

1 SB89  
2 145441-1  
3 By Senators Whatley, Taylor, Pittman, Reed, Scofield, and  
4 Blackwell  
5 RFD: Veterans and Military Affairs  
6 First Read: 05-FEB-13

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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.