

By: Representative Busby

To: Transportation

HOUSE BILL NO. 1372

1 AN ACT TO AMEND SECTION 63-1-208, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO AUTHORIZE CERTAIN
3 THIRD PARTIES TO ADMINISTER THE KNOWLEDGE AND SKILLS TEST REQUIRED
4 FOR A COMMERCIAL DRIVER'S LICENSE; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 63-1-208, Mississippi Code of 1972, is
7 amended as follows:

8 63-1-208. (1) Except as otherwise provided, the
9 commissioner shall not issue a commercial driver's license and
10 commercial learner's permit to any person under the age of
11 twenty-one (21) years.

12 (2) No person may be issued a commercial driver's license
13 unless that person is domiciled in this state and has passed a
14 knowledge and skills test for driving a commercial motor vehicle
15 which complies with minimum federal standards established by
16 federal regulation enumerated in 49 CFR, Part 383, subparts F, G
17 and H and has satisfied all other requirements of Title XII of
18 Public Law 99-570 in addition to other requirements imposed by
19 state law or federal regulation. The tests shall be prescribed



20 and conducted by the commissioner. If the applicant wishes to
21 have a hazardous materials endorsement, the written test for a
22 hazardous materials endorsement must be taken and passed. In
23 addition, the applicant must successfully complete the security
24 threat assessment required by 49 CFR, Part 1572.

25 (3) (a) Any person who has been certified to provide
26 commercial driver's license testing by the International Driver
27 Examiner Certification (IDEC) program administered by the American
28 Association of Motor Vehicle Administrators (AAMVA) shall, for
29 purposes of this section, be defined as a certified third party
30 examiner (CPTA). * * * In addition, the commissioner * * * shall
31 authorize * * * any person, including an agency of this or another
32 state, an employer, a private driver training facility, or other
33 private institution, or a department, agency or instrumentality of
34 local government, to administer the knowledge and skills test
35 specified by this section, provided:

36 (* * * i) The test is the same as would otherwise
37 be administered by the state; and

38 (* * * ii) Either: 1. The third party has entered
39 into an agreement with this state which complies with requirements
40 of 49 CFR, Part 383.75 * * *; or

41 2. The third party is a CTPA as defined in
42 this subsection.



43 (b) A CPTA performing testing under this section shall
44 not be liable for any claim sounding in tort arising out of such
45 testing.

46 (4) A skills test may be waived as follows:

47 (a) The commissioner, by rules adopted pursuant to the
48 Mississippi Administrative Procedures Law, shall provide for a
49 waiver of the skills test specified in this section for a
50 commercial driver's license applicant who meets the requirements
51 of 49 CFR, Part 383.77;

52 (b) The rules may establish deadlines by which
53 applicants must claim entitlement and qualification to skills test
54 waivers and may provide for the scheduling of group knowledge
55 testing;

56 (c) The commissioner shall adopt rules and regulations
57 to carry out the provisions of this subsection (4) as soon as
58 practicable after July 1, 2017, but in any case no later than July
59 1, 2018.

60 (5) A commercial learner's permit shall be issued as
61 follows:

62 (a) A commercial learner's permit may be issued to an
63 individual who holds a valid Mississippi driver's license who has
64 passed the vision and written tests required for the class of
65 license authorizing the operation of the type of vehicle for which
66 the permit application is being made;



67 (b) The commercial learner's permit shall be issued for
68 a period of six (6) months for the fee prescribed in Section
69 63-1-43. Only one (1) renewal or reissuance may be granted within
70 a two-year period. The holder of a commercial learner's permit
71 may, unless otherwise disqualified, drive a commercial motor
72 vehicle on a highway only when accompanied by the holder of a
73 commercial driver's license valid for the type of vehicle driven
74 who occupies a seat beside the individual for the purpose of
75 giving instruction in driving the commercial motor vehicle.

76 (6) A commercial driver's license or commercial learner's
77 permit may not be issued to a person while the person is subject
78 to a disqualification from driving a commercial motor vehicle, or
79 while the person's driver's license is suspended, revoked or
80 cancelled in any state. A driver's license may not be issued to a
81 person who has a commercial driver's license issued by any state
82 unless the person first surrenders all driver's licenses issued by
83 any state, which licenses shall be returned to the issuing states
84 for cancellation.

85 (7) A person shall be entitled to take the test for a
86 commercial driver's license unless the person's driver's license
87 is, at the time of the requested test, suspended, revoked,
88 cancelled or disqualified in any other state.

89 (8) Notwithstanding any requirement imposed by state law or
90 state or federal regulations restricting the issuance of a
91 commercial driver's license to a person suffering from diabetes, a



92 person suffering from diabetes may be issued a commercial driver's
93 license if the person otherwise meets all qualifications for
94 issuance provided:

95 (a) The driver is physically examined every year,
96 including an examination by a board-certified/eligible
97 endocrinologist attesting to the fact that the driver is:

98 (i) Free of insulin reactions (an individual is
99 free of insulin reactions if that individual does not have severe
100 hypoglycemia or hypoglycemia unawareness, and has less than one
101 (1) documented, symptomatic hypoglycemic reaction per month);

102 (ii) Able to and has demonstrated willingness to
103 properly monitor and manage the person's diabetes; and

104 (iii) Not likely to suffer any diminution in
105 driving ability due to the person's diabetic condition.

106 (b) The driver agrees to and complies with the
107 following conditions:

108 (i) A source of rapidly absorbable glucose shall
109 be carried at all times while driving;

110 (ii) Blood glucose levels shall be self-monitored
111 one (1) hour prior to driving and at least once every four (4)
112 hours while driving or on duty prior to driving using a portable
113 glucose monitoring device equipped with a computerized memory;

114 (iii) Submit blood glucose logs to the
115 endocrinologist or medical examiner at the annual examination or
116 when otherwise directed by the Department of Public Safety;



117 (iv) Provide a copy of the endocrinologist's
118 report to the medical examiner at the time of the annual medical
119 examination; and

120 (v) Provide a copy of the annual medical
121 certification to the person's employer for retention in the
122 driver's qualification file and retain a copy of the certification
123 on his person while driving for presentation to a duly authorized
124 federal, state or local enforcement official.

125 (c) The commercial license issued under this subsection
126 (8) will bear an endorsement restricting commercial driving on the
127 license to driving only within the boundaries of Mississippi.

128 (9) The fees for all licenses, permits, renewals and
129 endorsements shall be as prescribed in Section 63-1-43.

130 **SECTION 2.** This act shall take effect and be in force from
131 and after its passage.

