

1 SB43
2 155711-1
3 By Senators Whatley and Smith
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 14-JAN-14
6 PFD: 11/22/2013

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8 SYNOPSIS: Under existing law, the driver of a
9 commercial motor vehicle is required to have a
10 commercial driver's license (CDL). The Alabama law
11 implements federal law relating to commercial motor
12 vehicles.

13 Under existing federal rules, the driving
14 skills test may be waived for military personnel
15 who have similar experience driving a military
16 commercial motor vehicle (CMV driver) and who meet
17 certain other requirements.

18 This bill would require the Department of
19 Public Safety to waive the skills test for a CMV
20 driver who meets the requirements of federal
21 regulation and would authorize the skills tests to
22 be given by U.S. Armed Forces personnel on U.S.
23 military bases.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to commercial driver's license (CDL); to
3 amend Section 32-6-49.8 of the Code of Alabama 1975, to
4 require the department to waive the skills test for former CMV
5 drivers under certain conditions in accordance with federal
6 law.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 32-6-49.8 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§32-6-49.8.

11 "Commercial driver license qualification standards
12 shall be as follows:

13 "(a) Testing.

14 "(1) GENERAL. No person may be issued a commercial
15 driver license unless that person is a resident of this state
16 and has passed a knowledge and skills test for driving a
17 commercial motor vehicle which complies with minimum federal
18 standards established by federal regulation enumerated in 49
19 C.F.R. part 383, subparts G and H, and has satisfied all other
20 requirements of the CMVSA in addition to other requirements
21 imposed by state law or federal regulation. The tests shall be
22 prescribed and conducted by the department.

23 "(2) THIRD PARTY TESTING. The department may
24 authorize a person, including an agency of this or another
25 state, an employer, a private driver training facility, or
26 other private institution, or a department, agency, or
27 instrumentality of local government to administer the skills

1 test specified by this section, if the test is the same as
2 what would otherwise be administered by the state and the
3 third party has entered into an agreement with this state
4 which complies with requirements of 49 C.F.R. part 383.75.

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

10 "(c) Limitations on issuance of license. A
11 commercial driver license may not be issued to a person while
12 the person is subject to a disqualification from driving a
13 commercial motor vehicle, or while the person's driver license
14 is suspended, revoked, or cancelled in any state or foreign
15 jurisdiction with reciprocity; nor may a commercial driver
16 license be issued to a person who has a commercial driver
17 license issued by any other state unless the person first
18 surrenders all such licenses, which shall be returned to the
19 issuing state(s) for cancellation.

20 "(d) The holder of a valid commercial driver license
21 learner's permit may drive a commercial motor vehicle only
22 when accompanied by the holder of a commercial driver license
23 valid for the type of vehicle driven who occupies a seat
24 beside the individual for the purpose of giving instruction in
25 driving the commercial vehicle.

26 "(e) A commercial driver license learner's permit
27 for a particular class or classes of commercial vehicle may be

1 issued to a person who meets all the qualifications required
2 of a person seeking a commercial driver license and has passed
3 the vision and written tests for that class of commercial
4 driver license."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.