

## ***Commercial Driver's License Program (CDL/CDLIS)***

### **BEFORE THE COMMERCIAL DRIVER'S LICENSE PROGRAM**

It is widely recognized that driving certain commercial motor vehicles (CMVs) requires special skills and knowledge. Prior to implementation of the Commercial Driver's License (CDL) Program, in a number of States and the District of Columbia, any person licensed to drive an automobile could also legally drive a tractor-trailer or a bus. Even in many of the states that did have a classified licensing system, a person was not skills tested in a representative vehicle. As a result, many drivers were operating motor vehicles that they may not have been qualified to drive. In addition, many drivers were able to obtain driver's licenses from more than one State and hide or spread convictions among several driving records and continue to drive.

### **COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986**

The Commercial Motor Vehicle Safety Act of 1986 was signed into law on October 27, 1986. The goal of the Act is to improve highway safety by ensuring that drivers of large trucks and buses are qualified to operate those vehicles and to remove unsafe and unqualified drivers from the highways. The Act retained the State's right to issue a driver's license, but established minimum national standards which States must meet when licensing CMV drivers.

The Act corrects the situation that existed prior to 1986 by making it illegal to hold more than one license and by requiring States to adopt testing and licensing standards for truck and bus drivers to check a person's ability to operate the type of vehicle he/she plans to operate.

It is important to note that the Act does not require drivers to obtain a separate Federal license; it merely requires States to upgrade their existing testing and licensing programs, if necessary, to conform with the Federal minimum standards.

The CDL program places requirements on the CMV driver, the employing motor carrier and the States.

### **THE DRIVER**

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

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

#### **Classes of License:**

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

Class A -- Any combination of vehicles with a GVWR of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

Class B -- Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

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 and Restrictions:**

Drivers who operate special types of CMVs also need to pass additional tests to obtain any of the following endorsements on their CDL:

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

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

## **THE STATES**

### **Knowledge & Skills Tests:**

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

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

### **Third Party Skills Testing:**

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

- Tests must be the same as those given by the State.
- Examiners must meet the same qualifications as State examiners.
- States must conduct an on-site inspection at least once a year.
- At least annually, State employees must evaluate the programs by taking third party tests as if they were test applicants, or by testing a sample of drivers tested by the third party and then comparing pass/fail rates.
- The State's agreement with the third party skills tester must allow the FHWA and the State to conduct random examinations, inspections, and audits without prior notice.

### **Grandfathering Provision:**

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

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

### **"Good driving record" means:**

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

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

### **"Driving experience" means :**

A driver can certify and provide evidence that:

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

### **Commercial Driver's License Document:**

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

All CDLs must contain the following information:

- The words "Commercial Driver's License" or "CDL;"
- The driver's full name, signature, and address;
- The driver's date of birth, sex, and height
- Color photograph or digitized image of the driver;
- The driver's State license number;

- The name of the issuing State;
- The date of issuance and the date of the expiration of the license;
- The class(es) of vehicle that the driver is authorized to drive;
- Notation of the "air brake" restriction, if issued;
- The endorsement(s) for which the driver has qualified;

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

#### **Waiver Provisions:**

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

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

#### **OTHER REQUIREMENTS**

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

#### **Penalties:**

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

#### **CDLIS Clearinghouse:**

States must be connected to the Commercial Driver's License Information System (CDLIS) and the National Driver Register (NDR) in order to exchange information about CMV drivers, traffic convictions, and disqualifications. A State must use both the CDLIS and NDR to check a driver's record, and the CDLIS to make certain that the applicant does not already have a CDL. *Members of the enforcement community seeking access to CDLIS data should visit the [FMCSA Technical Support Web site](#). Carriers needing CDLIS data should seek a commercial company that provides a clearinghouse service for this information, or contact the driver's State of licensure.*

#### **BAC Standards:**

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

#### **Employer Notifications:**

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

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

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

**Disqualifications:**

- For conviction while driving a CMV , drivers must be disqualified and lose their privilege to drive for 60 to 120 days:
- Two or more serious traffic violations within a 3-year period. These include excessive speeding, reckless driving, improper or erratic lane changes, following the vehicle ahead too closely, and traffic offenses in connection with fatal traffic accidents 90 days to 5 years.
- One or more violations of an out-of-service order within a 10-year period.1 Year
- Driving under the influence of a controlled substance or alcohol; or
- Leaving the scene of an accident; or Using a CMV to commit a felony.3 Years:
- Any of the 1-year offenses while operating a CMV that is placarded for hazardous materials. Life
- Second offense of any of the 1-year or 3-year offenses; or using a CMV to commit a felony involving manufacturing, distributing, or dispensing controlled substances.
- States have the option to reduce certain lifetime disqualifications to a minimum disqualification period of 10 years if the driver completes a driver rehabilitation program approved by the State.
- If a CDL holder is disqualified from operating a CMV, the State may issue him/her a license to operate non-CMV's. Drivers who are disqualified from operating a CMV can not be issued a "conditional" or "hardship" CDL or any other type of limited driving privileges to continue driving a CMV.
- For disqualification purposes, convictions for out-of-state violations will be treated the same as convictions for violations that are committed in the home State. The CDLIS will ensure that convictions a driver receives outside his or her home State are transmitted to the home State so that the disqualifications can be applied.

**CURRENT STATUS OF THE CDL PROGRAM**

Over 8 million drivers have passed the knowledge and skills tests and obtained a CDL. Approximately 11 percent of these CDL drivers have been disqualified at least once during the period of April 1992 through June 1996.

Building on the success of the CDL program, the FMCSA is exploring ways to enhance and improve the effectiveness of the CDL program. Some of the current enhancements and future enhancements being considered include:

**Current:**

- Driver Data Exchange With Canada and Mexico.
- CDL Judicial Outreach Project (JOP).

**Future:**

- Graduated Commercial Licenses.
- Third Party CDL Knowledge Testing.
- Merging Medical Fitness Determination Into CDL Process.
- Simulator Validation for Training & Testing.