

By: Representatives Busby, Faulkner, Eubanks To: Transportation

COMMITTEE SUBSTITUTE
FOR
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; TO AMEND SECTION 63-1-211,
5 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CDL RENEWALS SHALL BE
6 AVAILABLE TO BE PERFORMED ONLINE EXCEPT FOR IN CERTAIN
7 CIRCUMSTANCES; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
8 UPLOAD MEDICAL CARD INFORMATION AND NOTIFY LICENSE HOLDERS WITHIN
9 A CERTAIN AMOUNT OF TIME; AND FOR RELATED PURPOSES.

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

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

13 63-1-208. (1) Except as otherwise provided, the
14 commissioner shall not issue a commercial driver's license and
15 commercial learner's permit to any person under the age of
16 twenty-one (21) years.

17 (2) No person may be issued a commercial driver's license
18 unless that person is domiciled in this state and has passed a
19 knowledge and skills test for driving a commercial motor vehicle
20 which complies with minimum federal standards established by
21 federal regulation enumerated in 49 CFR, Part 383, subparts F, G



and H and has satisfied all other requirements of Title XII of Public Law 99-570 in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the commissioner. If the applicant wishes to have a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572.

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

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

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



46 2. The third party is a CTPE as defined in
47 this subsection.

48 (b) A CTPE performing testing under this section shall
49 not be liable for any claim sounding in tort arising out of such
50 testing.

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

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

57 (b) The rules may establish deadlines by which
58 applicants must claim entitlement and qualification to skills test
59 waivers and may provide for the scheduling of group knowledge
60 testing;

61 (c) The commissioner shall adopt rules and regulations
62 to carry out the provisions of this subsection (4) as soon as
63 practicable after July 1, 2017, but in any case no later than July
64 1, 2018.

65 (5) A commercial learner's permit shall be issued as
66 follows:

67 (a) A commercial learner's permit may be issued to an
68 individual who holds a valid Mississippi driver's license who has
69 passed the vision and written tests required for the class of



70 license authorizing the operation of the type of vehicle for which
71 the permit application is being made;

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

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

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



94 (8) Notwithstanding any requirement imposed by state law or
95 state or federal regulations restricting the issuance of a
96 commercial driver's license to a person suffering from diabetes, a
97 person suffering from diabetes may be issued a commercial driver's
98 license if the person otherwise meets all qualifications for
99 issuance provided:

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

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

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

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

111 (b) The driver agrees to and complies with the
112 following conditions:

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

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



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

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

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

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

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

SECTION 2. Section 63-1-211, Mississippi Code of 1972, is amended as follows:

63-1-211. (1) **Contents of license.** A commercial driver's license shall be marked "commercial driver's license" or "CDL," and shall be, to the maximum extent practicable, tamper proof, and shall include, but not be limited to, the following information:

(a) The name and residential address of the person.

(b) The person's color photograph or imaged likeness.



(c) A physical description of the person including sex, height, and weight.

(d) Date of birth.

(e) Any number or identifier deemed appropriate by the commissioner.

(f) The person's signature.

(g) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions.

(h) The name of this state.

(i) The dates between which the license is valid.

(2) **Classifications, endorsements and restrictions.**

Driver's licenses may be issued with the following classifications, endorsements, and restrictions:

(a) **Classifications.** Licensees may drive all vehicles in the class for which the license is issued and all lesser classes of vehicles, except those requiring special endorsements.

(i) Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds.

(ii) Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, and any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds.



(iii) Class C - Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds:

1. Vehicles designed to transport sixteen (16) or more passengers, including the driver; and

2. Vehicles used in the transportation of hazardous materials as defined in Section 63-1-203.

(iv) Class D - Class D licenses are not commercial driver's licenses and shall be governed by the provisions of Section 63-1-5.

(b) Licenses may be issued with appropriate endorsements and restrictions noted thereon. The commissioner shall determine the manner of notation. Endorsements and restrictions may include, but are not limited to, those which:

(i) Authorize a driver to drive a vehicle transporting hazardous materials;

(ii) Restrict the driver to vehicles not equipped with air brakes when the person either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;

(iii) Authorize driving motorcycles that are not autocycles as defined in Section 63-3-103;

(iv) Authorize driving tank vehicles;

(v) Authorize driving vehicles carrying passengers;



(vi) Authorize driving school buses;
(vii) Authorize driving double trailers;
(viii) Restrict the driver to operation solely within this state. A commercial driver's license or commercial learner's permit with this restriction may be issued to any person who has attained the age of eighteen (18) years.

(3) Before issuing a commercial driver's license, the commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past ten (10) years, conduct a check of the applicant's operating record by querying the national driver register, established under 49 USCS Section 30302, and the Commercial Driver's License Information System, established under 49 USCS Section 31309, to determine if:

(a) The applicant has already been issued a commercial driver's license; and the applicant's commercial driver's license has been suspended, revoked, or canceled;

(b) The applicant had been convicted of any offenses contained in Section 205(a)(3) of the National Driver Register Act of 1982 (23 USCS Section 401 note).

(4) Within ten (10) days after issuing a commercial driver's license, the commissioner shall notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.



(5) The commercial driver's license shall expire in the manner set forth in Section 63-1-47.

(6) When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by Section 63-1-210, providing updated information and required certifications. The department shall provide online renewals of a commercial driver's license as long as the renewal meets standards set forth in 49 CFR, Parts 383 and 384. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572. If notice is received from the United States Transportation Security Administration that the applicant poses a security risk, the commissioner shall refuse to issue, or revoke within fifteen (15) days of receipt of the notice, a hazardous materials endorsement.

(7) The department shall provide a means for electronic transmission of a medical card and may charge a vendor convenience fee in an amount not to exceed Two Dollars and Fifty Cents (\$2.50) per transmission. The department shall upload medical card information to the Commercial Driver License Information System within five (5) days of receiving the updated medical card information. In addition, within twenty-four (24) hours of such upload, the department shall notify the license holder by regular mail or electronically and request that receipt be acknowledged by



242 the license holder. If receipt is not acknowledged by the license
243 holder, the department shall exhaust any available means to
244 contact the license holder.

245 **SECTION 3.** This act shall take effect and be in force from
246 and after its passage.

