

By: Representative Oliver

To: Transportation

HOUSE BILL NO. 1486
(As Passed the House)

1 AN ACT TO AMEND SECTION 63-1-208, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE COMMERCIAL DRIVER'S LICENSE QUALIFICATION STANDARDS
3 TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO PROVIDE FOR
4 WAIVERS FOR CERTAIN TESTS; 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 (CTPE). In addition, the commissioner shall authorize
31 any person, including an agency of this or another state, an
32 employer, a private driver training facility, or other private
33 institution, or a department, agency or instrumentality of local
34 government, to administer the knowledge and skills test specified
35 by this section, provided:

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

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

41 2. The third party is a CTPE as defined in
42 this subsection. The CTPE shall not be a direct employee of a
43 trucking company.



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

47 (4) (a) * * * The following tests may be waived as * * *
48 provided in this subsection (4):

- 49 (i) Knowledge test;
50 (ii) Driving skills test;
51 (iii) Passenger endorsement test;
52 (iv) Tank vehicle endorsement test; and
53 (v) Hazardous materials test.

54 (* * * b) The commissioner, by rules adopted pursuant
55 to the Mississippi Administrative Procedures Law, shall provide
56 for a waiver of the * * * tests specified in this section and
57 entry level driver training for a commercial driver's license
58 applicant who meets the requirements of 49 CFR, Part 383.77;

59 (* * * c) The rules may establish deadlines by which
60 applicants must claim entitlement and qualification to * * * test
61 waivers and may provide for the scheduling of group knowledge
62 testing;

63 (* * * d) The commissioner shall adopt rules and
64 regulations to carry out the provisions of this subsection (4) as
65 soon as practicable after July 1, * * * 2022, but in any case no
66 later than July 1, * * * 2023.

67 (5) A commercial learner's permit shall be issued as
68 follows:



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

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

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

92 (7) A person shall be entitled to take the test for a
93 commercial driver's license unless the person's driver's license



94 is, at the time of the requested test, suspended, revoked,
95 cancelled or disqualified in any other state.

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

102 (a) The driver is physically examined every year,
103 including an examination by a * * * treating clinician attesting
104 to the fact that the driver is:

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

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

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

113 (b) The driver agrees to and complies with the
114 following conditions:

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

117 (ii) Blood glucose levels shall be self-monitored
118 one (1) hour prior to driving and at least once every four (4)



119 hours while driving or on duty prior to driving using a portable
120 glucose monitoring device equipped with a computerized memory;

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

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

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

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

135 (d) For purposes of this section, "treating clinician"
136 means a healthcare professional who manages and prescribes insulin
137 for the treatment of the individual's diabetes mellitus.

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

140 **SECTION 2.** This act shall take effect and be in force from
141 and after July 1, 2022.

