

HCS HB 1118 -- COMMERCIAL DRIVERS' LICENSES (Schlottach)

This substitute makes changes in the laws regarding commercial drivers' licenses.

SCHOOL BUS ENDORSEMENT

Any individual who operates a school bus must have a school bus endorsement on their driver's license. In order to obtain a school bus endorsement, an applicant must submit two sets of fingerprints. One set of prints will be used by the State Highway Patrol to search the criminal history repository, and the second set will be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. The applicant will pay the fees for the state criminal history information and the federal criminal history record. Any person who possesses a valid driver's license from another state with a valid school bus endorsement and who is otherwise qualified to receive a school bus endorsement in this state will be issued the permit.

CRIMES

The substitute creates the following crimes:

(1) Driving a commercial motor vehicle while revoked if a person operates a commercial motor vehicle and a prior violation has caused a license to be revoked, suspended, canceled, or the driver is disqualified from operating a commercial motor vehicle is a class A misdemeanor;

(2) Driving a commercial motor vehicle on a fourth or subsequent offense with commercial driving privileges revoked or suspended, with no prior alcohol-related enforcement contacts, and the defendant waived the right to an attorney and the prior three offenses occurred within 10 years and the person served a 10-day sentence on the previous offenses is a class D felony;

(3) Driving a commercial motor vehicle while intoxicated with commercial driving privileges revoked on the third and subsequent offense and the defendant waived the right to an attorney and the two prior offenses occurred within 10 years and the person received a 10-day sentence or more is a class D felony;

(4) Driving a commercial motor vehicle while intoxicated with commercial driving privileges revoked on the second or subsequent conviction is a class D felony; and

(5) Driving a commercial motor vehicle while revoked on a fourth or subsequent conviction for other offenses is a class D felony.

DRIVING PRIVILEGES

The substitute allows holders of a commercial driver's license (CDL) to avoid the assessment of points upon the completion of a driver-improvement program. They will not be allowed limited driving privileges for a commercial vehicle if their driving privileges are suspended, revoked, canceled, denied, or disqualified. However, they will be allowed to obtain a limited driving privilege for a noncommercial motor vehicle.

TRAFFIC VIOLATIONS

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

- (1) Driving a commercial motor vehicle without a CDL;
- (2) Driving a commercial vehicle without a CDL in possession;
and
- (3) Driving a commercial vehicle without the proper CDL class or endorsement.

STATE RECORD CHECKS

The substitute adds the following requirements when processing a CDL license:

- (1) Applicants for a CDL must disclose the names of all states which have issued them a CDL during the previous 10-year period;
- (2) Before the initial issuance of a CDL and for the first renewal, the Director of the Department of Revenue is required to obtain driving record information from any state licensing system in which the person had been issued a license; and
- (3) A CDL driving record must contain a complete history of the driver, including information and convictions from previous licensing states.

DISQUALIFICATIONS

The director is required to disqualify any driver the United States Secretary of Transportation has determined to constitute an imminent hazard.

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

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

OUT-OF-SERVICE ORDERS

Any driver who violates an out-of-service order is subject to a civil penalty not to exceed an amount determined by the United States Secretary of Transportation in addition to the disqualification.

SENTENCING

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

The substitute will become effective September 30, 2005.

FISCAL NOTE: No impact on General Revenue Fund in FY 2005, FY 2006, and FY 2007. Estimated Cost on Other State Funds of \$140,240 in FY 2005, \$0 in FY 2006, and \$0 in FY 2007.