devices. Requirements for a header board, to prevent cargo from penetrating the driver compartment, are also given.¹²¹ Finally, Subpart J provides general specifications for the frame, cab and body components, wheels, suspension, and steering wheel systems of CMVs.¹²²

7. 49 C.F.R. Part 395—Hours of Service of Drivers

Hours of service of CMV drivers are regulated by this part.¹²³ The rules apply to all motor carriers and drivers, unless there is an exception. No motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive more than 10 hours following 8 consecutive hours off duty; or for any period after having been on duty 15 hours following 8 consecutive hours off duty.¹²⁴

No motor carrier shall permit or require a driver of a CMV to drive, nor shall any driver drive, regardless of the number of motor carriers using the driver's services, for any period after having been on duty 60 hours in any 7 consecutive days if the employing motor carrier does not operate CMVs every day of the week; or having been on duty 70 hours in any period of 8 consecutive days if the employing motor carrier operates CMVs every day of the week.¹²⁵

On duty time includes all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On duty time includes all time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier. It also includes all time inspecting, servicing, or conditioning any CMV; all driving time; all time, other than

¹¹⁴ Braking system performance for passenger-carrying vehicles of less than 10 passengers built on a passenger car chassis, more than 10 persons on a vehicle built on a truck or bus chassis and having a GVWR of 10,000 pounds or less, and all other passenger-carrying vehicles are listed. 49 C.F.R. § 393.40–55.

¹¹⁵ 49 C.F.R. § 393.60–63.

¹¹⁶ 49 C.F.R. § 393.65–69.

¹¹⁷ A fifth wheel is a device mounted on a truck-tractor which couples to the upper coupler assembly of a semitrailer. A converter dolly is a device consisting of a chassis equipped with one or more axles, a fifth wheel and/or equivalent mechanism, and a drawbar, the attachment of which converts a semitrailer to a full trailer. 49 C.F.R. § 393.5.

¹¹⁸ 49 C.F.R. § 393.70–71.

¹¹⁹ 49 C.F.R. § 393.75–94.

¹²⁰ 49 C.F.R. § 393.95.

¹²¹ 49 C.F.R. § 393.100–06.

¹²² 49 C.F.R. § 393.201–09.

¹²³ The FMCSA has proposed changes to the hours of service rule. Proposed Rule, Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations, 65 Fed. Reg. 25539 (May 2, 2000). See also Hours of Service Notice of Proposed Rulemaking Background and Synopsis, available at the FMCSA Web site at [HTTP://WWW.FMCSA.DOT.GOV](http://www.fmcsa.dot.gov).

¹²⁴ 49 C.F.R. § 395.3.

¹²⁵ Eight consecutive hours means the period of 8 consecutive hours beginning on any day at the time designated by the motor carrier for a 24-hour period. 49 C.F.R. § 395.2.

driving time, in or upon any CMV except time spent resting in a sleeper berth; all time loading, unloading, or involved with loading or unloading a CMV. It also includes all time repairing, obtaining assistance, or remaining in attendance upon a disabled CMV. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing when directed by a motor carrier is also on duty time.¹²⁶ Performing any other work in the capacity, employ, or service of a motor carrier; and performing any compensated work for a person who is not a motor carrier, will be characterized as on duty time.

Federal exceptions¹²⁷ to the hours of service rule include certain driver-salespersons;¹²⁸ oilfield operations; drivers who operate within a 100-mile radius of the workplace; and retail store delivery drivers. In adverse driving conditions,¹²⁹ a 2-hour extension is allowed to reach a place of safety. The federal regulations are noted not to preempt state law.

Violation of the driving time regulations will result in a driver being declared out of service. Every special agent of FHWA is authorized to declare a driver out of service and to notify the motor carrier of that declaration, upon finding at the time and place of examination that the driver has violated the out of service criteria. No driver required to maintain a record of duty status shall fail to have a record of duty status current on the day of examination and for the prior 7 consecutive days. No motor carrier shall require or permit a driver who has been declared out of service to operate a CMV until that driver may lawfully do so. No motor carrier shall require a driver who has been declared out of service for failure to prepare a record of duty status to operate a CMV until that driver has been off duty for 8 consecutive hours. No driver who has been declared out of service shall operate a CMV until the driver has been off duty for 8 consecutive hours.¹³⁰

To comply with the hours of service regulations, drivers are required to maintain a written record of their duty status. However, a motor carrier may require a driver to use an automatic onboard recording device.¹³¹

8. 49 C.F.R. Part 396—Inspection, Repair, and Maintenance

Federal requirements for inspection, repair, and maintenance of CMVs are summarized in Part 396. Every motor carrier, its drivers, and all its agents and employees that are directly concerned with the inspection or maintenance of CMVs are required to comply with these requirements. It is required that every motor carrier systematically inspect, repair, and maintain all motor vehicles subject to its control. This requirement covers CMVs that are to be properly lubricated and checked for leaks.¹³² CMVs likely to cause an accident or a breakdown may not be operated.¹³³ Those CMVs found to be likely to cause an accident or breakdown may be marked “out of service.” Such vehicles may not be operated until repairs are achieved.¹³⁴ Drivers are required to produce daily reports covering defects to each CMV driven that would affect the safety of operation of the CMV. Before driving a CMV, a driver must be satisfied that the vehicle is in safe operating condition. Each driver should review the last driver report and sign the report.¹³⁵ Drive-away and tow-away operations

¹²⁶ 49 C.F.R. § 395.2.

¹²⁷ 49 C.F.R. § 395.1.

¹²⁸ “Driver-salesperson” means any employee who is employed solely as such by a private carrier of property by CMV; who is engaged both in selling goods, services, or the use of goods, and in delivering by CMV the goods sold or provided or upon which the services are performed; who does so entirely within a radius of 100 mi. of the point at which he/she reports for duty; and who devotes not more than 50 percent of his/her hours on duty to driving time. 49 C.F.R. § 395.2.

¹²⁹ “Adverse driving conditions” means snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun. 49 C.F.R. § 395.2.

¹³⁰ 49 C.F.R. § 395.13.

¹³¹ 49 C.F.R. §§ 395.8 and 395.15. An automatic onboard recording device is an electric, electronic, electromechanical, or mechanical device capable of recording driver’s duty status information accurately and automatically. 49 C.F.R. § 395.2. The automatic device may be used in lieu of a handwritten record. 49 C.F.R. § 395.8.

¹³² 49 C.F.R. § 396.5.

¹³³ 49 C.F.R. § 396.7.

¹³⁴ 49 C.F.R. § 396.9. A vehicle is placed out of service only when by reason of its mechanical condition or loading it is determined to be so imminently hazardous as to likely cause an accident or breakdown, or when such condition would likely cause loss of control. A certain amount of flexibility is given to the inspector as to whether to place the vehicle out of control at the inspection site, or allow it to proceed to the repair facility. Appendix G, 49 C.F.R. § 396.

¹³⁵ 49 C.F.R. § 396.13.

inspections are required.¹³⁶ CMVs must be inspected at least once every 12 months.¹³⁷ These inspections are more rigorous and generally to a higher standard than the in-operation inspections under § 396.3.¹³⁸ CMV inspectors must be qualified by reason of experience or training and must understand the inspection criteria.¹³⁹ Inspection record keeping requirements state that records of the periodic inspection must identify the CMV inspected, components inspected and findings, and the person doing the inspection.¹⁴⁰ Brake inspectors must be qualified in brake systems through experience or training.¹⁴¹

9. 49 C.F.R. Part 397—Transportation of Hazardous Materials; Driving and Parking Rules

49 C.F.R. § 397 covers the operation of vehicles carrying hazardous materials. However, reference must be made to 49 C.F.R. § 171-180 for a full definition of what constitutes a hazardous material, as well as other information concerning its transport. Rules in this part apply to operators of CMVs and to officers and employees of the motor carrier performing supervisory duties regarding the transportation of hazardous materials.¹⁴² When a motor vehicle is carrying hazardous materials that require placarding in accordance with 49 C.F.R. § 177.823, rules in 49 C.F.R. § 390-397 apply.¹⁴³ Section 177.804, for example, requires compliance with the FMCSRs, to the extent they apply.¹⁴⁴

This section requires that CMVs carrying hazardous materials are to be driven and parked in accordance with the laws, ordinances, and rules of the jurisdictions in which they are being operated, unless the federal regulations are more stringent.¹⁴⁵

Part 397.5 contains rules for the transportation of explosive materials, with some exceptions,¹⁴⁶ and also rules for attendance of the vehicle by its driver. If the CMV is on a public street or highway, or on its shoulder, the vehicle must be attended by the driver unless he or she is performing duties necessary and incident to his or her vehicle operational duties.¹⁴⁷

Vehicles containing hazardous materials must not be operated near an open fire unless they can pass without stopping, and must not be parked within 300 ft. of an open fire.¹⁴⁸ In a similar manner, Part 397.13 prohibits smoking within 25 ft. of a CMV containing explosive or flammable materials, or an empty tank vehicle that carried and was placarded for flammable materials. Fueling a CMV containing hazardous materials requires the engine to be off, and a person to be in charge of the fueling process.¹⁴⁹ Part 397.17 requires the tires on a CMV to be checked every 2 hours or 100 miles of travel, and requires prompt repair of flat, leaking, or improperly inflated tires.

49 C.F.R. § 397.19 also provides rules related to documentation and instructions regarding the transport of explosive materials. The remaining sections of 49 C.F.R. § 397 relate to establishing routes for the transport of radioactive materials.

¹³⁶ 49 C.F.R. § 396.15. “Drive-away–tow-away operations” are any operation in which a motor vehicle constitutes the commodity being transported and one or more set of wheels of the motor vehicle being transported are on the surface of the roadway during transportation. 49 C.F.R. § 390.5.

¹³⁷ 49 C.F.R. § 396.17. Appendix G to this subsection provides details of the required inspections.

¹³⁸ Subjects to be covered in the report include service and parking brake, steering, wheels, coupling devices, tires, lighting, windshield wipers, and similar devices. 49 C.F.R. § 396.11.

¹³⁹ 49 C.F.R. § 396.19.

¹⁴⁰ 49 C.F.R. § 396.21.

¹⁴¹ 49 C.F.R. § 396.25.

¹⁴² 49 C.F.R. § 397.1.

¹⁴³ 49 C.F.R. § 397.2.

¹⁴⁴ 49 C.F.R., Parts 390 through 397, excluding 397.3 and 397.9.

¹⁴⁵ 49 C.F.R. § 397.3.

¹⁴⁶ In general the exceptions include if the CMV is on the property of a motor carrier, the shipper or consignee, in a safe haven, or on a construction site if carrying less than 50 lbs. of explosives as defined; if the bailee is aware of the nature of the explosives and emergency procedures; and if the vehicle is within the unobstructed view of the bailee or in a safe haven. 49 C.F.R. § 397.5(b)(1-3).

¹⁴⁷ A vehicle is attended when its driver is on the vehicle, or within 100 ft. of the vehicle with an unobstructed view. A qualified representative is a designated person aware of the nature of the hazardous materials, who has been instructed in the emergency procedures, and is authorized to move the vehicle and can do so. 49 C.F.R. § 397.5(d)(1-2).

¹⁴⁸ 49 C.F.R. § 397.11.

¹⁴⁹ 49 C.F.R. § 397.15.

10. 49 C.F.R. Part 399—Employee Safety and Health Standards

Although this short part is entitled “Employee Safety and Health Standards,” it has but one subpart presenting step, handhold, and deck requirements for CMVs. Subpart L applies to all trucks and truck-tractors having a high profile COE configuration for entrance, egress, and back of cab access.¹⁵⁰

The general rule is that any person entering or exiting the cab or accessing the rear portion of a high profile COE truck or truck-tractor shall have sufficient steps and handholds, and/or deck plates to allow the user to have at least three limbs in contact with the truck or truck-tractor at any time.¹⁵¹ This subpart also provides testing and maintenance requirements.

¹⁵⁰ A COE truck or truck-tractor has all, or the front portion, of the engine under the cab. A high-profile COE truck has the door sill step above the height of the front tires. 49 C.F.R. § 399.205.

¹⁵¹ 49 C.F.R. § 399.207(a).

APPENDIX B

STATE CDL/CMV SAFETY REQUIREMENTS AND REGULATIONS

State-by-state compilations of CDL/CMV regulations are briefly presented in this section. References and citations concerning a state's direct adoption of the federal CDL/CMV regulations by statute, indirect adoption, or adoption by administrative regulation are presented. Variances between federal and state regulations are highlighted. The form of the state's CDL manual, whether CDL/CMV requirements are mentioned in the state's regular driver's manual, whether the state has adopted or modified the AAMVA model CDL manual, and whether the state CDL manual is available electronically (online) are also presented. Information regarding the requirement for a CDL to operate a school bus or a regular transit bus is tabulated. The state's public Web site for statutes is also tabulated and portions of pertinent statute sections are presented. The Internet site addresses (public sites) for state statutes and regulations are also provided.

Alabama

Federal CDL/CMV Regulations Adopted by Statute?

No person may operate a commercial motor vehicle in this state, or fail to maintain required records or reports, in violation of the Federal Motor Carrier Safety Regulations as prescribed by the U.S. Department of Transportation, 49 C.F.R. Part 107, Parts 171-180, Parts 382-384, and Parts 390-399 and as they may be amended in the future. Ala. Code § 32-9A-2

This article may be cited as the Alabama Uniform Commercial Driver License Act. Ala. Code § 32-6-49.1

The purpose of this article is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law 99-570... Ala. § Code 32-6-49.2.

Variances Between State and Federal CDL/CMV Regulations?

None noted.

Form of State CDL Manual

Alabama adopts the AAMVA Model Commercial Driver License Manual, Ver. 2.0, AAMVA, with no internal changes.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

Alabama requires a special school bus driver's license, based on the regular driver's license with 12 hours of instruction in school bus driving, a written examination, and a driving performance test.

CDL Required for Transit Bus Drivers?

Yes, for vehicles carrying more than 16 passengers including the driver. Ala. Code § 16-27-4

State Statutes Web Site (Public Access)

[HTTP://WWW.LEGISLATURE.STATE.AL.US/ALISHOME.HTML](http://www.legislature.state.al.us/alishome.html)

Alaska

Federal CDL/CMV Regulations Adopted by Statute?

Indirect adoption.

Variances Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Alaska uses the AAMVA Model Commercial Driver License Manual without change.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Very briefly. Reference made to separate CDL manual.

CDL Required for School Bus Drivers?

Alaska requires a separate school bus permit whenever "children are transported for compensation" and has a separate school bus driver's manual.

(a)... a person may not drive a school bus transporting school children to or from a public school to enable them to participate in class or a school activity, or a bus transporting school children to or from a public school for classroom studies until the person has applied for and has been issued a license for that purpose under this section. AS 28.15.046

CDL Required for Transit Bus Drivers?

Reference not found.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEGIS.STATE.AK.US/FOLHOME.HTM](http://www.legis.state.ak.us/folhome.htm)

Arizona

Federal CDL/CMV Regulations Adopted by Statute?

By statute (indirectly).

[T]he governor may contract and do all other things necessary to secure the full benefits available to this state under the federal highway safety act of 1966 (23 United States Code sections 401 through 404) and any other subsequent federal highway safety acts, including cooperating with federal and state agencies, private and public organizations, and persons to effectuate the purposes of the federal acts and any amendments to the federal acts. Ariz. Rev. Stat. § 28-602.

By Administrative Rule:

R17-4-435. Motor Carrier Safety: Adoption of Federal Regulations; Definitions; Application

R17-4-435.01. Motor Carrier Safety: 49 C.F.R. § 390—Federal Motor Carrier Safety Regulations; General Applicability and Definitions; General Requirements and Information.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Manual not provided

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Manual not provided

CDL Required for School Bus Drivers?

Yes.

"School bus" means a motor vehicle that is designed for carrying more than ten passengers and that is either: (a) Owned by any public or governmental agency or other institution and operated for the transportation of children to or from home or school on a regularly scheduled basis. (b) Privately owned and operated for compensation for the transportation of children to or from home or school on a regularly scheduled basis. Ariz. Rev. Stat. § 28.101(43).

A person shall not operate a school bus transporting school children unless the person possesses the appropriate license class for the size of school bus being operated that is issued by the department of transportation, a bus endorsement that is issued by the department of transportation and a school bus certificate that is issued by the department of public safety. Ariz. Rev. Stat. § 28-3228(A).

R17-9-102. Certification of School Bus Drivers [Arizona Administrative Code]

A. Certification requirements. An individual shall not operate a school bus in Arizona without being certified by the Department.

An applicant for certification shall:

- 1. Be a minimum of 18 years of age;*
- 2. Submit all of the following to the Department through the employer:*
 - a. A completed fingerprint card;*
 - b. An application signed and dated by the applicant that states the applicant's:*
 - i. Name, home address, and home phone number;*
 - ii. Date of birth;*
 - iii. Arizona commercial driver's license number;*
 - iv. Date of previous application for certification, if any;*
 - v. Intended employer's name;*
 - vi. Convictions for a felony or misdemeanor, if any, in this state or any other state; and*
 - vii. Total points accumulated against the applicant's driving record during the 2 years immediately preceding the date of application using the point system contained in R17-4-506.*
 - c. Completed physical examination form and results of controlled substances testing.*
- 3. Possess a current Arizona commercial driver's license as set forth at A.R.S. § 28-403;*
- 4. Possess a current Arizona passenger endorsement as set forth at A.R.S. § 28-416.01(4);*
- 5. Meet the driving record requirements as set forth in this Article; and*
- 6. Complete the training requirements as set forth in this Article.*

CDL Required for Transit Bus Drivers?

Arizona defines a bus (no size given) as a CMV and therefore requires a CDL for a bus operator. Arizona also defines a school bus as a CMV. Ariz. Rev. Stat. § 28-3001(3)(c) & (d).

State Statutes Web Site (Public Access)

[HTTP:WWW.AZLEG.STATE.AZ.US/ARS/ARS.HTM](http://www.azleg.state.az.us/ars/ars.htm)

The Arizona DMV also maintains a web site at

[HTTP://WWW.DOT.STATE.AZ.US/MVD/MOTORCARRIER/MOTORCARRIER.HTM](http://www.dot.state.az.us/mvd/motorcarrier/motorcarrier.htm).

Arkansas

Federal CDL/CMV Regulations Adopted by Statute?

The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law 99-570) and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries....Ark. Stat. § 27-23-102.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Manual not provided.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

No.

CDL Required for School Bus Drivers?

An applicant seeking employment as a driver or operator of a school bus, either privately or publicly owned, is required to take and pass a series of tests as prescribed by the Department of Arkansas State Police and the Department of Education to determine the physical fitness and driving ability to serve as a school bus driver. The tests shall include a physical examination given by a licensed physician or registered nurse for school bus drivers, an eye test, a written or oral test on rules and regulations of driving, a road test given under the supervision of the Department of Arkansas State Police, and such other requirements as may be prescribed by rules and regulations issued jointly by the Department of Arkansas State Police and the Department of Education for qualifications and fitness of school bus drivers. In addition, the applicant shall participate in and pass a standard bus driver training and preservice behind-the-wheel training program as prescribed by the Department of Education. Ark. Stat § 6-19-108(a)

CDL Required for Transit Bus Drivers?

Arkansas defines a commercial motor vehicle as a vehicle capable of carrying 16 or more passengers, including the driver. Ark. Stat § 27-23-103.

State Statutes Web Site (Public Access)

[HTTP://WWW.ARKLEG.STATE.AR.US](http://www.arkleg.state.ar.us)

California

Federal CDL/CMV Regulations Adopted by Statute?

It is the intent of the Legislature, in enacting this chapter, to adopt those standards required of drivers by the Federal Highway Administration of the Department of Transportation, as set forth in the Commercial Motor Vehicle Safety Act of 1986 (Title XII of P.L. 99-570) . . . Cal. Veh. Code § 15200.

Notwithstanding any other provision of this code, as used in this chapter: (a) "Commercial driver's license" means a driver's license issued by a state or other jurisdiction, in accordance with the standards contained in Part 383 of Title 49 of the Code of Federal Regulations, which authorizes the license holder to operate a class or type of commercial motor vehicle. . . . Cal. Veh. Code § 15210.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

California has modified the AAMVA Model Commercial Driver License Manual by adding information concerning California law and requirements. The CA manual provides references to the C.F.R., CA Code of Regulations, and the CA Vehicle Code. The California CDL is available on the Web at [HTTP://WWW.DMV.CA.GOV/COMMERCIAL/COMMERCIAL.HTM](http://www.dmv.ca.gov/commercial/commercial.htm)

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Briefly. Drivers are referred to California's CDL Manual. Classes of licenses are discussed.

CDL Required for School Bus Drivers?

No person shall operate a schoolbus unless that person has in his or her immediate possession a valid driver's license for the appropriate class of vehicle to be driven endorsed for passenger transportation. When transporting one or more pupils at or below the 12th-grade level to or from a public or private school or to or from public or private school activities, the person shall also have in his or her immediate possession a certificate issued by the department to permit the operation of schoolbuses. Cal. Veh. Code §12517.

CDL Required for Transit Bus Drivers?

California defines as a CMV a bus or general paratransit vehicle designed, used, or maintained to carry more than 10 passengers including the driver, for hire or profit, or is used by any nonprofit organization or group. A CDL and a passenger transport endorsement is required for drivers of these vehicles.

(a) Except as provided in subdivision (b), a "bus" is any vehicle...designed, used, or maintained for carrying more than 15 persons including the driver. b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus. Cal. Veh. Code § 233.

"General public paratransit vehicle" means any motor vehicle designed for carrying no more than 24 persons and the driver, that provides local transportation to the general public, including transportation of pupils at or below the 12th-grade level to or from a public or private school or school activity, under the exclusive jurisdiction of a publicly owned and operated transit system Cal. Veh. Code § 336.

A "paratransit vehicle" is a passenger vehicle, other than a bus, schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or taxicab that is . . . operated for hire by a business, nonprofit organization, or the state . . . utilizing drivers who receive compensation for their services Cal. Veh. Code § 462.

No person shall operate a general public paratransit vehicle unless he or she has in his or her possession a valid driver's license of the appropriate class endorsed for passenger transportation when operating a vehicle designed, used, or maintained for carrying more than 10 persons including the driver.... Cal. Veh. Code § 12523.5.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEGINFO.CA.GOV](http://www.leginfo.ca.gov)

Colorado

Federal CDL/CMV Regulations Adopted by Statute?

"The department shall develop, adopt, and administer a procedure for licensing drivers of commercial motor vehicles in accordance with the federal "Commercial Motor Vehicle Safety Act of 1986" and any rules or regulations promulgated thereunder." Colo. Rev. Stat. § 42-2-403 (1).

"Commercial driver's license" means a license issued to an individual in accordance with the requirements of the federal "Commercial Motor Vehicle Safety Act of 1986", 49 App. U.S.C. sec. 2701 et seq., and any rules or regulations promulgated thereunder, that authorizes such individual to drive a commercial motor vehicle. Colo. Rev. Stat. §42-2-402

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Colorado's CDL Manual follows the AAMVA Model Commercial Driver License Manual, but eliminates the sections on doubles and triples, and tank vehicles.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Only a brief note about classes of CDLs. Refers reader to Colorado CDL Manual.

CDL Required for School Bus Drivers?

Colorado defines school bus as:

"...every motor vehicle which is owned by or under contract to a public or governmental agency and operated for the transportation of children to or from school...or which is privately owned and operated for compensation...." Colo. Rev. Stat. § 42-1-102.

The department, with the advice of the commissioner of education, shall develop testing and license issuance procedures for school bus drivers who are employed by any Colorado school district. Colo. Rev. Stat. § 42-2-403(2)(b).

On and after July 1, 1992, the driver of any school bus, as defined in section 42-4-1901 (3) (b), owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 42-4-1901 (3) (a), and driving in adverse weather conditions. Colo. Rev. Stat. § 42-4-1902.

CDL Required for Transit Bus Drivers?

Indirectly. Colorado defines a CMV as “a motor vehicle designed or used to transport passengers or property, if the vehicle...is designed to transport sixteen or more passengers, including the driver....” Colo. Rev. Stat. § 42-2-402(4)(a)(II).

State Statutes Web Site (Public Access)

HTTP:WWW.LEG.STATE.CO.US

Connecticut
Federal CDL/CMV Regulations Adopted by Statute?

C.G.S.A. Sec. 14-163c. (a) Motor carrier safety regulations for commercial motor vehicles in intrastate or interstate commerce. Variations or exemptions. Enforcement powers of police officers and motor vehicle inspectors. (a) The Commissioner of Motor Vehicles may adopt regulations in accordance with the provisions of chapter 54 which incorporate by reference the standards set forth in the Code of Federal Regulations, Title 49, Parts 382, 383 and 385 through 397, as amended. Such regulations, adopted by reference to the provisions of the Code of Federal Regulations, Title 49, Parts 382, 383 and 385 through 397, as amended, may be made applicable to any motor vehicle which (1) is in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating of eighteen thousand one or more pounds; or (2) is in interstate commerce and has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds; or (3) is designed to transport more than fifteen passengers, including the driver; or (4) is used in the transportation of hazardous materials in a quantity requiring placarding under the Hazardous Materials Transportation Act, 49 USC App. 1801-1813, unless exempted under the provisions of the code or the provisions of subsection (b) of this section.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences. However, Connecticut statutes provide:

C.G.S.A. Sec. 14-163c (b) The provisions relative to maximum driving and on-duty time as set forth in the Code of Federal Regulations, Title 49, Part 395, Section 395.3, and as adopted by reference in regulations adopted pursuant to subsection (a) of this section, shall not apply to any public service company vehicle with a commercial registration when such vehicle is used to transport passengers or property to or from any portion of the state for the purpose of relief or assistance in case of major loss of utility service or to any motor carrier or driver operating a vehicle with a commercial registration when such vehicle is used to provide emergency relief during an emergency in accordance with the provisions of Title 49, Section 390.23 of said code....

(c) The Commissioner of Motor Vehicles may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of the Code of Federal Regulations, Title 49, Parts 382, 383 and 385 through 397, as amended, when strict compliance with such provisions would entail practical difficulty or unnecessary hardship or would be otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the commissioner, secure the public safety.

Form of State CDL Manual

Connecticut uses AAMVA Model Commercial Driver License Manual without change. The Connecticut CDL is online at [HTTP://DMVCT.ORG/MAN/SELECT3.HTM](http://DMVCT.ORG/MAN/SELECT3.HTM).

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Regular manual describes types of licenses, but not specific requirements.

CDL Required for School Bus Drivers?

C.G.S.A. Sec. 14-276. School bus operators to hold valid passenger and school endorsement. Names of suspended or revoked licensees furnished upon request. (a) Registered school buses while transporting

school children shall be operated by holders of a valid passenger and school endorsement issued in accordance with section 14-44. Such endorsement shall be held in addition to the commercial driver's license required for the operation of such motor vehicles....

CDL Required for Transit Bus Drivers?

C.G.S.A. Sec. 14-44. Special license for operators of commercial motor vehicles used for passenger transportation. Exception. Special license endorsements for school bus operators, operators of student transportation vehicles, motor or service buses, taxicabs and motor vehicles in livery service. Hearing. Appeal. Penalty. (a) (1) No person shall operate a commercial motor vehicle used for passenger transportation on any public highway of this state until he has obtained a commercial driver's license with a passenger endorsement from the commissioner, except a nonresident who holds such license with such endorsement issued by another state. (2) No person shall operate a school bus until he has obtained a commercial driver's license with a passenger endorsement and a school endorsement, except that a person who holds such a license without such endorsements may operate a school bus without passengers for the purpose of road testing or moving the vehicle. (3) No person shall operate a student transportation vehicle as defined in section 14-212, taxicab, motor vehicle in livery service, motor bus or service bus until he has obtained an operator's license bearing an endorsement of the appropriate type from the commissioner issued in accordance with the provisions of this section.

State Statutes Web Site (Public Access)

HTTP:WWW.CGA.STATE.CT.US

Delaware

Federal CDL/CMV Regulations Adopted by Statute?

D.C.A.21 - § 2602. Statement of intent and purpose.

(a) The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law 99-570) [49 U.S.C. § 521, Appendix §§ 2304, 2701-2716; repealed] and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:(1) Permitting commercial drivers to hold only 1 license;(2) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;(3) Strengthening commercial driver licensing and testing standards.

21-§ 4702. Adoption of federal requirements - In general.

(a) The State hereby adopts the following parts of the Code of Federal Regulations, Title 49, Chapter III, Subchapter B, except as modified by this chapter: Part 390, Part 391, Part 392, Part 393, Part 395, Part 396 and Part 397, being Federal Regulations and adopted pursuant to the Department of Transportation Act (49 U.S.C. § 1655) and § 204 [repealed] of the Interstate Commerce Act, as amended (49 U.S.C. § 304).

(b) Notwithstanding the adoption of the laws and regulations as indicated in subsection (a) of this section, no requirements under this chapter shall apply to any single vehicle or a vehicle in combination with a gross registered weight of 26,000 pounds or less, except for:

(1) A vehicle being used to transport hazardous materials of a type or quality that requires the vehicle to be marked or placarded in accordance with the Federal Motor Carrier Safety Regulations; or

(2) A vehicle having a seating capacity of 15 or less persons.

21-§ 4703. Same - Amendments of Part 390.

(a) Section 390.40 of Part 390 [repealed] is hereby stricken in its entirety.(b) Amend § 390.17 of Part 390 by striking the words "10,000 pounds or less" as they appear in said section and inserting in lieu thereof the words "26,000 pounds or less".

21-§ 4704. Same - Amendments of Part 391.

(a) Section 391.11(b)(1) of Part 391 is stricken in its entirety and in its place is inserted the following: "(1) Is at least 21 years old if engaged in interstate commerce or at least 18 years or older and has at least 1 year previous experience as an operator of a motor vehicle if engaged in intrastate commerce"

(b) Strike § 391.69 of Part 391 in its entirety

(c) Amend § 391.2(b-1) of Part 391 by striking the words "seating capacity of 10 or less persons" as they appear in said section and inserting in lieu thereof the words "seating capacity of 15 or less persons".

(d) Amend § 391.2(f-2) of Part 391 by striking the words "10,000 pounds or less" as they appear in said section and inserting in lieu thereof the words "26,000 pounds or less".

(e) Amend § 391.3(d-5-i) of Part 391 by striking the words "10,000 pounds or less" as they appear in said section and inserting in lieu thereof the words "26,000 pounds or less".

(f) A person who is not physically qualified to drive under § 391.41 and who is otherwise qualified to drive a motor vehicle may operate a motor vehicle over 26,000 pounds within the State, other than a motor vehicle which primary purpose is to transport passengers or a motor vehicle which must be placarded or marked in accordance with § 177.823 (relating to placards or markings upon vehicles which transport hazardous materials), and thus be exempt from the § 391.41 physical examination requirements only after certifying to the Secretary of Public Safety that such person: (i) was employed on a full time basis in the operation of motor vehicles over 26,000 pounds prior to the implementation of the Federal regulations at the State level on July 19, 1985; and (ii) has not incurred 3 serious moving violations in a commercial vehicle since July 19, 1985. Serious moving traffic violations are those classified as follows: (1) exceeding the posted speed limit by more than 15 m.p.h.; (2) reckless driving as defined by state law; or (3) violations of state or local laws involving motor vehicles where a fatal accident occurs.

21-§ 4705. Same - Amendments of Part 392.

(a) Amend § 392.4 of Part 392 by adding a new subparagraph (e) to read as follows: "(e) Nothing in this section shall preclude prosecution under § 4177 of this title."

(b) Amend § 392.5 of Part 392 by adding a new subparagraph (c) to read as follows: "Nothing in this section shall preclude prosecution under § 4177 of this title."

(c) Amend § 392.1(d) of Part 392 by striking the words, "10,000 pounds or less" and inserting in lieu thereof the words "26,000 pounds or less."

21-§ 4706. Same - Amendment of Part 393.

Amend § 393.1(c) of Part 393 by striking the words "10,000 pounds or less" and inserting in lieu thereof the words "26,000 pounds or less."

21-§ 4707. Same - Amendment of Part 395.

Amend § 395.1(b-2) of Part 395 by striking the words "10,000 pounds or less" and inserting in lieu thereof the words "26,000 pounds or less."

21-§ 4708. Same - Amendments of Part 396.

(a) Subsection (a) of § 396.9 is stricken in its entirety and the following is substituted in its place: "(a) Personnel authorized to perform inspections—Every special agent of the Federal Highway Administration, Secretary of Public Safety, the Secretary's deputies, state police, other sworn police officers and size and weight enforcement technicians of the Division of State Police working in conjunction with and in the physical presence of a uniformed police officer, are hereby authorized to enter and perform inspections of any motor vehicle, cargo and driver of any motor carrier for compliance with safety regulations adopted pursuant to this chapter. State police size and weight enforcement technicians shall have the same authority and duties enforcing this chapter as granted in § 710 of this title."

(b) Amend § 396.1(b-2) of Part 396 by striking the words "4.535kg (10,000 pounds) or less" and inserting in lieu thereof the words "26,000 pounds or less."

(c) Farm vehicles being operated on an intrastate basis within this State shall be exempt from the recordkeeping requirements as provided in Part 396.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Manual not provided.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Manual not provided.

CDL Required for School Bus Drivers?

Reference not found.

CDL Required for Transit Bus Drivers?

Reference not found.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEXISLAWPUBLISHING.COM/RESOURCES/](http://www.lexislawpublishing.com/resources/)

Florida

Federal CDL/CMV Regulations Adopted by Statute?

With variation.

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

(b) Except as otherwise provided in this section, all owners or rivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on March 1, 1999.

(c) Except as provided in s. 316.215(5), and except as provided in s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(2)(a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material need not comply with 49 C.F.R. ss. 391.11(b)(1) and 395.3(a) and (b).

(b) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material is exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest, and following the required initial motor vehicle inspection, be permitted to drive any part of the first 15 on-duty hours in any 24-hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours' rest has been fulfilled. The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.

(c) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material may not be on duty more than 72 hours in any period of 7 consecutive days, but carriers operating every day in a week may permit drivers to remain on duty for a total of not more than 84 hours in any period of 8 consecutive days; however, 24 consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days.

This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products that are subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market. Upon request of the Department of Transportation, motor carriers shall furnish time records or other written verification to that department so that the Department of Transportation can determine compliance with this subsection. These time records must be furnished to the Department of Transportation within 10 days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed \$100. The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material within a 200 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, except that time records shall be maintained as prescribed in 49 C.F.R. s. 395.1(e)(5).

(e) A person who operates a commercial motor vehicle solely in intrastate commerce is exempt from subsection (1) while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

(f) A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than 26,000 pounds solely in intrastate commerce and who is not transporting hazardous materials, or who is transporting petroleum products as defined in 1s. 376.301(31), is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

(g) A person whose driving record shows no convictions for the preceding 3 years and who, as of October 1, 1988, is employed as a driver-salesperson, as defined in 49 C.F.R. s. 395.2, and who operates solely in intrastate commerce, is exempt from 49 C.F.R. part 391.

(h) A person who is an employee of an electric utility, as defined in s. 361.11, or a telephone company, as defined in s. 364.02, and who operates a commercial motor vehicle solely in intrastate commerce and within a 200 air-mile radius of the location where the vehicle is based, is exempt from 49 C.F.R. ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

(i) A person who was a regularly employed driver of a commercial motor vehicle on July 4, 1987, and whose driving record shows no traffic convictions, pursuant to s. 322.61, during the 2-year period immediately preceding the application for the commercial driver's license, and who is otherwise qualified as a driver under 49 C.F.R. part 391, and who operates a commercial vehicle in intrastate commerce only, shall be exempt from the requirements of 49 C.F.R. part 391, subpart E, s. 391.41(b)(10). However, such operators are still subject to the requirements of ss. 322.12 and 322.121. As proof of eligibility such driver shall have in his or her possession a physical examination form dated within the past 24 months.

(j) A person who is otherwise qualified as a driver under 49 C.F.R. part 391, and who operates a commercial motor vehicle in intrastate commerce only, and who does not transport hazardous materials, shall be exempt from the requirements of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to diabetes.

(k) A person holding a commercial driver's license who is a regularly employed driver of a commercial motor vehicle and is subject to an alcohol and controlled substance testing program related to that employment shall not be required to be part of a separate testing program for operating any bus owned and operated by a church when the driver does not receive any form of compensation for operating the bus and when the bus is used to transport people to or from church-related activities at no charge. The provisions of his paragraph may not be implemented if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the state.

(3) A person under the age of 18 years may not operate a commercial motor vehicle, except that a person under the age of 18 years may operate a commercial motor vehicle which has a gross vehicle weight of less than 26,000 pounds while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to storage or market.

(4)(a) Except as provided in this subsection, all commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. part 107, subpart G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

(b) In addition to the penalties provided in s. 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of its officers, drivers, agents, representatives, employees, or shippers of hazardous materials that do not comply with this subsection or any rule adopted by a state agency that is consistent with the federal rules and regulations regarding hazardous materials commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. To ensure compliance with this subsection, enforcement officers of the Motor Carrier Compliance Office within the Department of Transportation and state highway patrol officers may inspect shipping documents and cargo of any vehicle known or suspected to be a transporter of hazardous materials.

(5) The Department of Transportation may adopt and revise rules to assure the safe operation of commercial motor vehicles. The Department of Transportation may enter into cooperative agreements as pro-

vided in 49 C.F.R. part 388. Department of Transportation personnel may conduct motor carrier and shipper terminal audits only for the purpose of determining compliance with 49 C.F.R. parts 171, 172, 173, 177, 178, 180, 382, 391, 393, 396, and 397; 49 C.F.R. s. 395.1(e)(5); and s. 627.7415.

(6) The state Department of Transportation shall perform the duties that are assigned to the Regional Federal Highway Administrator under the federal rules, and an agent of that department, as described in s. 316.545(9), may enforce those rules.

(7) A person who operates a commercial motor vehicle solely in intrastate commerce shall direct to the state Department of Transportation any communication that the federal rules require persons subject to the jurisdiction of the United States Department of Transportation to direct to that department.

(8) Any agent of the Department of Transportation described in s. 316.545(9), any member of the Florida Highway Patrol, or any person employed by a sheriff's office or municipal police department who is authorized to enforce the traffic laws of this state pursuant to s. 316.640 may enforce the provisions of this section. Any officer of the Department of Transportation described in s. 316.545(9), any member of the Florida Highway Patrol, or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640, who has reason to believe that a vehicle or driver is operating in an unsafe condition, may require the driver to stop and submit to an inspection of the vehicle or the driver's records. Any person who fails to comply with an officer's request to submit to an inspection under this subsection is guilty of a violation of s. 843.02 if the driver resists the officer without violence or a violation of s. 843.01 if the driver resists the officer with violence. If the vehicle is found to be in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would probably present an unduly hazardous operating condition, the officer may give written notice to require proper repair and adjustment of the vehicle within 14 days.

(9)(a) This section is not applicable to the transporting of liquefied petroleum gas. The rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Agriculture and Consumer Services under chapter 527. However, transporters of liquefied petroleum gas must comply with the requirements of 49 C.F.R. parts 393 and 396.9.

(b) This section does not apply to any nonpublic sector bus.

(10) Any traffic enforcement officer or any person otherwise authorized to enforce this section may issue a traffic citation as provided by s. 316.650 to an alleged violator of any provision of this section.

Variations Between State and Federal CDL/CMV Regulations?

Non-conforming provisions include:

49 C.F.R. § 391, exempts certain driver-salespersons, drivers with no convictions, and drivers with diabetes from portions of the FMCSRs. See 316.302(2)(g-j), F.S., above.

49 C.F.R. § 395.1(e). Florida extends the 100 mi exemption radius to 200 mi. See 316.302(2)(d) above.

49 C.F.R. § 395.3(a). Florida changes the federal 8 off/10 on duty hours rule to 8 off/15 on as provided in 316.302(2)(b) above.

49 C.F.R. § 396. Certain utility company drivers are exempted from driver vehicle inspection and record keeping. See 316.302(2)(h) above.

Form of State CDL Manual

Florida publishes a Commercial Driver License Manual for Truck and Bus Drivers. This manual is based upon the AAMVA Model Commercial Driver License Manual, but does not contain the chapters on Doubles and Triples, and Tank Vehicles. Florida publishes a complete copy of its CDL Manual on the internet at [HTTP://WWW.HSMV.STATE.FL.US/HANDBOOKS/COMMERCIAL/](http://www.hsmv.state.fl.us/handbooks/commercial/)

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Briefly. Readers are referred to the Florida CDL Manual.

CDL Required for School Bus Drivers?

Yes, for buses transporting 11 or more passengers including the driver.

234.101 Requirements for school bus drivers.—(1) Each school bus driver must be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease, and he or she must possess other qualifications prescribed by the Commissioner of Education, including those qualifications described in 49 C.F.R. s. 391, relating to physical qualifications and examinations and 49 C.F.R. part 40 and part 382, relating to controlled substance and alcohol use and testing, and he or she must hold a valid commercial driver's license with a passenger endorsement.

(2) The Commissioner of Education shall adopt requirements that school bus drivers must meet before they are employed by district school boards.

(3) Each district school board may provide a school bus driver training program and may make this program available to nonpublic school bus drivers by contract.

CDL Required for Transit Bus Drivers?

Yes. Sixteen or more passengers including the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEG.STATE.FL.US/STATUTES/INDEX.CFM](http://www.leg.state.fl.us/statutes/index.cfm)

Georgia

Federal CDL/CMV Regulations Adopted by Statute?

The purpose of this article is to implement the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by permitting commercial drivers to hold only one license; disqualifying commercial drivers who have committed certain criminal or other offenses or serious traffic violations; and strengthening commercial driver licensing and testing standards. This article is a remedial law and shall be liberally construed to promote the public health, safety, and welfare. To the extent that this article conflicts with general driver licensing provisions, this article shall prevail. Where this article is silent, the general driver licensing provisions shall apply. O.C.G 40-5-141.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Georgia uses the AAMVA Model Commercial Driver License Manual without modification.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Basic instructions for the noncommercial Class A and Class B driver's license contained in the regular Georgia Driver's Manual.

CDL Required for School Bus Drivers?

Rules of the Georgia Dept. of Education, 160-5-3-.08 School Bus Drivers. Amended.

(2) Requirements.

d) Licensing.

1. Local school systems shall ensure that resident school bus drivers have a Georgia Commercial Driver's License (CDL) Class A, B or C.

2. School bus drivers shall obtain a CDL Class A, B or C license with a "P" endorsement, which authorizes the driver to operate a vehicle carrying 16 or more passengers, including the driver. (The driver of an air-brake-equipped bus shall not have an "L" restriction which restricts him or her to vehicles not equipped with air brakes.)

3. Local school systems shall ensure that non-resident school bus drivers have an appropriate license, issued by their home state, to operate a school bus.

CDL Required for Transit Bus Drivers?

Not clearly stated. However, Georgia defines a CMV as follows, which would require a CDL:

“Commercial motor vehicle’ means a motor vehicle designed or used to transport passengers or property:...

(B) If the vehicle is designed to transport 16 or more passengers, including the driver; O.C.G. 40-5-142(7).”

State Statutes Web Site (Public Access)

[HTTP://WWW.GANET.STATE.GA.US/](http://www.ganet.state.ga.us/)

Hawaii
Federal CDL/CMV Regulations Adopted by Statute?

Incorporation by reference.

Incorporated by Reference. Title 49, Parts 390-399, Federal Motor Carrier Safety Regulations, of the Code of Federal Regulations, as it existed on February 1, 1992, shall govern the procedures pertaining to the Federal Motor Carrier Safety Regulations in the State. [Hawaii Administrative Rules, Title 19, Department of Transportation, Subtitle 5, Motor Vehicle Safety Office, Chapter 141 Motor Carrier Safety Regulations].

Form of State CDL Manual

Manual not provided.

CDL/CMV Requirements Mentioned in Regular Driver’s Manual?

Unknown, manual not provided.

CDL Required for School Bus Drivers?

Unknown, but Hawaii defines school vehicle as:

286-181 Pupil transportation safety. (a) As used in this section "school vehicle" means any publicly or privately owned motor vehicle used to transport pupils to and from a school, as defined in section 302A-901, school functions, or school-related events, except:

(1) A motor vehicle used for the transportation of pupils attending schools above the twelfth grade or pupils over eighteen years of age;

(2) A privately-owned passenger vehicle when the transportation is provided without compensation of any kind;

(3) A motor vehicle used for the transportation of pupils together with other passengers as a part of the regularly scheduled operation of a mass transit system; or

(4) A privately-owned motor vehicle when the transportation is provided by a community association or a nonprofit corporation, duly incorporated with the department of commerce and consumer affairs, which operates for the purpose of promoting recreation, health, safety, ridesharing, or social group functions.

CDL Required for Transit Bus Drivers?

Unknown.

State Statutes Web Site (Public Access)

[HTTP://WWW.CAPITOL.HAWAII.GOV/SITE1/DOCS/DOCS.ASP](http://www.capitol.hawaii.gov/site1/docs/docs.asp)

Idaho
Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

IDAHO CODE 49-123(2)(C)(MICHIE 2000)

c) Commercial vehicle or commercial motor vehicle. For the purposes of chapter 3 of this title, (driver's licenses), a motor vehicle or combination of motor vehicles designed or used to transport passengers or property if the motor vehicle

1. Has a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds inclusive of a towed unit with a manufacturer's gross vehicle weight rating (GVWR) of more than ten thousand (10,000) pounds; or

2. Has a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds; or

3. Is designed to transport sixteen (16) or more people, including the driver; or

4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the hazardous material transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations (49 C.F.R. part 172, subpart F).

For the purposes of chapter 4, title 49, Idaho Code, (motor vehicle registration), a vehicle or combination of vehicles of a type used or maintained for the transportation of persons for hire, compensation or profit.... A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

IDAHO CODE 49-315(3). LICENSES ISSUED TO DRIVERS. [EFFECTIVE UNTIL JANUARY 1, 2001

The department shall notify the commercial driver license information system that a class A, B or C driver's license has been issued as required by 49 C.F.R. part 383.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Idaho uses the AAMVA Model Commercial Driver License Manual, with Chapter 1 rewritten to conform to Idaho regulations, and an added Chapter 13 for forms. Some information concerning CDLs and CMV operation is available on the Web at [HTTP://WWW2.STATE.ID.US/ITD/DMV/CDL.HTM](http://www2.state.id.us/ITD/DMV/CDL.HTM).

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Very brief statement to consult the CDL Manual.

CDL Required for School Bus Drivers?

33-1509. SCHOOL BUS DRIVERS -- DEFINITION -- QUALIFICATION -- DUTIES.

...Each school bus driver shall at all times possess a valid and appropriate commercial driver's license, including endorsements as specified in section 49-105, Idaho Code, and a school bus driver's permit issued by the board of trustees and, if applicable, a waiver for insulin-dependent diabetes mellitus issued by the board of trustees. The school bus driver's permit shall be in a form approved by the state department of education and shall be carried on the school bus driver's person or be exhibited in full view when the holder thereof is operating any school bus with pupils therein.

CDL Required for Transit Bus Drivers?

See Section 4-123 above.

State Statutes Web Site (Public Access)

[HTTP://WWW2.STATE.ID.US/LEGISLAT/LEGISLAT.HTML](http://www2.state.id.us/LEGISLAT/LEGISLAT.HTML).

Illinois

Federal CDL/CMV Regulations Adopted by Statute?

(625 ILCS 5/6-500.2)

Sec. 6-500.2. Statement of intent and purpose. The purpose of this UCDLA is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law 99-570) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- (a) permitting commercial drivers to hold only one driver's license;*
- (b) disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses; and*
- (c) strengthening commercial driver licensing and testing standards.*

This UCDLA is remedial in nature and should be liberally construed to promote the public's health, safety and welfare. To the extent that this UCDLA conflicts with any other provisions of this Code, the UCDLA shall prevail. Where this UCDLA is silent, the other general provisions of this Code shall apply. (Source: P.A. 86-845.)

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Illinois uses the AAMVA Model Commercial Driver License Manual without modification.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

General requirements only.

CDL Required for School Bus Drivers?

Yes, per Federal CDL requirements.

CDL Required for Transit Bus Drivers?

Yes, per Federal CDL requirements.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEGIS.STATE.IL.US/ILCS/CHAPTERLIST.HTML](http://www.legis.state.il.us/ilcs/chapterlist.html)

Indiana

Federal CDL/CMV Regulations Adopted by Statute?

IC 9-24-6-2 Sec. 2. (a) The bureau shall adopt rules under IC4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 2304, 49 U.S.C. 2701 through 2716, and 49 C.F.R. 383.

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses.*
 - (2) Standards for commercial driver's licenses, including suspension and revocation procedures.*
 - (3) Development of written or oral tests, driving tests, and fitness requirements.*
 - (4) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including the Social Security number and a unique identifier of the holder.*
 - (5) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.*
 - (6) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.*
 - (7) The conditions for reciprocity with other states.*
 - (8) Other rules necessary to administer this chapter.*
- (d) 49 C.F.R. 383 is adopted as Indiana law.*

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Indiana uses the AAMVA Model Commercial Driver License Manual, with added initial section to highlight certain rules and procedures.

CDL/CMV Requirements Mentioned in Regular Driver’s Manual?

Yes, including description of basic rules.

CDL Required for School Bus Drivers?

IC 9-24-1-3. Except as provided in section 7 of this chapter, an individual must have a valid Indiana public passenger chauffeur's license to drive the following:

- (1) A school bus while in use for the transportation of pupils to and from school or to and from school athletic games or contests or other school functions.*
- (2) A motor vehicle while in use as a public passenger vehicle.*

CDL Required for Transit Bus Drivers?

Indiana requires a Public Passenger Chauffeur’s License to drive for-hire public passenger vehicles transporting 16 or less passengers (and driver). A CDL is required for vehicles transporting more than 16 passengers and driver. See above.

State Statutes Web Site (Public Access)

HTTP:WWW.STATE.IN.US/LEGISLATIVE/IC/CODE

Iowa

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

Iowa Code Anno. 321.188 Commercial driver's license requirements.

1. Before the department issues, renews, or upgrades a commercial driver's license and in addition to the requirements of section 321.182, the license applicant shall do all of the following:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. part 391 as adopted by rule by the department.

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H as adopted by rule by the department .

. . . .

2. An applicant for a commercial driver's license may substitute for a driving skills test the applicant's operating record and previous passage of a driving skills test or the applicant's operating record and previous driving experience if all of the following conditions exist:

(b) (2) The applicant has not had any convictions which are federal commercial driver's license disqualifying offenses under 49 C.F.R. § 383.51 as adopted by rule by the department while operating any type of vehicle...

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. § 383.121 as adopted by rule by the department to obtain or retain the endorsement.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Iowa uses the AAMVA Model Commercial Driver License Manual with no modifications. The Iowa CDL is available online at [HTTP://WWW.DOT.STATE.IA.US/MVD/ODS/CDLMANUAL.HTM](http://www.dot.state.ia.us/mvd/ods/cdlmanual.htm)

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes, basic categories only.

CDL Required for School Bus Drivers?

Reference not found.

CDL Required for Transit Bus Drivers?

Iowa Chauffeur's license required for passenger vehicles carrying 16 passengers and driver or less. CDL required for passenger vehicles carrying more than 16 passengers and the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEGIS.STATE.IA.US/](http://www.legis.state.ia.us/)

Kansas

Federal CDL/CMV Regulations Adopted by Statute?

K.S.A.8-2,126. Same; purpose of act. (a) The purpose of this act is to implement the federal commercial motor vehicle safety act of 1986 (title XII of public law 99-570) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- (1) Permitting commercial drivers to hold only one driver's license;*
 - (2) disqualifying commercial drivers who have committed certain serious traffic violations or other specified offenses; and*
 - (3) strengthening driver licensing and testing standards.*
- (b) This act is remedial law and shall be liberally construed to promote public health, safety and welfare. To the extent that this act conflicts with general driver licensing provisions, this act prevails. Where this act is silent, the general driver licensing provisions apply.*

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Kansas uses the AAMVA Model Commercial Driver License Manual with a brief preface describing Kansas license requirements for a CDL.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Very briefly.

CDL Required for School Bus Drivers?

Reference not found.

CDL Required for Transit Bus Drivers?

Commercial Class C license required to transport more than 16 passengers and driver.

State Statutes Web Site (Public Access)

[HTTP:WWW.INK.ORG/PUBLIC/LEGISLATIVE/INDEX.CGI](http://www.ink.org/public/legislative/index.cgi)

Kentucky

Federal CDL/CMV Regulations Adopted by Statute?

K.R.S. 281A.020(1) (Michie 2000 Suppl.). It is the purpose of this chapter to implement the Federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) and reduce or prevent commercial vehicle accidents, fatalities and injuries by:

- (a) Permitting commercial drivers to hold only one (1) license;*
- (b) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses as herein defined; and*
- (c) Strengthening commercial driver licensing and testing standards.*

K.R.S. 281A.270 The Transportation Cabinet may adopt in whole or in part those federally mandated requirements set forth in Title 49, Code of Federal Regulations, Part 383, notwithstanding the fact that the provisions may conflict with other provisions of this chapter. The authority granted in this section shall expire January 1, 1992.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Yes, but form unknown. Kentucky provides CDL/CMV information on the Web at [HTTP://WWW.KYTC.STATE.KY.US/MOTORCARRIERS/COMMERCIAL_DRIVING_LICENSE.HTM](http://www.kytc.state.ky.us/motorcarriers/commercial_driving_license.htm).

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes. Requirements and types of CMVs are described.

CDL Required for School Bus Drivers?

Yes. *"Commercial drivers are all persons who operate commercial motor vehicles whether they are employed to do so or not. This means the commercial driver's license requirements also apply to volunteer drivers, such as drivers of church buses, private and public school buses, mechanics, salesmen, etc."* [Kentucky Drivers Manual].

CDL Required for Transit Bus Drivers?

CMV defined as passenger-carrying vehicle of 16 passenger and driver or more.

State Statutes Web Site (Public Access)

[HTTP://WWW.INK.ORG/PUBLIC/LEGISLATIVE/INDEX.CGI](http://www.ink.org/public/legislative/index.cgi)

Louisiana

Federal CDL/CMV Regulations Adopted by Statute?

Direct reference not found.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Referred to in the regular Louisiana Drivers Guide, but CDL manual not provided or reviewed.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Nothing about Federal CMV or CDL requirements.

CDL Required for School Bus Drivers?

LRS 17-491

As used in this Subpart, the term "school bus operator" means any employee of any city or parish school board whose duty it is to transport students in any city or parish school bus or activity bus to and from

any school of suitable grade approved by the department of education or to and from any school related activity. Such employee shall be certified to have participated in any school bus drivers instructional program or in-service training provided by the department of education as provided for in R.S. 17:497.2, shall have attained the age of twenty-one years, and shall be certified to have passed any physical examination required by the department. It shall be unlawful for anyone not certified as provided herein to transport school students to and from any such school.

Employees of parish and city school boards who drive buses to colleges or universities may, at the discretion of the employing school board, be exempted from the age requirements provided herein, but shall meet those age requirements provided in R.S. 17:160.

CDL Required for Transit Bus Drivers?

LRS 32-408 B.(1) There shall be three general types of drivers' licenses:

(a) The "Commercial Driver's License" (Classes "A", "B", and "C").

(b) The "Chauffeur's License" (Class "D").

RS 32-408 B (2)(c) Class "C" Commercial Driver's License - "Light Vehicle"

Permits the operation of any vehicle within Classes "D" and "E", with any appropriate endorsements, plus any single vehicle less than twenty-six thousand and one pounds gross vehicle weight rating, or any such vehicle towing a vehicle not in excess of ten thousand pounds gross vehicle weight rating. This group includes vehicles designed to transport sixteen or more passengers including the driver and which are not within the definition of a Group "A" or "B" vehicle, and vehicles used in the transportation of materials found to be hazardous for purposes of the Federal Hazardous Materials Transportation Act, 49 United States Code 1801 et seq. or under state law or regulation and which require the motor vehicle to be placarded under the Federal Hazardous Materials Regulations (49 Code of Federal Regulations Part 172, Subpart F) or under state law or regulation. This class does not include the operation of motorcycles and motor scooters except as an endorsement to the basic license.

(d) Class "D" Chauffeur's License

Permits the operation of all vehicles included in Class "E" plus any single motor vehicle used in commerce to transport passengers or property if the motor vehicle has a gross vehicle weight rating of ten thousand one or more pounds but less than twenty-six thousand one pounds, or any such vehicle towing a vehicle not in excess of ten thousand pounds gross vehicle weight rating; or any vehicle designed or utilized for the transportation of passengers for hire or fee; and not utilized in the transportation of materials found to be hazardous under the provisions of the Hazardous Materials Transportation Act which requires the vehicle to bear a placard under the provision of Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

State Statutes Web Site (Public Access)

[HTTP://WWW.LEGIS.STATE.LA.US/](http://www.legis.state.la.us/)

Maine

Federal CDL/CMV Regulations Adopted by Statute?

MRSA 29A 1253. Commercial licenses

1. Classifications. A Class A or Class B license, or a Class C license carrying an endorsement under subsection 3, is a commercial license.

2. Compliance with federal law. The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, and regulations adopted under that Act in issuing or suspending a commercial license. To ensure compliance, the Secretary of State shall adopt rules.

These rules must include, but are not limited to, provisions that:

A. Provide for full state participation in the national commercial driver's license clearinghouse;

B. Require commercial drivers to have a single license;

C. Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles;

D. Protect public safety by removing from public ways a commercial driver who has:

(1) Operated or attempted to operate a commercial vehicle while having 0.04% or more by weight of alcohol in that driver's blood;

(2) Refused to submit to or complete a lawfully requested test to determine blood-alcohol level; or

(3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; and

E. Provide maximum safety on public ways.

3. Endorsements for double or triple trailers, buses, tank trucks or hazardous materials. Operation of a double or triple trailer, bus or tank truck requiring a commercial driver's license or a vehicle carrying hazardous materials requiring a placard requires a special endorsement on a commercial license.

An endorsement may be made under this subsection only after the applicant has successfully passed the examination for the specific vehicle.

To retain a hazardous material endorsement on renewal of a commercial license, a reexamination of the hazardous material written test is required.

4. Air brakes. If an applicant either fails the air brake component of the examination under subsection 3 or performs the examination in a vehicle not equipped with air brakes, that person is prohibited from operating a commercial motor vehicle equipped with air brakes. The license must be so restricted.

5. Operation with a blood-alcohol level of 0.04% or more or under the influence of intoxicating liquor or drugs. The Secretary of State shall suspend, without preliminary hearing, the commercial license of a person who has operated or attempted to operate a commercial motor vehicle while having 0.04% or more by weight of alcohol in the blood or while under the influence of intoxicating liquor or drugs.

The period of suspension must satisfy the regulations adopted by the United States Secretary of Transportation under the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII.

Variations Between State and Federal CDL/CMV Regulations?

49 C.F.R. § 391 (CMV Driver Qualifications), and 49 C.F.R. § 395 (Hours of Service). Maine's CDL/CMV statutes do not directly address the requirements of these sections of the FMCSRs. See 29A 1253 above.

Form of State CDL Manual

Maine uses the AAMVA Model Commercial Driver License Manual without change except for Maine BMV addresses.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Reference to separate manual.

CDL Required for School Bus Drivers?

M.R.S.A. 29-A § 2303. School bus operator requirements

1. Requirements. Except as provided in subsection 6, the Secretary of State may not issue a school bus operator endorsement unless the applicant:

A. Holds a valid driver's license for operation of the class vehicle and has at least one year's experience as a licensed motor vehicle operator;

B. Is at least 21 years of age and has held a driver's license for at least one year;

C. Meets all training, physical, mental and moral requirements of the Commissioner of Education, as certified to the Secretary of State in writing;

D. Is qualified as a driver under the motor carrier safety regulations of the Federal Highway Administration, if that person or that person's employer is subject to those regulations;

E. Passes an examination of the person's ability to operate the specific vehicle that will be driven as a school bus or a vehicle of comparable type;

F. Has not had a license revoked pursuant to chapter 23, subchapter V, within the preceding 6-year period; and

G. Has not received an OUI conviction, as defined in section 2401, subsection 9, within the preceding 10-year period.

CDL Required for Transit Bus Drivers?

Maine defines a bus as a CMV; a CDL is required.

State Statutes Web Site (Public Access)

[HTTP://JANUS.STATE.ME.US/LEGIS/STATUTES](http://JANUS.STATE.ME.US/LEGIS/STATUTES)

Maryland

Federal CDL/CMV Regulations Adopted by Statute?

§ 16-802 Transportation Code of Maryland

(a) The purpose of this subtitle is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) and reduce or prevent heavy and commercial motor vehicle accidents, fatalities, and injuries by:

(1) Disqualifying drivers for certain criminal offenses and serious traffic violations; and

(2) Strengthening licensing and testing standards.

(b) This subtitle is a remedial law and shall be liberally construed to promote the public health, safety, and welfare.

(c) To the extent that this subtitle conflicts with other subtitles of this title, this subtitle prevails.

(d) Where this subtitle is silent, the provisions of the Maryland Vehicle Law apply.

§ 11-109 Transportation Code

"Commercial driver's license" and "CDL" means a license issued in accordance with Title 16, Subtitle 8 of this article or by another state pursuant to the federal Commercial Motor Vehicle Safety Act of 1986 to an individual which authorizes the individual to drive a class of commercial motor vehicle.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Maryland uses the AAMVA Model Commercial Driver License Manual, with an added preface concerning Maryland laws.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Reference not found.

CDL Required for School Bus Drivers?

Reference not found.

CDL Required for Transit Bus Drivers?

Yes, for vehicles capable of carrying 16 passengers plus a driver.

State Statutes Web Site (Public Access)

[HTTP://MGASEARCH.STATE.MD.US/](http://MGASEARCH.STATE.MD.US/)

Massachusetts

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly through definitions.

M.G.L.A. § 90F-1 Definitions.

As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Commerce," (1) 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 the United States; and (2) trade, traffic and transportation in the United States which affects any trade, traffic and transportation described in clause (1).

"Commercial driver license system," (CDLIS) the information system established pursuant to the CMVSA - 86 (Title XII, Public Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle operators.

"Commercial motor vehicle," a motor vehicle used in commerce designed or used to transport passengers or property which has a gross vehicle weight rating of twenty-six thousand and one or more pounds or such lesser rating as determined by federal regulation, or which is designed to transport more than 16 passengers, including the driver; or which transports hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, sub-part F. For purposes of section nine, "commercial motor vehicle" shall include any vehicle described in 49 C.F.R. part 390.5.

"Hazardous materials", as defined under section 103 of the Hazardous Materials Transportation Act (49 App. USC 1801 et seq.).

"License to operate a commercial motor vehicle," a license to operate a commercial motor vehicle issued in accordance with the requirements of this chapter and the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to an individual authorizing him to operate a certain class of commercial motor vehicle.

M.G.L.A. Chapter 90F, Section 8. Commercial driver licenses; issuance; expiration; renewal.

Section 8. A license to operate a commercial motor vehicle shall be marked "Commercial Driver License" or "CDL" A license to operate a commercial motor vehicle may be issued with classifications, endorsements, and restrictions, as established by the registrar by regulation in conformity with federal standards.

M.G.L.A. Chapter 90F, Section 6. Commercial driver licensing; testing procedures.

Section 6. No person may be issued a license to operate a commercial motor vehicle unless that person is a resident of the commonwealth and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. part 383, sub-parts G and A, and has satisfied all other requirements of the CMVSA-86 (Title XII of Public Law 99.570) in addition to any other requirements imposed by law. The tests shall be prescribed and conducted by the registrar.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver's Manual

Massachusetts uses the AAMVA Model Commercial Driver License Manual with an added section concerning Massachusetts CDL information.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

No, except for license types.

CDL Required for School Bus Drivers?

M.G.L.A. Chapter 90, Section 7B. Equipment and operation of school buses.

Section 7B. No person shall operate any school bus, and the owner or custodian of a school bus shall not permit the same to be operated upon or to remain upon any way, unless the following requirements are complied with. . . (4) Each school bus shall be operated by a person eighteen years of age or over who is licensed under or who is licensed under and is subject to an annual physical examination in conformity with such minimum physical qualifications as shall be determined by the registrar in collaboration with the commissioner of the department of telecommunications and energy; provided, however, that in case of any emergency such school bus may, for a period not to exceed three consecutive school days, be operated by any person, eighteen years of age or over, who is duly licensed by his state of residence for operation of the class of vehicle being operated and has said license in his possession; and provided, further, that no person shall operate a school bus whose license to do so is suspended or revoked, or whose application to operate a school bus has been rejected by the registrar. . . .

CDL Required for Transit Bus Drivers?

Reference not found.

State Statutes Web Site (Public Access)

[HTTP://WWW.STATE.MA.US/SCRIPTS/LEGIS/](http://www.state.ma.us/scripts/legis/)

Michigan

Federal CDL/CMV Regulations Adopted by Statute?

M.C.L. 474.131 Code of federal regulations; adoption; exceptions.

Sec. 31. This state hereby adopts the following provisions of title 49 of the code of federal regulations as of January 1, 1996, on file with the office of the secretary of state except where modified by this act, to provide for the safe transportation of persons, with the intent of following the policies and procedures of the United States department of transportation's federal highway administration as they relate to title 49 of the code of federal regulations and the North American uniform driver/vehicle inspection standards (NAUD/VIS) out of service criteria and inspection procedures: Motor carrier safety regulations, being 49 C.F.R. part 382, part 387, parts 390 through 393, parts 395 through 397, and part 399 including appendices C, D, E, and G, except for the following: (a) Where the terms "United States department of transportation," "federal highway administration," "federal highway administrator," "director," and "bureau of motor carrier safety" appear, they shall be construed to refer to the state transportation department.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver's Manual

Michigan uses the AAMVA Model Commercial Driver License Manual with an extensive introductory section discussing the CDL in a question and answer format. Michigan provides its CDL Manual online at [HTTP://WWW.SOS.STATE.MI.US/PAMPHLET/CDLMANUL.PDF](http://www.sos.state.mi.us/pamphlet/cdlmanul.pdf).

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes, briefly.

CDL Required for School Bus Drivers?

M.C.L. 257.1849

Sec. 49. (2) A person shall not operate a school bus or pupil transportation vehicle used for the regularly scheduled transportation of passengers to and from school and home unless that person possesses a valid chauffeur's license, the appropriate vehicle group designation, and a passenger vehicle endorsement under section 312e of Act No. 300 of the Public Acts of 1949, being section of the Michigan Compiled Laws.

CDL Required for Transit Bus Drivers?

A CDL is required to drive small vehicles that: 1) are designed to carry more than 15 persons, including the driver; 2) carry 15 or fewer persons including the driver transporting children to or from school and home regularly for compensation; or 3) carry hazardous materials in amounts requiring placarding.

A Michigan Chauffeur's License is needed if the driver is employed to operate a motor vehicle as a carrier of passengers or as a common or contract carrier of property, operate a pupil transportation vehicle used for the regularly scheduled transportation of pupils between school and home, operate a bus or school bus, or operate a taxi or limousine. [What Every Driver Must Know (Michigan driver's license manual)].

State Statutes Web Site (Public Access)

[HTTP://WWW.MICHIGANLEGISLATURE.ORG/LAW/](http://www.michiganlegislature.org/law/)

Minnesota

Federal CDL/CMV Regulations Adopted by Statute?

M.S.A. 221.0314 Federal safety regulations; adoption.

Subdivision 1. Applicability. (a) Intrastate motor carriers must comply with the federal regulations incorporated in this section. Private carriers and persons providing intrastate transportation described in section must comply with the federal regulations incorporated in this section to the extent required by section. Every carrier and its officers, agents, representatives, and employees responsible for managing, maintaining, equipping, operating, or driving motor vehicles, or hiring, supervising, training, assigning, or dispatching drivers, must be instructed in and comply with the rules incorporated in this section and shall require that its agents, representatives, drivers, and employees comply.

Subd. 2. Qualification of driver. Code of Federal Regulations, title 49, part 391 and appendixes D and E, are incorporated by reference except for sections 391.2....

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Manual not provided.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

No.

CDL Required for School Bus Drivers?

M.S.A. 171.321 Qualifications of school bus driver.

Subdivision 1. Endorsement. No person shall drive a school bus when transporting school children to or from school or upon a school-related trip or activity without having a valid class A, class B, or class C driver's license with a school bus endorsement except that a person possessing a valid driver's license but not a school bus endorsement may drive a vehicle with a seating capacity of ten or less persons used as a school bus but not outwardly equipped or identified as a school bus.

CDL Required for Transit Bus Drivers?

M.S.A. 221.0314 Subd. 2. Qualification of driver. Code of Federal Regulations, title 49, part 391 and appendixes D and E, are incorporated by reference except for sections 391.2....

221.091 Local government authority.

Subd. 2. Local licensing of small vehicle passenger service. A city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections. A city that has adopted an ordinance complying with this subdivision may enforce the registration requirement in section 221.021.

State Statutes Web Site (Public Access)

[HTTP://WWW.REVISOR.LEG.STATE.MN.US/STATS/](http://www.revisor.leg.state.mn.us/stats/)

Mississippi

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Mississippi uses the AAMVA Model Commercial Driver License Manual with a brief summary of Mississippi requirements.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

No.

CDL Required for School Bus Drivers?

See below.

CDL Required for Transit Bus Drivers?

SEC. 77-7-9. Qualifications upon definition of "common carrier by motor vehicle" and "contract carrier by motor vehicle."

The term "common carrier by motor vehicle," as defined in subsection (e) of Section 77-7-7, and the term "contract carrier by motor vehicle," as defined in subsection (f) of Section, shall not include:

(a) Motor vehicles employed to transport school children and teachers; motor vehicles transporting people where not more than seven (7) passengers are carried; motor vehicles used for transporting workers to and from any factory, railroad shop, mill or agricultural enterprise located in this state; and motor vehicles used in vanpooling as the term is defined in subsection (m) of Section 77-7-7.

(b) Trolley buses operated by electric power derived from fixed overhead wire, furnishing local passenger transportation similar to street railway service.

(c) Motor vehicles engaged exclusively in hauling for the Mississippi Department of Transportation, or for any county, city or town in this state.

(d) Motor vehicles engaged in the transportation of passengers and household goods wholly within a municipality, except when the transportation is under a common control, management or arrangement for a continuous carriage or shipment to or from a point without the municipality, municipalities or zone.

(e) Motor vehicles operated by a bona fide regularly licensed merchant, manufacturer or dealer in this state transporting merchandise or other commodities owned by the merchant, manufacturer or dealer in his or her own motor vehicle.

(f) Buses. Motor vehicles owned or chartered by all schools and colleges, religious or charitable associations or institutions, or governmental agencies, when used to convey their athletic teams, orchestras, or other scholastic, religious or charitable organizations or employees on temporary trips through or in this state, and motor vehicles transporting students on guided tours through or in this state. This exemption shall not be construed to apply to motor vehicles or buses transporting persons that operate on a fixed schedule through this state for compensation or for hire.

Any person, who by lease or otherwise permits the use of a motor vehicle or vehicles by others, and who furnishes in connection therewith a driver or drivers, either directly or indirectly, or in any manner whatsoever exercises any control, or assumes any responsibility over the operation of the vehicle or vehicles, other than furnishing necessary maintenance during the period of the lease or other device, shall be deemed a "common carrier by motor vehicle," or "contract carrier by motor vehicle" or "restricted motor carrier."

State Statutes Web Site (Public Access)

[HTTP://WWW.MSCODE.COM/FREE/STATUTES/63/001/INDEX.HTM](http://www.mscore.com/free/statutes/63/001/index.htm)

Missouri
Federal CDL/CMV Regulations Adopted by Statute?

Missouri has adopted as state law Parts 390 through 397 of the Federal Motor Carrier Safety Regulations. [Missouri Driver Guide 2000]. See also 11 C.S.R. § 30-6.010 Safety Requirements, Commercial Motor Vehicle and Trailer Safety.

A.M.S. 307.400. 1. It is unlawful for any person to operate any commercial motor vehicle licensed for more than twelve thousand pounds either singly or in combination with a trailer, as both vehicles are defined in section 301.010, RSMo, unless such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code of Federal Regulations, as such regulations have been and may periodically be amended, whether intrastate transportation or interstate transportation. Members of the Missouri state highway patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect

the contents when reasonable grounds exist to cause belief that the vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of the department of public safety is hereby authorized to further regulate the safety of commercial motor vehicles and trailers as he deems necessary to govern and control their operation on the public highways of this state by promulgating and publishing rules and regulations consistent with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by the director, require:

(1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in a safe condition at all times;

(2) Accidents arising from or in connection with the operation of commercial motor vehicles and trailers to be reported to the department of public safety in such detail and in such manner as the director may require.

Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this section shall not apply to any commercial motor vehicle operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less when used exclusively for the transportation of solid waste or forty-two thousand pounds or less when the license plate has been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal Regulations.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 301, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this state may operate such vehicle intrastate at the age of eighteen years or older, except that any person transporting hazardous materials must be at least twenty-one years of age.

3. Commercial motor vehicles and drivers of such vehicles may be placed out of service if the vehicles are not equipped and operated according to the requirements of this section. Criteria used for placing vehicles and drivers out of service are the North American Uniform Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United States Department of Transportation, as such criteria have been and may periodically be amended.

4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any vehicle owned or operated by any public utility, rural electric cooperative or other public service organization, or to the driver of such vehicle, while providing restoration of essential utility services during emergencies and operating intrastate. For the purposes of this subsection, the term "essential utility services" means electric, gas, water, telephone and sewer services.

5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in this state if such transportation:

(1) Is limited to an area within a one hundred air mile radius from the source of the commodities or the distribution point for the farm supplies; and

(2) Is conducted during the planting and harvesting season within this state, as defined by the department of public safety by regulation.

6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains and retains for a period of six months accurate and true records showing:

(1) The total number of hours the driver is on duty each day; and

(2) The time at which the driver reports for, and is released from, duty each day.

7. Violation of any provision of this section or any rule promulgated as authorized therein is a class B misdemeanor.

8. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences, but see above.

Form of State CDL Manual

Missouri uses the AAMVA Model Commercial Driver License Manual without change.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Briefly. Federal CDL regulations not mentioned.

CDL Required for School Bus Drivers?

Reference not found.

CDL Required for Transit Bus Drivers?

For hire license required if the driver receives pay to transport 14 or fewer passengers.

State Statutes Web Site (Public Access)

[HTTP://WWW.MOGA.STATE.MO.US/STATUTES](http://www.moga.state.mo.us/statutes)

Montana

Federal CDL/CMV Regulations Adopted by Statute?

M.C.A. 61-8-801. Purpose. (1) The purpose of this part is to reduce the number of commercial motor vehicle accidents in Montana, to provide greater safety to the motoring public and others by establishing stringent criteria governing the operation of commercial motor vehicles, and to deny the privilege of operating commercial motor vehicles upon the public streets and highways to those commercial motor vehicle operators who are determined to be not qualified.

(2) To fulfill this purpose, the legislature intends that this part:

(a) establish criteria and procedures for the operation of commercial motor vehicles that require safety practices commensurate with the danger inherent to their operation;

(b) provide for increased administrative punishment for commercial motor vehicle operators who use alcohol while operating commercial motor vehicles;

(c) provide greater control of commercial motor vehicle operators using the streets and highways; and

(d) conform Montana's laws on commercial motor vehicle operator's endorsements with federal regulations based on the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Unknown, manual not provided.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Briefly.

CDL Required for School Bus Drivers?

Yes.

M.C.A. 20-10-103. School bus driver qualifications. A driver of a school bus is qualified to drive a school bus if the driver:

(1) is not less than 18 years of age;

(2) is of good moral character;

(3) is the holder of a commercial driver's license

(4) has filed with the district a satisfactory medical examination report, on a form approved by the United States department of transportation, signed....

CDL Required for Transit Bus Drivers?

Montana defines a bus as:

M.C.A. 61-1-115. Bus. "Bus" means every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

A CDL is required for passenger vehicles carrying 16 or more passengers including the driver. [Montana Driver’s Manual].

State Statutes Web Site (Public Access)

[HTTP://LEG.STATE.MT.US/SERVICES/LEGAL/LAWS.HTM](http://leg.state.mt.us/services/legal/laws.htm)

Nebraska

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

R.S.N.75-301. Motor carriers; regulation; legislative policy. (1) It is the policy of the Legislature to comply with the laws of the United States, to promote uniformity of regulation, to prevent motor vehicle accidents, deaths, and injuries, to protect the public safety, to reduce redundant regulation, to promote financial responsibility on the part of all motor carriers operating in and through the state, and to foster the development, coordination, and preservation of a safe, sound, adequate, and productive motor carrier system which is vital to the economy of the state.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver’s Manual

Nebraska uses the AAMVA Model Commercial Driver License Manual with a brief description of Nebraska requirements.

CDL/CMV Requirements Mentioned in Regular Driver’s Manual?

Yes, briefly.

CDL Required for School Bus Drivers?

Yes. Nebraska issues School Bus Permits for *the driver of all vehicles that transport one or more school children provided such transportation is sponsored and approved by a Board of Education. A permit is not required for carrying members of licensee’s household in a private motor vehicle. Class of bus permit is determined by vehicle carrying capacity rating (includes driver) and vehicle’s intended use:*

<u>Permit</u>	<u>Type</u>	<u>Capacity/Activity</u>
A	Small Vehicle	1-10 Passengers
B	School Bus	1-15 Passengers
C	School Bus	1-15 Passengers, Activity only
D	School Bus	16 or more Passengers
E	School Bus	16 or more Passengers, Activity only.

[Nebraska Driver’s Manual]

CDL Required for Transit Bus Drivers?

Operation of buses carrying 16 or more passengers requires a CDL.

State Statutes Web Site (Public Access)

[HTTP://WWW.UNICAM.STATE.NE.US/INDEX.HTM](http://www.unicam.state.ne.us/index.htm)

Nevada

Federal CDL/CMV Regulations Adopted by Statute?

NRS 483.900 Purposes. The purposes of NRS 483.900 to 940 inclusive, are to implement the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. §§ 2701-2716, and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- 1. Permitting drivers of commercial motor vehicles to hold only one license;*
- 2. Providing for the disqualification of drivers of commercial motor vehicles who have committed certain serious traffic violations or other specified offenses;*
- 3. Strengthening the licensing and testing standards for drivers of commercial motor vehicles; and*
- 4. Ensuring that drivers of commercial motor vehicles carrying hazardous materials are qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to the transportation of hazardous materials and have the skills and knowledge necessary to respond appropriately to any emergency arising out of the transportation of hazardous materials.*

NRS 483.908 Adoption of regulations. . . The department shall not adopt regulations which are more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. §§ 2701-2716.

NAC 483.800 Federal regulations: Adoption by reference of certain provisions; exceptions; compliance required.

- 1. Except as otherwise provided in NAC 483.802, the department hereby adopts by reference the provisions of 49 C.F.R. Part 383 as they existed on June 1, 1990, with the following exceptions:*
 - (a) Paragraphs 1, 2 and 3 of subsection (a) of 49 C.F.R. § 383.91 are deleted; and*
 - (b) The vehicle classification groups found in figure 1 of 49 C.F.R. § 383.91 are deleted and replaced with the vehicle classifications listed in NAC 483.110.*

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Nevada uses the AAMVA Model Commercial Driver License Manual with no modifications. The Nevada CDL is available online at: [HTTP://WWW.STATE.NV.US/DMV_PS/PDFFORMS/DLBOOKCOMM.PDF](http://www.state.nv.us/dmv_ps/pdf/forms/dlbookcomm.pdf)

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

Indirectly required.

NRS 483.160 "School bus" defined.

- 1. "School bus" means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.*
- 2. "School bus" does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the transportation services authority when such a vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.*

NRS 392.380 Drivers: Qualifications; training course; annual test; employment of pupils.

- 1. No person may be employed by a board of trustees of a school district as a driver of a school bus, station wagon, automobile or other motor vehicle, or mechanically or self-propelled vehicle of any kind which transports pupils to and from school or any other place in connection with school activities unless:*
 - (c) He is licensed under the laws of this state to operate the particular type of vehicle.*

CDL Required for Transit Bus Drivers?

Yes, for vehicles designed to carry more than 15 passengers.

NAC 706.022 "Bus" defined. (NRS 706.171) "Bus" means any motor vehicle with a capacity of 16 or more persons, including the driver, designed, constructed and used for the transportation of passengers, their baggage and light express.

State Statutes Web Site (Public Access)

HTTP://WWW.LEG.STATE.NV.US/LAW1.HTM

New Hampshire

Federal CDL/CMV Regulations Adopted by Statute?

NHRSA 266:72-a Motor Carriers; Equipment. – I. The commissioner may adopt as rules, under RSA 541-A, the current version of the federal motor carrier safety regulations promulgated by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, contained in 49 C.F.R. 107, 382, 385-397. Notwithstanding the provisions of RSA 541-A, any amendments or additions by the respective federal agencies or their successor agencies shall also amend or supplement the rules adopted by the commissioner of safety without further action on the part of the commissioner. The commissioner shall be authorized to exempt vehicles and drivers operating exclusively in intrastate commerce from such rules which the commissioner determines impose an unnecessary regulatory burden without providing a corresponding safety benefit.

II. Whenever the commissioner finds that a motor carrier safety regulation in 49 C.F.R. sections 390-397, provides an equal or greater degree of safety the commissioner may, pursuant to RSA 260:5, adopt the federal regulation as a rule, and the rule shall take precedence over the conflicting provisions of this title. No person who is in compliance with the corresponding rule adopted by the commissioner shall be convicted of violating a conflicting provision of this title. The commissioner shall request the introduction, at the next annual session of the legislature following adoption of such a rule, of legislation amending or repealing the conflicting provision of this title and, if the legislation is not enacted, any rule so adopted shall be automatically repealed 60 days after the last day of the legislative session.

III. The drivers of all vehicles subject to the motor carrier rules who operate exclusively in intrastate commerce shall be subject to the medical examination, written tests, and road tests required by 49 C.F.R. sections 391.31-391.49, as amended, provided, however, that the commissioner may waive specific requirements or standards of the medical examination for any such driver who has a valid commercial driver's license issued by this state on or after January 1, 1990, if it would not jeopardize public safety to grant such a waiver. The commissioner may adopt rules pursuant to RSA 541-A relative to standards for the granting of such waivers. The department shall make interested parties aware of the provisions of this paragraph. Once a waiver is granted under this paragraph, the waiver shall be placed on the medical examination card required by federal regulation.

IV. Utility service vehicle drivers providing intrastate service shall be exempt from the provisions of 49 C.F.R. 395 as adopted pursuant to this section.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver's Manual

New Hampshire uses the AAMVA Model Commercial Driver License Manual without change.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

NHRSA 263:29 School Bus Driver's Certificate. – The owner of any school bus transporting children to and from any private or public school, or the owner of any bus owned or used by a religious organization or a nonprofit organization used exclusively as a bus for the transportation of its members in connection with functions of the organization, shall submit to the authorities in the town or city or to the organiza-

tion which pays for said transportation a list of names of the persons who are to drive the buses used in such transportation. Such authority shall submit the list of names to the department requesting an investigation of each driver's criminal and motor vehicle record. If such driver is found to be qualified to bear the responsibility of such transportation, the division shall cause said driver to be examined under the rules adopted pursuant to RSA 265:58. No person shall drive a school bus unless he has satisfactorily passed the special examination for said driving and received from the division a special school bus driver's certificate. The director may revoke such special school bus driver's certificate for good cause shown.

CDL Required for Transit Bus Drivers?

Yes, for transport of more than 15 passengers, but not for vehicles transporting fewer.

State Statutes Web Site (Public Access)

[HTTP://199.192.9.6/RSA](http://199.192.9.6/RSA)

New Jersey

Federal CDL/CMV Regulations Adopted by Statute?

NJSA 39.:3-10.10 The purpose of this act is to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by strengthening licensing and testing standards for drivers of commercial motor vehicles, and by disqualifying those drivers who have committed certain serious traffic violations or other specified offenses. This act is also designed to substantially conform the laws of this State to the requirements and standards established under federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. s. 2701 et seq.) and the regulations promulgated pursuant to that federal law. This act is a remedial law and shall be liberally construed to promote the public health, safety, and welfare.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver's Manual

New Jersey has adopted the AAMVA Model Commercial Driver License Manual with a one page addition to describe adoption of the FMCSRs.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

Implied. Class "C" CDL: *Any bus, including school buses, designed to carry 16 or more passengers including the driver . . .* [New Jersey Driver Manual].

CDL Required for Transit Bus Drivers?

Yes.

39:3-10.11 Definitions. "Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property:

c. If the vehicle is designed to transport 16 or more passengers including the driver;

d. If the vehicle is designed to transport eight or more but less than 16 persons, including the driver, and is used to transport such persons for hire on a daily basis to and from places of employment . . .

State Statutes Web Site (Public Access)

[HTTP://WWW.NJLEG.STATE.NJ.US/HTML/STATUTES.HTM](http://WWW.NJLEG.STATE.NJ.US/HTML/STATUTES.HTM)

New Mexico

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

The secretary is directed to adopt in accordance with Sections 65-1-10 NMSA 1978 necessary rules and regulations under the Motor Carrier Safety Act [65-3-1 to 65-3-13 NMSA 1978] as they apply to motor carrier safety. Such rules and regulations shall not be inconsistent with or more stringent than applicable federal safety standards. NMSA § 65-3-4 1978.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver's Manual

New Mexico has adopted the AAMVA Model Commercial Driver License Manual, prints it in four parts, and provides a one page summary of state regulations.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

New Mexico has a Class "S" School Bus endorsement for school bus drivers.

CDL Required for Transit Bus Drivers?

Yes, for buses carrying more than 16 passengers and the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEXISLAWPUBLISHING.COM/RESOURCES/](http://www.lexislawpublishing.com/resources/)

New York

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly. *New York State driver licensing standards comply with the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA/86), and require commercial motor vehicle (CMV) drivers to obtain a commercial driver's license (CDL) to operate.... [NYS Commercial Driver's Manual, 1990 ed.].*

Variations Between State and Federal CDL/CMV Regulations?

None noted.

CDL Driver's Manual

New York has adopted the AAMVA Model Manual with the introductory chapter rewritten to present specific New York requirements. [NYS Commercial Driver's Manual, 1990 ed.].

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes. Written manual not provided, but information available online at NY DMV Web site.

CDL Required for School Bus Drivers?

Yes. New York has additional requirements for drivers of school buses.

M.C.L.N.Y. ARTICLE 19-A VEHICLE & TRAFFIC LAWS

S 509-a. Definitions. As used in this article the term: (1) bus shall mean every motor vehicle, owned, leased, rented or otherwise controlled by a motor carrier, which

a) is a school bus as defined in section one hundred forty-two of this chapter or has a seating capacity of more than ten adult passengers in addition to the driver and which is used for the transportation of persons under the age of twenty-one or persons of any age who are mentally or physically disabled to a place

of vocational, academic or religious instruction or religious service including nursery schools, day care centers and camps,

(b) is required to obtain approval to operate in the state as a common or contract carrier of passengers by motor vehicle from the commissioner of transportation, or the interstate commerce commission,

(c) is regulated as a bus line by a city that has adopted an ordinance, local law or charter to regulate or franchise bus line operations pursuant to subdivision four of section eighty of the transportation law,

(d) is regulated as a van service or other common carrier of passengers by motor vehicle covered under article seven of the transportation law by a city with a population of over one million pursuant to an ordinance or local law adopted pursuant to subdivision five of section eighty of the transportation law or

(e) is operated by a transit authority or municipality and is used to transport persons for hire....

CDL Required for Transit Bus Drivers?

Passenger transport endorsement for CDL required, with additional New York state requirements (related to driving record, physical condition, driving skills, etc.).

State Statutes Web Site (Public Access)

[HTTP://ASSEMBLY.STATE.NY.US](http://ASSEMBLY.STATE.NY.US)

North Carolina

Federal CDL/CMV Regulations Adopted by Statute?

G.S.N.C. ARTICLE 2C. Commercial Driver License.

§ 20-37.10. Title of Article.

This Article may be cited as the Commercial Driver License Act.

§ 20-37.11. Purpose.

The purpose of this Article is to implement the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. Chapter 36, and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:

(1) Permitting commercial drivers to hold one license;

(2) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses; and

(3) Strengthening commercial driver licensing and testing standards.

To the extent that this Article conflicts with general driver licensing provisions, this Article prevails.

Where this Article is silent, the general driver licensing provisions apply.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver's Manual

North Carolina has adopted the AAMVA Model Commercial Driver License Manual with the initial chapter rewritten for North Carolina requirements.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

Yes, plus special training.

CDL Required for Transit Bus Drivers?

Yes, for buses carrying more than 16 passengers and the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.NCGA.STATE.NC.US/STATUTES/STATUTES.HTML](http://WWW.NCGA.STATE.NC.US/STATUTES/STATUTES.HTML)

North Dakota

Federal CDL/CMV Regulations Adopted by Statute?

NORTH DAKOTA CENTURY CODE

39-06.2-01. Uniform Commercial Driver's License Act. The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 [Title XII of Pub. L. 99-570] and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:

- 1. Permitting commercial drivers to hold only one license;*
- 2. Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses; and*
- 3. Strengthening commercial driver's licensing and testing standards.*

This chapter is a remedial law which should be liberally construed to promote the public health, safety, and welfare. To the extent that this chapter conflicts with general driver's licensing provisions, this chapter prevails. Where this chapter is silent, the general driver's licensing provisions apply.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver's Manual

North Dakota uses the AAMVA Model Commercial Driver License Manual with the first chapter modified for North Dakota law.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

License classes only.

CDL Required for School Bus Drivers?

Not clearly stated.

CDL Required for Transit Bus Drivers?

Yes, for vehicles carrying more than 16 passengers and a driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.STATE.ND.US/LR/](http://www.state.nd.us/LR/)

Ohio

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

O.R.C.S. 4506.01 Definitions.

As used in this chapter:

(D) "Commercial driver license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.

(E) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

- (1) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;*

(2) Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds;

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but that either is designed to transport sixteen or more passengers including the driver, or is placarded for hazardous materials;

(4) Any school bus with a gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended....

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

CDL Driver's Manual

Ohio uses the AAMVA Model Commercial Driver License Manual with very little change in the first chapter to distinguish Ohio rules.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Unknown, manual not received.

CDL Required for School Bus Drivers?

Yes.

CDL Required for Transit Bus Drivers?

Yes, for vehicles carrying more than 16 passengers and a driver.

State Statutes Web Site (Public Access)

[HTTP://ONLINEDOCS.ANDERSONPUBLISHING.COM/REVISED/](http://ONLINEDOCS.ANDERSONPUBLISHING.COM/REVISED/)

Oklahoma

Federal CDL/CMV Regulations Adopted by Statute?

47 O.S.A. 230.4. Powers and duties of Commissioner.

To the extent necessary to administer the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, and consistent with budget and manpower limitations, the Commissioner:

1. shall adopt and promulgate rules and regulations in order to carry out the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act relating to motor carrier safety in the transportation of property and hazardous materials in intrastate and interstate commerce, and to coordinate the implementation of a transportation emergency response system;

2. may adopt by reference and enforce all or any portion of the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter amended;

3. shall conduct a continuing review of all aspects of motor carrier safety and the transportation of property, including hazardous materials, in order to determine and recommend appropriate steps to assure safe transportation....

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Oklahoma uses the AAMVA Model Commercial Driver License Manual without modification. The manual is available online at [HTTP://WWW.DPS.STATE.OK.US/DLS/PUB/COMMANUAL.PDF](http://WWW.DPS.STATE.OK.US/DLS/PUB/COMMANUAL.PDF).

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

70 O.S.A. 9-118. Operation instruction for bus drivers.

Except in case of emergency, anyone who operates, as a driver, a school bus whether a contractor for private hire or an employee of the school district for the transportation of students enrolled in the public schools of the district shall complete a course of instruction pertaining to the operation of a school bus. Said course to be approved by the State Department of Education and the district involved. Laws 1973, c. 112, Section 5.

CDL Required for Transit Bus Drivers?

Yes, for vehicles transporting more than 16 passengers and a driver.

State Statutes Web Site (Public Access)

[HTTP://OKLEGAL.ONENET.NET/STATUTES.BASIC.HTML](http://oklegal.onenet.net/statutes/basic.html)

Oregon

Federal CDL/CMV Regulations Adopted by Statute?

ORSA 825.252 Safety regulations relating to drivers or operators; uniformity with federal regulations.

(1) The Department of Transportation shall, after public notice and hearing, adopt rules that require for-hire and private carriers to:

(a) Protect and safeguard the health and safety of all employees, passengers and the public by prescribing the limit of hours that drivers or operators of motor vehicles may remain on duty at any time and the required number of hours released from duty.

(b) Establish minimum qualifications for persons who drive motor vehicles, as, for, or on behalf of the carrier.

(c) Meet and maintain minimum requirements established by the department for safety of operations and equipment of motor vehicles subject to their operations and control.

(2) Venue for prosecution for the violation of rules adopted under this section lies:

(a) In the county in which the defendant resides if the defendant is a resident of this state.

(b) In the county where the violation was committed if the defendant is not a resident of this state.

(3) The department may revoke the certificate or permit of any person for repeated violation of the laws or rules governing hours of service.

(4) The rules promulgated under subsection (1) of this section should provide for uniformity between state and federal motor carrier safety and hours of service rules insofar as practicable. [Formerly 767.455].

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Oregon uses the AAMVA Model Commercial Driver License Manual with some modification, printed in reduced size format.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

No.

CDL Required for School Bus Drivers?

Oregon defines a bus as: *a vehicle designed to transport 16 or more persons, including the driver. It includes a school bus, a school activity vehicle, a worker transport bus, a church bus, a commercial bus or any vehicle used in the transportation of persons for hire by a nonprofit entity.* [Oregon Commercial Motor Vehicle Operator Manual].

CDL Required for Transit Bus Drivers?

Yes.

ORSA 807.031 Classes of license. This section describes the type of driving privileges granted by the various licenses issued by this state. Licenses are established by class with the highest class being Class A commercial. Each class of license grants driving privileges for that class and for all lower classes. No license grants driving privileges for which an indorsement is required. The following licenses grant the driving privileges described:

(3) A Class C commercial driver license authorizes a person to operate...:

(a) Any vehicle that is designed to transport 16 or more persons, including the driver, if the gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has a passenger indorsement;...

(b) Any vehicle that is owned or leased by, or operated under contract with, a mass transit district or a transportation district when the vehicle is actually being used to transport passengers for hire, regardless of the number of passengers, if the gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has a passenger indorsement;

807.035 Kinds of indorsements. This section describes the type of driving privileges granted by various indorsements issued by this state. The following indorsements grant the driving privileges described:...

(4) A passenger indorsement authorizes a person to operate vehicles designed to transport 16 or more persons, including the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEG.STATE.OR.US:8765/](http://www.leg.state.or.us:8765/)

Pennsylvania

Federal CDL/CMV Regulations Adopted by Statute?

Adopted by administrative act.

52 Pa. Code § 37.204. Adoption of portions of 49 C.F.R. by reference.

The Commission incorporates by reference the following portions of 49 C.F.R. (relating to transportation), subject to §§ 37.202 and 37.205 (relating to definitions; and additions or modifications to 49 C.F.R.).

(1) Part 382 (relating to driver drug and alcohol testing).

(2) Part 390 (relating to Federal motor carrier safety regulations; general).

(3) Part 391 (relating to qualifications of drivers).

(4) Part 392 (relating to driving of motor vehicles).

(5) Part 393 (relating to parts and accessories necessary for safe operation).

(6) Part 395 (relating to hours of service for drivers).

(7) Part 396 (relating to inspection, repair and maintenance).

Variations Between State and Federal CDL/CMV Regulations?

No significant differences. However, the Pennsylvania Code provides the following:

52 Pa. Code § 37.205. Additions or modifications to 49 C.F.R..

As stated in § 37.204 (relating to adoption of portions of 49 C.F.R. by reference), this chapter generally incorporates 49 C.F.R. Parts 382 and 390—396. The following modifications, additions and deletions to those parts also apply:

(1) Part 382 (relating to controlled substances and alcohol use and testing).

(i) 49 C.F.R. 382.103 (relating to applicability) is modified to incorporate the following provisions:

(A) 49 C.F.R. 382.103(a) is modified to read: *This part applies to motor carriers and persons who operate a motor vehicle as defined in this section at subparagraph (ii)(C), in transportation as regulated by the Commission.*

(B) 49 C.F.R. 382.103(c) is deleted in its entirety and replaced with the following: *the Commission will permit compliance with this part by persons who have been subject to the testing provisions of another Department of Transportation agency.*

(ii) 49 C.F.R. 382.107 (relating to definitions) is adopted in its entirety except for the following revisions:

(A) The term “commerce” is deleted in its entirety.

(B) The term “commercial motor vehicle” is deleted in its entirety.

(C) The term “motor vehicle” means a vehicle, self propelled or towed, used in transportation regulated by the Commission, that is one of the following:

(I) The vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds.

(II) The vehicle is used to transport more than 16 passengers, including the driver.

(D) The term “employer” is deleted in its entirety.

(E) The term “employer” is deleted in its entirety. See the definition in § 37.202 (relating to definitions).

(iii) 49 C.F.R. 382.109 (relating to preemption of State and local laws) is deleted in its entirety.

(iv) 49 C.F.R. 382.305 (relating to random testing) is modified to incorporate the following provisions:

(A) 49 C.F.R. 382.305(1) is modified to add the following provision: *For purposes of this section only, FHWA means the Federal Highway Administration.*

(B) 49 C.F.R. 382.305(m) is modified to add the following provision: *The Commission will evaluate the FHWA Administrator’s decision to increase or decrease minimum annual percentage rate for alcohol and controlled substance testing. If the Commission determines to adopt requirements that are different from the FHWA Administrator’s decision, the minimum annual testing percentage rate will be published in the Pennsylvania Bulletin.*

(v) 49 C.F.R. 382.405 (relating to access to facilities and records) is modified to delete subsection (e).

(vi) 49 C.F.R. 382.501 (relating to removal from safety-sensitive function) is modified to delete subsection (c).

(2) Part 390 (relating to general).

(i) 49 C.F.R. 390.1 (relating to purpose) is deleted in its entirety.

(ii) 49 C.F.R. 390.3 (relating to general applicability) is deleted in its entirety.

(iii) 49 C.F.R. 390.5 (relating to definitions) is deleted in its entirety.

(iv) 49 C.F.R. 390.7 (relating to rules of construction) is modified to incorporate the following provision: *49 C.F.R. 390.7(a) is modified to delete the reference to Part 325 of Subchapter A.*

(v) 49 C.F.R. 390.9 (relating to state and local laws effect on) is deleted in its entirety.

(vi) 49 C.F.R. 390.11 (relating to motor carrier to require observance of driver regulations) is modified to delete the reference to Part 325 of Subchapter A.

(vii) 49 C.F.R. 390.21 (relating to marking of commercial motor vehicles) is modified to read: *A vehicle shall be marked according to the requirements contained in §§ 29.71 and 31.33 (relating to markings of vehicles; and identification of equipment).*

(viii) 49 C.F.R. 390.27 (relating to locations of regional motor carrier safety offices) is deleted in its entirety.

(ix) 49 C.F.R. 390.33 (relating to vehicles used for purpose other than as defined) is modified to read: *When a motor vehicle other than a bus is used to perform the functions normally performed by a bus, the regulations pertaining to buses and to the transportation of passengers apply to that motor vehicle and to its operation as though it were a bus, except with respect to vehicles operated by a motor carrier to transport its employees to and from their place of work in the regular course of the business of the carrier. Likewise, when a motor vehicle of one type is used to perform the functions normally performed by a motor vehicle of another type, the requirements of this chapter apply to the motor vehicle and to its operation in the same manner as though the motor vehicle of the latter type.*

(x) 49 C.F.R. 390.35 (relating to certificates, reports, and records: falsification, reproduction, or alteration) is modified to delete every reference to Part 325 of Subchapter A.

(xi) 49 C.F.R. 390.37 (relating to violation and penalty) is deleted in its entirety.

(3) Part 391 (relating to qualifications of drivers).

(i) 49 C.F.R. 391.2 (relating to general exemptions) is deleted in its entirety.

(ii) 49 C.F.R. 391.11(b)(1) (relating to qualifications of drivers) is modified to read: Is at least 18 years of age, unless transporting hazardous materials in a vehicle that is required to be placarded in accordance with 49 C.F.R. 177.823 in which case the driver shall be the applicable age required under Federal and state law.

(iii) 49 C.F.R. 391.15(d)(iv) (relating to disqualification of drivers) is deleted in its entirety.

(iv) 49 C.F.R. 391.49 (relating to waiver of certain physical defects) is modified to incorporate the following provisions:

(A) 49 C.F.R. 391.49(a) is modified to read: A person who is not physically qualified to drive under 49 C.F.R. 391.41(b)(1) or (2) (relating to physical qualifications for drivers) and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, other than a motor vehicle which transports passengers or a motor vehicle which transports hazardous materials, if the Commission has granted an application for waiver submitted by the motor carrier on behalf of that person.

(B) 49 C.F.R. 391.49(b) is modified to read: An application for a waiver shall be submitted by the motor carrier that will employ the driver who seeks a waiver of his physical disqualification, if the application is granted. The application shall be addressed to the Director, Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

(C) 49 C.F.R. 391.49(d) is modified to add the following provision: (4) A copy of a waiver of physical disqualification approved by the appropriate Federal regional director or by a qualified employee of the Department of Transportation will be accepted by the Commission in lieu of the required medical documents, unless requested by the Commission.

(v) 49 C.F.R. 391.67 (relating to drivers of articulated (combination) farm vehicles) is deleted in its entirety.

(vi) 49 C.F.R. 391.68 (relating to private motor carrier of passengers (nonbusiness)) is deleted in its entirety.

(vii) 49 C.F.R. 391.69 (relating to drivers operating in Hawaii) is deleted in its entirety.

(viii) 49 C.F.R. 391.71 (relating to intrastate drivers of vehicles transporting combustible liquids) is deleted in its entirety.

(ix) 49 C.F.R. 391.73 (relating to private motor carrier of passengers (business)) is deleted in its entirety.

(x) 49 C.F.R. 391.81(c) (relating to purpose and scope) is deleted in its entirety.

(xi) 49 C.F.R. 391.83 (relating to applicability) is modified to incorporate the following provisions:

(A) 49 C.F.R. 391.83(a) applies to motor carriers and persons who operate a motor vehicle, as defined in this subpart, in transportation regulated by the Commission.

(B) 49 C.F.R. 391.83(b) is deleted in its entirety.

(C) 49 C.F.R. 391.83(c) is deleted in its entirety.

(xii) 49 C.F.R. 391.85 (relating to definitions) is adopted in its entirety except for the following revisions:

(A) The term "commercial motor vehicle" is deleted in its entirety.

(B) The term "motor vehicle" means a vehicle, self propelled or towed, used in the transportation regulated by the Commission, that is one of the following:

(I) The vehicle has a gross vehicle weight rating of 26,001 or more pounds.

(II) The vehicle is designed to transport more than 15 passengers, including the driver.

(C) The term "interstate commerce" is deleted in its entirety.

(D) The term "motor carrier" is defined in § 37.202.

(xiii) 49 C.F.R. 391.93 (relating to implementation schedule) applies.

(xiv) 49 C.F.R. 391.125 (relating to termination schedule of this subpart) applies.

(4) art 392 (relating to driving of motor vehicles). 49 C.F.R. 392.2 (relating to applicable operating rules) is revised to incorporate the following revision: Every motor vehicle shall be operated in accordance with the laws, ordinances and regulations of the jurisdiction in which it is being operated. However, in any conflict between the Federal regulations and the Commission regulations, the Commission regulations prevail if they represent a higher standard.

(5) Part 393 (relating to parts and accessories necessary for safe operation).

(i) Lighting devices and reflectors. 49 C.F.R. 393.11, Table 1, Footnote 11 is modified by adding the following: Exemption. A vehicle with projecting loads may mark the extremities of the load with red flags only as provided in 49 C.F.R. 393.87 (relating to flags on projecting loads) provided the vehicle is operating only during those times of the day when lighted lamps are not required under 49 C.F.R. 392.30 (relating to lighted lamps; moving vehicles).

(ii) *Tires.* 49 C.F.R. 393.75 (relating to tires) is modified to incorporate the following provision: Vehicles permitted to operate with oversize wheels and tires under 75 Pa.C.S. § 4969 (relating to permit for movement of vehicles with oversize wheels and tires) are not subject to the requirements of this section.

(iii) *Bus exhaust system.* 49 C.F.R. 393.83 (relating to exhaust system location) is modified to incorporate the following provisions:

(A) 49 C.F.R. 393.83(c) is modified to read: A bus exhaust system which does not discharge at or within 6 inches of the rearmost part of the bus shall discharge to an outside edge of the vehicle body.

(B) 49 C.F.R. 393.83(d)(1) is modified to read: A bus exhaust system which does not discharge at or within 15 inches of exhaust system which does not discharge at or within 15 inches of the rearmost part of the bus shall discharge to an outside edge of the vehicle body.

(iv) *Seats, seat belt assemblies and seat belt assembly anchorages.* 49 C.F.R. 393.93(d) (relating to seats, seat belt assemblies, and seat belt assembly anchorages) is deleted in its entirety.

(6) *Part 395 (relating to hours of service of drivers).*

(i) *Scope of the rules in this part.*

(A) 49 C.F.R. Part 395.1 (relating to scope of the rules in this part) is modified to include the following provision: Drivers of lightweight vehicles. The requirements of 49 C.F.R. 395.8 (relating to driver's record of duty status) do not apply to a driver of a lightweight vehicle as defined in § 37.202. A motor carrier that employs the driver shall maintain and retain for a period of 6 months accurate and true time records showing:

(I) The time the driver reports for duty each day.

(II) The total number of hours the driver is on duty each day.

(III) The time the driver is released from duty each day.

(IV) The total time for the preceding 7 days in accordance with 49 C.F.R. 395.8(j)(2) for drivers used for the first time or intermittently.

(B) 49 C.F.R. 395.1(i) is deleted in its entirety.

(C) 49 C.F.R. 395.1(j) is deleted in its entirety.

(ii) *Drivers declared out of service.* 49 C.F.R. 395.13(a) (relating to drivers declared out of service) is replaced in its entirety by the following:

(A) Every enforcement officer of the Commission is authorized to declare a driver out of service and to notify the motor carrier of that declaration, upon finding at the time and place of examination that the driver has violated the out-of-service criteria as set forth in §§ 37.221 and 37.222 (relating to application; and out-of-service criteria).

(B) 49 C.F.R. 395.13(b)(1) and (2) are deleted in their entirety. Subsection (b)(3), "Exception," is redesignated as subsection (b).

(C) 49 C.F.R. 395.13(c)(2) is deleted in its entirety.

(7) *Part 396 (relating to inspection of motor vehicles in operation).* 49 C.F.R. 396.9 is deleted in its entirety and replaced by the following:

(i) *Personnel authorized to perform inspections.* Every enforcement officer employed by the Commission is authorized to stop vehicles of motor carriers in operation for the purpose of performing safety inspections under sections 307 and 506 of the act (relating to inspectors for enforcement; and inspection of facilities and records). Commission enforcement officers are authorized to enter upon the premises of any motor carrier during normal business hours, upon notice to the carrier, for the purpose of performing safety inspections upon motor vehicles used in regulated operations.

(ii) *Prescribed inspection form.* The Commission Vehicle Inspection Report shall be used to record findings from motor vehicles and drivers selected for inspection.

(iii) *Motor vehicles declared "out of service."*

(A) *Declaration.* Out-of-service enforcement officers employed by the Commission shall declare and mark "out of service" any motor vehicle which by reason of its mechanical condition or loading would likely cause an accident or breakdown. The Commission's out of service sticker shall be used to mark vehicles out of service.

(B) *Operation.* A motor carrier may not permit or require a person to operate, nor may a person operate a motor vehicle declared and marked out-of-service, until the repairs required by the out-of-service notice have been satisfactorily completed. The term "operate," as used in this section, includes towing, except that vehicles marked out of service may be towed by means of a vehicle using a crane or hoist. A vehicle combination consisting of an emergency towing vehicle and an out of service vehicle may not be operated unless

the combination meets the performance requirements of this chapter, except for those conditions noted on the Commission Vehicle Inspection Report.

(C) Removal of sticker. A person may not remove the out-of-service sticker from a motor vehicle prior to completion of all repairs required by the out of service notice on the Commission Vehicle Inspection Report.

(iv) Retention of inspection report. Motor carriers shall retain a copy of the Commission's vehicle inspection report at their principal place of business or where the vehicle is housed, for 1 year from the date of inspection.

Form of State CDL Manual

Yes, but manual not received, form unknown.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Readers referenced only to the Pennsylvania CDL Manual, no other information provided.

CDL Required for School Bus Drivers?

Yes.

71.2, Pennsylvania Code. Definitions

School bus driver—A person who drives a school bus as defined in 75 Pa.C.S. §102 (relating to definitions) or Chapter 171 (relating to school buses and school vehicles) except an owner or employee of an official inspection station driving the vehicle for the purpose of inspection.

S endorsement—An endorsement which is added to a commercial driver's license and which authorizes the driver to operate a school bus.

CDL Required for Transit Bus Drivers?

Not clearly stated, except license requirement by vehicle weight.

State Statutes Web Site (Public Access)

[HTTP://WWW.PACODE.COM](http://www.pacode.com)

(Full text of statutes not available online.)

Rhode Island

Federal CDL/CMV Regulations Adopted by Statute?

G.L.R.I. § 31-10.3-1 Short title. – This chapter shall be known as the "Uniform Classified and Commercial Driver's License Act of 1990".

§ 31-10.3-2 Statement of intent and purpose. – (a) The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (codified primarily at 49 U.S.C. §§ 2701 – 2718) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- (1) Permitting drivers to hold only one license;*
- (2) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;*
- (3) Strengthening commercial driver licensing and testing standards.*

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Manual not received.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Unknown. Rhode Island provided driver's manual in Spanish language.

CDL Required for School Bus Drivers?

31-10.3-14 Classes of licenses – Endorsements. – (a) The division, upon issuing a commercial license, shall indicate on the license the class or type of vehicles the licensee may drive. Licenses shall be issued with the classifications and endorsements and any restrictions as defined by regulation. . . .

(e) The division shall not issue a school bus endorsement unless the applicant has had at least three (3) years of driving experience prior to the date of application and the department is fully satisfied as to the applicant's good character, competency, and fitness to be so employed. The administrator shall adopt regulations governing such character, competency, and fitness.

(f) The division shall not issue a passenger endorsement unless the applicant has had at least three (3) years of driving experience prior to the date of application and the department is fully satisfied as to the applicant's good character, competency, and fitness to be so employed. The administrator shall adopt regulations governing such character, competency, and fitness.

G.L.R.I. §31-10-5 Special restrictions for drivers for compensation. – (a) No person who is under the age of twenty-one (21) years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation nor in either event until he or she has been licensed as a chauffeur for either purpose and the license so indicates. . . .

(b) In addition to the requirements in subsection (a), any person attempting to obtain a chauffeur's license to drive a school bus transporting school children shall, prior to being certified:

(1) Successfully complete a ten (10) hour school bus driver training course conducted by the department of administration and file a certificate of successful completion with the division of motor vehicles. The curriculum of that course and the accreditation of courses offered shall be pursuant to rules and regulations promulgated by the division of motor vehicles.

(2) Pass a written examination prepared and given by the department of administration.

(3) Pass a driving test in a school bus of a like type which that person will be employed to drive. The test will be prepared and given by the department of administration.

(d) Prior to issuing a certificate to any person who intends to drive a school bus, the division shall conduct a search of that person's motor vehicle record. Any violation of any safety regulation or conviction of any motor vehicle law in this or any other state shall be grounds for refusing to issue a certificate.

CDL Required for Transit Bus Drivers?

Yes. See above.

State Statutes Web Site (Public Access)

[HTTP://WWW.RILIN.STATE.RI.US/STATUTES/STATUTES.HTML](http://www.rilin.state.ri.us/statutes/statutes.html)

South Carolina
Federal CDL/CMV Regulations Adopted by Statute?

C.L.S.C. SECTION 56-1-2010. Short title.

This article may be cited as the South Carolina Commercial Driver License Act.

SECTION 56-1-2020. Construction.

This article is a remedial law and must be construed liberally to promote the public health, safety, and welfare. To the extent that this article conflicts with general driver licensing provisions, this article prevails. Where this article is silent, the general driver licensing provisions apply.

SECTION 56-1-2030. Definitions.

As used in this article:

(1) "Commercial driver's license" means a license issued in accordance with the requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) to an individual which authorizes the individual to drive a class of commercial motor vehicle.

(2) "Commercial Driver's License Information System" means the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(3) "Commercial driver's instruction permit" means a permit issued pursuant to Section 56-1-2080(D) of this article.

(4) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property if the vehicle:

- (a) has a gross vehicle weight rating of twenty-six thousand one or more pounds;
- (b) is designed to transport sixteen or more persons, including the driver; or
- (c) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, subpart F.

(5) "CMVSA" means the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570).

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

South Carolina uses the AAMVA Model Commercial Driver License Manual with an added initial chapter presenting South Carolina requirements.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

No.

CDL Required for School Bus Drivers?

Implied but not clearly stated.

CDL Required for Transit Bus Drivers?

Yes, for vehicles carrying 16 passengers, including the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.LPITR.STATE.SC.US/CODE/STATMAST.HTM](http://www.lpitr.state.sc.us/code/statmast.htm)

South Dakota

Federal CDL/CMV Regulations Adopted by Statute?

S.D.C.L. § 32-12A-58 (2001 Suppl.) Adoption of Title 49 C.F.R., chapter 3, subpart B, parts 383 and 384. The state hereby adopts Title 49 of the Code of Federal Regulations, chapter 3, subpart B, parts 383 and 384, inclusive, June 17, 1994, as amended through January 1, 1996.

32-12A-48. Areas for adoption of rules. The secretary of the Department of Commerce and Regulation may adopt rules, pursuant to chapter 1-26, in the following areas

- (1) Definitions;
- (2) Commercial driver license waivers;
- (3) Single license requirement;
- (4) Notification requirements and employer responsibilities;
- (5) Federal disqualifications and penalties;
- (6) Testing and licensing procedures;
- (7) Vehicle groups and endorsements;
- (8) Required knowledge and skills;
- (9) Tests;
- (10) Commercial driver license document; and
- (11) Other rules necessary to implement the provisions of C.F.R. 49, Chapter 3, Subchapter B, parts 383, 384, 390, 391, and 392, inclusive, January 1, 1990, as amended through January 1, 1996.

S.D. Admin. R. 61:25:01:01 Commercial driver license standards, requirements, and penalties. The commercial driver license standards, requirements, and penalties adopted by the U.S. Department of Transportation in 49 C.F.R. Parts 383, 390, 391, and 392 (October 1, 1988) and amendments to 49 C.F.R. Parts 383, 390, 391, and 392 as published in 53 Federal Register 39,044 to 39,052, inclusive (October 4, 1988), are the rules of South Dakota department of commerce

and regulation to the extent authorized by SDCL 32-12-113 for the licensing of commercial motor vehicle operators. The rules provide for definitions, single license requirements, testing and licensing procedures, vehicle groups and endorsements, required knowledge and skills, tests, commercial driver license documents, disqualification, and penalties.

Variations Between State and Federal CDL/CMV Regulations?

49 C.F.R. § 391 (CMV Driver Qualifications), and 49 C.F.R. § 395 (Hours of Service).

32-12A-9 . The following drivers are exempt from the provisions of [S. Dakota's CDL/CMV requirements]:

(1) Operators involved in farm to market transportation movements, at least sixteen years of age holding a valid operator's license, limited to those operators of a farm vehicle:

(a) Controlled and operated by a farmer;

(b) Used to transport either agricultural products, farm machinery, or farm supplies to or from a farm; and

(c) Not used in the operations of a common or contract motor carrier;

(2) Operators of emergency fire fighting equipment necessary to the preservation of life or property or the execution of emergency governmental functions performed under emergency conditions that are not subject to normal traffic regulation, or nonemergency conditions when operated by members of a fire fighting agency;

(3) Operators serving in the United States military, operating military vehicles in pursuit of military purposes;

(4) Operators of recreational vehicles;

(5) Operators of rental transporting equipment used as personal family use vehicles.

49 C.F.R. § 391.11(b)(1)

32-12A-12. Issuance of commercial driver's license permits—Renewal or reissue. A commercial driver's instruction permit may be issued to an individual sixteen years of age who holds a valid Class 1 or Class 2 operator's license.

61:25:05 Restricted Commercial Driver License Eligibility for 180-day restricted commercial driver license. Drivers who are seasonal employees of a farm-related service industry, such as custom harvesters, farm retail outlet suppliers, agrichemical businesses, and livestock feeders, are eligible for a restricted commercial driver license. The department of commerce and regulation may issue a restricted commercial driver license to a seasonal driver for a continuous 180-day period to be selected by the individual. An individual may receive a restricted commercial driver license for one 180-day period in the 12 months beginning January 1 and ending December 31.

61:25:05:02. Requirements for restricted commercial driver license. An applicant for a restricted commercial driver license must meet all of the requirements of SDCL 32-12-83, except for the knowledge and skills tests. Before the department of commerce and regulation issues or revalidates a restricted commercial driver license, the applicant must have held a valid operator's license under SDCL chapter 32-12 for at least one full year and must have met the following good driving record requirements for the two most recent years:

(1) No multiple licenses;

(2) No driver's license suspensions, revocations, or cancellations of any kind;

(3) No convictions in any type of motor vehicle for driving under the influence of alcohol or drugs, leaving the scene of an accident, or committing a felony involving a motor vehicle;

(4) No convictions in any type of motor vehicle for serious traffic violations as defined in SDCL 32-12-77(22);

(5) No convictions for accident-connected traffic law violations; and

(6) No record of at-fault accidents.

A restricted commercial driver license is valid for commercial use, as defined in § 61:25:05:01 only when accompanied by a current validation card. The validation card must be renewed annually.

61:25:05:03. Vehicles covered by restricted commercial driver license. The restricted commercial driver license authorizes the transportation of the products listed in § 61:25:05:04 in motor vehicles included in commercial driver license vehicle classification B or C as defined in SDCL 32-12-96.

61:25:05:04. Products covered by restricted commercial driver license. The restricted commercial driver license authorizes the transportation of agricultural products, farm machinery, or farm supplies to and

from a farm. A restricted commercial driver license holder may not operate a commercial motor vehicle beyond 150 miles from the place of business or the farm currently being served. A restricted commercial driver license holder may not drive vehicles carrying any placarded quantities of hazardous materials, except for the following:

(1) Diesel fuel in quantities of 1,000 gallons or less;

(2) Liquid fertilizers, such as plant nutrients, in vehicles or implements of husbandry with total capacities of 3,000 gallons or less; and

(3) Solid fertilizers, such as solid plant nutrients, that are not transported with any organic substance.

49 C.F.R. § 392, 49 C.F.R. § 393, 49 C.F.R. § 395: No rules adopted, except:

61:23:01:03 Hours of service exemption—Planting and harvesting season. The hours of service regulations as defined in 49 C.F.R. 395, and authorized by 49 C.F.R. 395.1(l), do not apply to any driver transporting any agricultural commodity or farm supplies for agricultural purposes if such transportation is limited to an area within a 100-air mile radius (114 statute miles) from the source of the commodity or the distribution point for the farm supplies and is during the planting and harvesting season of March 1 to December 31, inclusive.

Form of State CDL Manual

South Dakota uses the AAMVA Model Commercial Driver License Manual with very little change.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

Passenger school bus endorsement required.

32-12-99. Physical qualifications of school bus drivers. No person under the age of eighteen may receive an endorsement on a commercial driver license to drive a school bus. Any school bus endorsed driver operating with an intrastate restriction shall meet all requirements of 49 C.F.R. Part 391 Subpart E as of January 1, 1989, in the area of physical qualifications.

CDL Required for Transit Bus Drivers?

Yes, for any vehicle carrying 16 or more passengers, including the driver.

State Statutes Web Site (Public Access)

[HTTP://LEGIS.STATE.SD.US/STATUTES/INDEX.CFM](http://legis.state.sd.us/statutes/index.cfm)

Tennessee

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

T.C.A. 55-50-102. Definitions.

As used in this chapter, unless the context otherwise requires:

(4) "Bus" means every motor vehicle designed for carrying more than fifteen (15) passengers (including the driver) and operated for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(7) "Chauffeur" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property;

(10) "Commercial driver certificate" means a document issued by the department which authorizes a driver to operate a class of motor vehicle. The certificate shall be issued in accordance with the standards contained in 49 Code of Federal Regulations (C.F.R.) Part 383. A commercial driver certificate shall be issued only to persons whose state of domicile is outside the state of Tennessee, and does not currently issue a commercial driver license in compliance with standards contained in 49 C.F.R. Part 383. The commer-

cial driver certificate shall be considered a valid commercial driver license only when used with the individual's driver license issued by the individual's state of domicile or country;

(11) "Commercial driver license" means a license issued by the department in accordance with the standards contained in 49 C.F.R. Part 383 to an individual which authorizes the individual to operate a class of commercial motor vehicle. A commercial driver certificate accompanied by a valid driver license shall be considered a valid commercial driver license;

(12) "Commercial motor vehicle" 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 vehicle weight rating or gross combination weight rating of twenty-six thousand one (26,001) or more pounds;

(B) Is designed to transport more than fifteen (15) passengers, including the driver; or

(C) 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;

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Yes. Tennessee adopts the AAMVA Model Commercial Driver License Manual by adding "Section 13" explaining Tennessee requirements for school bus drivers.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

Yes. CDL with school bus endorsement, and if bus carries more than 15 passengers including the driver, also a passenger endorsement. School buses are defined as "every motor vehicle used for the transportation of children to or from school or school-related activities and is operated for compensation." Tennessee Commercial Driver License Manual, p. 13-1.

55-50-302. Classes of licenses - Endorsements.

(a) The department, upon issuing a driver license, shall indicate thereon the class of vehicles the licensee may drive...

(e) The department shall not issue a school bus endorsement unless the applicant has had at least five (5) years of unrestricted driving experience prior to the date of application and the department is fully satisfied as to the applicant's good character, competency, and fitness to be so employed.

CDL Required for Transit Bus Drivers?

Yes. Tennessee includes as a CMV any vehicle designed to transport "more than fifteen (15) passengers including the driver, or if the vehicle is used as a school bus, a CDL would be required, regardless of the weight of the vehicle."

55-50-302. Classes of licenses - Endorsements.

(f) The department shall not issue a for-hire endorsement unless the applicant has had at least two (2) years of unrestricted driving experience prior to the date of application and the department is fully satisfied as to the applicant's good character, competency, and fitness to be so employed, and the applicant is eighteen (18) years of age and will be operating a Class D vehicle.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEXISLAWPUBLISHING.COM/RESOURCES](http://www.lexislawpublishing.com/resources)

Texas

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

*Texas Transportation Code §644.001. Definitions**In this chapter:**(4) "Federal hazardous material regulation" means a federal regulation in 49 C.F.R. Parts 101–199.**(5) "Federal motor carrier safety regulation" means a federal regulation in Subchapter B, Chapter III, Subtitle B, Title 49, Code of Federal Regulations.**(6) "Federal safety regulation" means a federal hazardous material regulation or a federal motor carrier safety regulation.**§644.002. Conflicts of Law**(a) A federal motor carrier safety regulation prevails over a conflicting provision of this chapter or a rule adopted by the director under this chapter.**(b) A safety rule adopted under this chapter prevails over a conflicting rule adopted by a local government, authority, or state agency or officer, other than a conflicting rule adopted by the Railroad Commission of Texas under Chapter 113, Natural Resources Code.**§644.051. Authority to Adopt Rules**(a) The director shall, after notice and a public hearing, adopt rules regulating:**(1) the safe transportation of hazardous materials; and**(2) the safe operation of commercial motor vehicles.**(b) A rule adopted under this chapter must be consistent with federal regulations, including federal safety regulations.**(c) The director may adopt all or part of the federal safety regulations by reference.**(d) Rules adopted under this chapter must ensure that:**(1) a commercial motor vehicle is safely maintained, equipped, loaded, and operated;**(2) the responsibilities imposed on a commercial motor vehicle's operator do not impair the operator's ability to operate the vehicle safely; and**(3) the physical condition of a commercial motor vehicle's operator enables the operator to operate the vehicle safely.**(e) A motor carrier safety rule adopted by a local government, authority, or state agency or officer must be consistent with corresponding federal regulations.***Variations Between State and Federal CDL/CMV Regulations?**

None noted. See Section 522, transportation code.

Form of State CDL Manual

Manual not received. Form unknown.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

Reference not found.

CDL Required for Transit Bus Drivers?

Yes, for vehicles carrying over 16 passengers, including the driver.

State Statutes Web Site (Public Access)[HTTP://WWW.CAPITOL.STATE.TX.US/STATUTES/TR/TR052200.HTML#TR001.522.001](http://www.capitol.state.tx.us/statutes/tr/tr052200.html#tr001.522.001)

Utah**Federal CDL/CMV Regulations Adopted by Statute?***U.C.A.53-3-102 Definitions**(4) "Commercial driver license " or "CDL" means a license issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accor-*

dance with Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive a class of commercial motor vehicle.

(5) (a) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property if the vehicle:

(i) has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as determined by federal regulation;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Utah uses the AAMVA Model Commercial Driver License Manual essentially unchanged.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes, briefly.

CDL Required for School Bus Drivers?

Requirement not clear. Utah designates a school bus as "every publicly or privately owned motor vehicle designed for transporting ten or more passengers and operated for the transportation of children to or from school or school activities." Utah has a "Class S" endorsement for school bus drivers. "S" authorizes the driver to drive a school bus or a motor vehicle carrying more than 15 passengers, including the driver.

CDL Required for Transit Bus Drivers?

Yes, for transporting more than 15 passengers including the driver...Endorsement "P" authorizes the driver to drive a motor vehicle carrying more than 15 passengers, including the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.LE.STATE.UT.US](http://www.le.state.ut.us)

Vermont

Federal CDL/CMV Regulations Adopted by Statute?

23 VSA § 4102. *Statement of intent and purpose*

The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by permitting commercial drivers to hold only one license, disqualifying commercial drivers who have committed certain criminal or other offenses, or serious traffic violations, and strengthening licensing and testing standards. This chapter is a remedial law and shall be liberally construed to promote the public health, safety and welfare. To the extent that this chapter conflicts with general operator licensing provisions, this chapter prevails. Where this chapter is silent, the general operator licensing provisions apply.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Vermont uses the AAMVA Model Commercial Driver License Manual, with an added section to discuss Vermont requirements.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Briefly.

CDL Required for School Bus Drivers?

23 VSA § 1282. *Operator, equipment and inspection*

(a) *Before a person may assume the duty of transporting school pupils in either a Type I or Type II school bus, he or she shall as a minimum:*

(1) *For Type I, have a valid state of Vermont commercial driver license with a passenger endorsement and a school bus driver's endorsement or, for Type II, have a valid state of Vermont license with a school bus driver's endorsement or have a license from another jurisdiction valid for the class or type of vehicle to be driven;*

23 VSA § 4(34)

(A) *"School bus" means any motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the operator, used to transport children to or from school or in connection with school activities, except:*

(i) *buses operated by common carriers who incidentally accept school children as passengers;*

(ii) *private motor vehicles used to carry members of the owner's household. For the purposes of this section, private motor vehicle means a vehicle neither owned nor leased by a public school or an approved independent school;*

(iii) *private motor vehicles used to transport children without compensation. For the purposes of this section, compensation means payment in any form except reimbursement for mileage or the normal salary paid to a person otherwise employed by the school.*

(B) *"Type I school bus" means a school bus designed to transport more than 15 passengers, including the operator.*

(C) *"Type II school bus" means a school bus designed to transport more than 10 and less than 16 passengers, including the operator.*

(D) *A private motor vehicle designed to transport more than 10 and fewer than 16 passengers, including the operator, for compensation, including vehicles leased or otherwise provided to a school on a single trip basis to provide transportation to or from an athletic event or special field trip or provided to the school for 10 days or fewer, shall be subject to all Type I school bus safety and equipment standards, except:*

(i) *The requirements of subdivisions (a)(2) and (3) of section 1283 of this title,*

(ii) *The aisle or door requirement of subdivision (8)(A) of section 1281 of this title, and*

(iii) *The rear door requirement of subdivision (1) of section 1281 of this title. If no rear door is present, there shall be one additional door, operable from inside the vehicle, located to the rear of the operator.*

(E) *A private motor vehicle designed to transport fewer than 11 persons, including the operator, for compensation shall be considered a Type II school bus and need only display an identification sign as prescribed in section 1283(a)(1) of this title, and be equipped with a simple system of at least two red alternating warning lights;*

(F) *A school bus, other than a Type I school bus, owned or leased by a school and not being used on a fixed route to transport students to and from home and school, may be a color other than national school bus yellow; however, it must meet the other identification and equipment requirements specified in section 1283 of this title.*

CDL Required for Transit Bus Drivers?

Yes. (B) If the vehicle is designed to transport more than 15 passengers, including the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEG.STATE.VT.US/](http://www.leg.state.vt.us/)

Virginia

Federal CDL/CMV Regulations Adopted by Statute?

Code of Virginia 46.2-341.5. Regulations consistent with Commercial Motor Vehicle Safety Act.

The Department is authorized to promulgate regulations and establish procedures to enable it to issue commercial driver's licenses, maintain and exchange driver records, and impose licensing sanctions consistent with the provisions of this article and with the minimum standards of the federal Commercial Motor Vehicle Safety Act and the federal regulations promulgated thereunder.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Manual not received.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes. Virginia also provides information concerning CDL/CMV regulations via the Web at [HTTP://WWW.DMV.STATE.VA.US/](http://www.dmv.state.va.us/)

CDL Required for School Bus Drivers?

Yes, if carrying over 16 passengers. If carrying less, Virginia requires the *commercial driver and school bus tests to obtain the school bus endorsement on your driver's license*. [Virginia Driver's Manual, 1999-2000].

CDL Required for Transit Bus Drivers?

Yes, for all vehicles carrying 16 passengers or more, including the driver.

State Statutes Web Site (Public Access)

[HTTP://LEG1.STATE.VA.US/LIS.HTM](http://leg1.state.va.us/lis.htm)

Washington

Federal CDL/CMV Regulations Adopted by Statute?

RCW 46.25.005 Purpose-Construction. (1) The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Title XII, P.L. 99-570, and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries....

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Washington has modified the AAMVA CDL Manual into a small format, and has added particular information regarding the state regulations. The CDL Manual is available online at [HTTP://WWW.WA.GOV/DOL/DRIVERS/CDLGUIDE.HTM](http://www.wa.gov/dol/drivers/cdlguide.htm).

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes.

CDL Required for School Bus Drivers?

Yes, per Washington's requirements for a CDL. See also Washington Administrative Code 180-2-101, Minimum Qualifications of School Bus Drivers.

CDL Required for Transit Bus Drivers?

Yes if carrying 16 passengers or more including the driver. Washington has two endorsements for passenger service, P1 for vehicles over 26,001 lbs, and P2 for vehicles of less than this weight.

State Statutes Web Site (Public Access)

[HTTP://WWW.MRSC.ORG/RCW.HTM](http://www.mrsc.org/rcw.htm)

West Virginia

Federal CDL/CMV Regulations Adopted by Statute?

W.V.C.A. 17E-1-1 (Michie 1999) Short title. This article may be cited as the "Uniform Commercial Driver's License Act."

§ 17E-1-2. Statement of intent and purpose. The purpose of this article is to implement the federal commercial motor vehicle safety act of 1986 (Title XII of Public Law 99570) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries by:

- (a) Permitting commercial drivers to hold only one license;*
- (b) Disqualifying commercial drivers who have committed certain serious traffic offenses; and*
- (c) Strengthening licensing and testing standards. This article is a remedial law and shall be liberally construed to promote the public health, safety and welfare. Where this article is silent, the general driver licensing provisions apply.*

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

West Virginia has adopted the AAMVA Model Commercial Driver License Manual, with an added chapter describing West Virginia regulations.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Mentioned but not described clearly.

CDL Required for School Bus Drivers?

§17A-1-1. Definitions

(d) "School bus" means every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(e) "Bus" means every motor vehicle designed to carry more than seven passengers and used to transport persons; and every motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

CDL Required for Transit Bus Drivers?

Vehicles designed to transport sixteen or more passengers, including the driver. The WV regular driver's manual describes a bus as a "motor vehicle designed for carrying more than seven passengers and used primarily in the transportation of persons for compensation."

State Statutes Web Site (Public Access)

[HTTP://WWW.LEGIS.STATE.WV.US/](http://www.legis.state.wv.us/)

Wisconsin

Federal CDL/CMV Regulations Adopted by Statute?

Wisc. Statutes 343.03 Classified Driver license system. (1) Compliance with Federal Standards. (a) The department shall institute a classified driver license system meeting all federal standards under 49 USC 31301 to 31317 and 49 C.F.R. 383.

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

The Wisconsin Commercial Driver's manual is issued in two parts. It is based on the AAMVA Model Manual, but is modified for Wisconsin standards, and contains a chapter on school bus operation.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Brief mention of license only.

CDL Required for School Bus Drivers?

Yes. To operate a school bus, drivers must have a School Bus (S) endorsement. To operate a school bus that is a CMV, drivers must also have a CDL with a Passenger (P) endorsement.

CDL Required for Transit Bus Drivers?

Yes, if carrying over 16 passengers, including the driver.

State Statutes Web Site (Public Access)

[HTTP://WWW.LEGIS.STATE.WI.US/RSB/STATUTES.HTML](http://www.legis.state.wi.us/rsb/statutes.html)

Wyoming

Federal CDL/CMV Regulations Adopted by Statute?

Indirectly.

Wyoming Statutes 31-7-102

vi) "Commercial driver's license" means a license issued in accordance with the requirements of this act to an individual which authorizes the individual to drive a class of commercial motor vehicle;

(vii) "Commercial driver license information system" is the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986, 49 (APP) U.S.C. § 2706 [49 U.S.C. 31106], to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(viii) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property if the motor vehicle:

(A) Has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds;

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

(C) 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 Material Regulations (49 C.F.R. Part 172, Subpart F).

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Wyoming uses the AAMVA CDL Manual with an added chapter for Wyoming requirements.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Yes

CDL Required for School Bus Drivers?

Yes.

Endorsement Codes

"P" Endorsement authorizes the operation of a vehicle designed to transport sixteen (16) passengers or more including the driver. Authorizes the driver to be hired to operate a bus W.S. 31-7-102(a)(iii) used for

the transportation of passengers providing the licensed driver has attained the age of eighteen years, except that the "P" endorsement may be placed upon the license of a licensed driver between the ages of sixteen (16) and eighteen (18) years, who has approval of the school district and the permission of a parent or guardian of each child to be transported, allowing the driver to transport students to and from school.
[Wyoming Rules of the Road (State of Wyoming Driver License Manual)]

CDL Required for Transit Bus Drivers?

Yes, for vehicles transporting more than 16 passengers and the driver.

State Statutes Web Site (Public Access)

[HTTP://LEGISWEB.STATE.WY.US/TITLES/STATUTES.HTM](http://legisweb.state.wy.us/titles/statutes.htm)

District of Columbia

Federal CDL/CMV Regulations Adopted by Statute?

40 DC Code §1801 (1981). Definitions.

For the purposes of this chapter, the term:

(1) "Commercial driver's license" means a license issued pursuant to this chapter that authorizes an individual to operate a class of commercial motor vehicle.

(2) "Commercial driver's license information system" means the informational system established pursuant to the Commercial Motor Vehicle Safety Act of 1986, approved October 27, 1986 (100 Stat. 3207; 49 U.S.C. sec. 2701 et seq.) ("Commercial Motor Vehicle Safety Act"), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

§ 40-1802. Uniform classification and commercial driver's license requirements.

The Mayor shall:

(1) Adopt and administer a program to test and ensure the fitness of a person to operate a commercial motor vehicl...that comply with the minimum federal standards established under § 12005(a) of the Commercial Motor Vehicle Safety Act (49 U.S.C. § 2704(a));

....

(7) Participate in a national commercial driver's license information system established pursuant to section 12007 of the Commercial Motor Vehicle Safety Act (49 U.S.C. § 2706)....

(8) Comply with any other requirement mandated by section 12009 of the Commercial Motor Vehicle Safety Act (49 U.S.C. § 2708).

Variations Between State and Federal CDL/CMV Regulations?

No significant differences.

Form of State CDL Manual

Unknown.

CDL/CMV Requirements Mentioned in Regular Driver's Manual?

Unknown.

CDL Required for School Bus Drivers?

Yes, by definition of a CMV:

§ 40-1801. Definitions.

For the purposes of this chapter, the term:

(3) "Commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property:

(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

- (B) If the vehicle is designed to transport more than 15 passengers, including the driver; or*
- (C) If the vehicle is used to transport a material found to be hazardous*

§ 40-1803. Commercial motor vehicle driver responsibility.

(a) Any person who operates a commercial motor vehicle and is domiciled in the District shall have a commercial driver's license issued by the Mayor.

CDL Required for Transit Bus Drivers?

Yes, for vehicles transporting more than 16 passengers and a driver. See above.

State Statutes Web Site (Public Access)

Proprietary.

APPENDIX C
QUESTIONNAIRE SURVEY INSTRUMENT

The following is a (reduced) copy of the survey questionnaire.

Federal and State Licensing and Other Safety Requirements for Commercial Motor Vehicle Operators and Equipment
TCRP Study Topic 5-1

This questionnaire survey is part of a national study being sponsored by the Transit Cooperative Research Project, Federal Transit Administration, as administered by the Transportation Research Board.

The purpose of the study is to research and summarize various federal, state, and local laws, regulations, or ordinances that currently apply to commercial motor vehicle (CMV) operators, public transit providers, and regulatory or employing organizations. A particular emphasis of the study is to identify any local supplements to federal and state regulations.

Information from your agency/company is vital to the purposes of this study, as the questionnaire is being sent to a limited number of agencies or providers. Survey information will be aggregated, with no identification of specific agencies or providers. Please conform this survey and your answers to your agency – Strike through questions that do not apply.

Please return this survey (addressed envelope enclosed) to:

TransTech Group, Inc.
500 County Road 1
Palm Harbor, Florida, 34683
Telephone 727/787-3856
Fax 727/784-0791

Thank you for your assistance.

Please identify your organization:

Organization: _____

Address: _____

Contact Person: _____ Title: _____

Phone: _____ Fax: _____

E-mail (if desired): _____

1. The **primary function or type** of your organization:

- | | |
|------------------------------------|--|
| • Local transit provider _____ | • Interstate transit provider _____ |
| • Charter transit provider _____ | • Freight carrier _____ |
| • State motor vehicle agency _____ | • State department of transportation _____ |
| • State police agency _____ | • School pupil transportation provider _____ |
| • Other (please specify _____) | |

2. For **transit service providers**, what types of service does your agency provide?

(Please check all that apply)

- Local fixed route bus _____
- Intercity fixed-route bus _____
- Demand-responsive transit _____
- Charter bus (in-state or interstate) _____
- Transit service primarily for the transit dependent _____
- School pupil transportation in addition to other public transportation _____
- Other public transportation/service (please specify) _____

3. For **transit service providers**, please provide an indication of the size of your system:

- Approx. number of regular transit buses operated _____
- Approx. number of small buses/passenger vans (15 passengers or less) _____
- Approx. number of school buses operated _____
- Other services/description/comments _____

4. For **school pupil transportation providers**, please indicate the status of your agency:

- We are a division of a local school authority (school board, etc.) _____
- We operate about _____ regular school buses and about _____ vehicles for special transportation needs.
- Pupil transportation in our district is provided by contract carriers _____
- Our school district does not provide pupil transportation.

5. For **commercial motor carriers**, please indicate the type and general extent of your services:

- General motor freight service _____
- Specialized freight service _____ What kind? _____
- Single-user freight service _____
- Area served: National _____ Regional (several states) _____
 Few/onestate _____ Local service only _____ Cross Border (Canada/Mexico) _____

6. For **state agencies**, which agency of your state enforces CMV regulations?

- State motor carrier enforcement agency reporting to Department of Transportation _____
- State motor carrier enforcement agency reporting to Department of Motor Vehicles _____
- Independent state motor carrier enforcement agency _____
- State police agency _____
- Other _____

7. For **state agencies**, does the agency checked above have CMV enforcement responsibilities for:

- Public transit providers? Yes ___ No ___
- School pupil transportation agencies? Yes ___ No ___

8. What best describes your state's CMV regulations?

- Federal regulations fully adopted by state statute _____
- Federal regulations adopted by rule, regulation, practice _____
- Federal regulations partially adopted _____
- Primarily have developed our own regulations _____ Other _____

9. For **state motor vehicle agencies**: Does your agency use the CDL Manual published by the American Association of Motor Vehicle Administrators? Yes ___ No ___

If Yes, please check all that apply:

- Use it as received _____
- Edit it for particular state requirements _____
- Update periodically _____
- Update whenever a new edition/version is published _____

10. How does your company or agency obtain current information on **federal** CMV regulations? (Check all that apply)

- From the State DOT _____
- From another state agency _____
- From a professional or trade organization _____
- From the Internet or similar source _____
- From a proprietary (subscription) service _____
- Other (How?) _____

11. How does your company or agency obtain current information on **state** CMV regulations?
(Check all that apply)

- From the State DOT _____
- From another state agency _____
- From professional or trade organization _____
- From the Internet or similar source _____
- From a proprietary (subscription) service _____
- Other (How?) _____

12. How often does your company or agency review its CMV regulations to determine conformance to state or federal regulations?

- Ongoing reviews _____
- Fixed schedule. _____ If so, what is it? _____
- On an as-needed basis _____
- When we become aware of new regulations _____
- Other _____

13. Are you aware of differences between your state and the federal CMV regulations?

Yes ___ No ___ If Yes, what areas are different? _____

14. Are you aware of any **local agencies or areas** within your state or jurisdictional area that have additions/modifications to federal/state CMV regulations, or their own CMV regulations?

Yes ___ No ___ If yes, which local areas? _____

15. How does your company or agency keep up with **actual changes** in state and federal CMV regulations?

- In house counsel _____
- Retained counsel _____
- Non-lawyer in-house personnel _____
- Professional or Industry organization _____.
- Informal basis _____
- Other _____ If so, what? _____

16. How does your company or agency keep up with **proposed changes** (rulemaking, etc.) in state and federal CMV regulations?

- In house counsel _____
- Retained counsel _____
- Non-lawyer in-house personnel _____
- Professional or Industry organization _____
- Informal basis _____
- Other _____ If so, What? _____

17. Do equipment manufacturers/vendors assist you in any way in monitoring proposed state or federal CMV regulations? Yes ___ No ___

18. Has your company or agency ever sought a formal interpretation of a federal or state CMV rule or regulation? Yes ___ No ___ If Yes, in what areas? _____

19. Has your company or agency ever made a formal response to a proposed CMV rule or regulation change? Yes ___ No ___

20. **For transit agencies:** If your agency operates small vans (8 to 15 passengers), are the operators of these small vans currently required to have CDLs? Yes ___ No ___

21. Does your company or agency provide in-house training to assist employees desiring to drive a CMV to obtain a CDL? Yes ___ No, a CDL is required for employment ___

22. Do you have a company or agency training manual, subject list, or outline for operator training?

Yes ___ No ___ If yes, will you please make a copy available?

Comments:

***THANK YOU FOR YOUR TIME AND ASSISTANCE.
PLEASE RETURN THE COMPLETED SURVEY IN THE ENVELOPE PROVIDED TO THE ADDRESS NOTED ON THE
COVER SHEET.***

ACKNOWLEDGMENTS

This study was performed under the overall guidance of TCRP Project Committee J-5. The Committee is chaired by DENNIS C. GARDNER, Ogletree, Deakins, Nash, Smoak & Stewart, Houston, Texas. Members are ARTHUR P. BERG, Port Authority of New York and New Jersey; RICHARD W. BOWER, California Department of Transportation; DORVAL RONALD CARTER, JR., Chicago Transit Authority; CLARK JORDAN-HOLMES of Stewart, Joyner, & Jordan-Holmes, P.A., Tampa, Florida; ALAN S. MAX, City of Phoenix Law Department; ROBIN M. REITZES, City Attorney's Office, San Francisco, California; and JEANETTE J. CLARK, Washington Metropolitan Transit Authority. RITA M. MARISTCH provides liaison with the Federal Transit Administration, and KRISTIN O'GRADY serves as liaison with the American Public Transportation Administration. SHARON GREENE provides liaison with TOPS, and GWEN CHISHOLM represents the TCRP staff.

TRANSPORTATION RESEARCH BOARD

National Research Council
2101 Constitution Avenue, N.W.
Washington, DC 20418

NON-PROFIT
U.S. POSTAGE
PAID
WASHINGTON, DC
PERMIT NO. 8970