

1 S.151

2 Introduced by Committee on Transportation

3 Date: March 13, 2013

4 Subject: Motor vehicles; commercial motor vehicles; licensing

5 Statement of purpose of bill as introduced: This bill proposes to make  
6 miscellaneous changes to the laws governing commercial driver licensing and  
7 the operation of commercial motor vehicles.

8 An act relating to miscellaneous changes to the laws governing commercial  
9 motor vehicle licensing and operation

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 23 V.S.A. chapter 39 is amended to read:

12 CHAPTER 39. COMMERCIAL DRIVER LICENSE ACT

13 § 4101. SHORT TITLE

14 This chapter may be cited as the Commercial Driver License Act.

15 § 4102. STATEMENT OF INTENT AND PURPOSE

16 The purpose of this chapter is to implement 49 U.S.C. ch. 313, as may be  
17 amended, and the federal Commercial Motor Vehicle Safety Act of 1986 (Title  
18 XII of Pub. Law 99-570), Title XII of Pub. L. No. 99-570, as amended, and  
19 reduce or prevent commercial motor vehicle accidents, fatalities, and injuries  
20 by permitting commercial drivers to hold only one license, disqualifying

1 commercial drivers who have committed certain criminal or other offenses; or  
2 serious traffic violations, and strengthening licensing and testing standards.

3 This chapter is a remedial law and shall be liberally construed to promote the  
4 public health, safety, and welfare. To the extent that this chapter conflicts with  
5 general operator licensing provisions, this chapter prevails. Where this chapter  
6 is silent, the general operator licensing provisions apply.

7 § 4103. DEFINITIONS

8 As used in this chapter:

9 \* \* \*

10 (3) “Commercial ~~driver instruction~~ learner’s permit” means a permit  
11 issued pursuant to ~~subsection 4108(e)~~ sections 4108 and 4110 of this title.

12 \* \* \*

13 (16) “Serious traffic violation” means a conviction, when operating a  
14 commercial motor vehicle, or when operating a noncommercial motor vehicle  
15 when the conviction results in the revocation, cancellation, or suspension of the  
16 operator’s license or operating privilege, of:

17 \* \* \*

18 (I) texting while driving in violation of section 4125 of this chapter or  
19 section 1099 of this title.

20 (17) “Tank vehicle” means any commercial motor vehicle that is  
21 designed to transport any liquid or gaseous materials within a tank or tanks

1 having an individual rated capacity of more than 119 gallons and an aggregate  
2 rated capacity of 1,000 gallons or more that is either permanently or  
3 temporarily attached to the vehicle or the chassis. ~~Such vehicles include, but~~  
4 ~~are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. part~~  
5 ~~171. However, they do not include portable tanks having a rated capacity~~  
6 ~~under 1,000 gallons.~~ A commercial motor vehicle transporting an empty  
7 storage container tank, not designed for transportation, with a rated capacity of  
8 1,000 gallons or more that is temporarily attached to a flatbed trailer is not a  
9 tank vehicle.

10 \* \* \*

11 (20) “Medical examiner” means:

12 (A) For medical examinations conducted before May 21, 2014, or  
13 before such later date as the Federal Motor Carrier Safety Administration  
14 (FMCSA) may prescribe, a person who is licensed, certified, or registered in  
15 accordance with applicable state laws and rules to perform physical  
16 examinations. A “medical examiner” may include a doctor of medicine,  
17 osteopathic physician, physician assistant, advanced practice registered nurse,  
18 or chiropractic physician.

19 (B) For medical examinations conducted on and after May 21, 2014,  
20 or on or after such later date as the FMCSA may prescribe, an individual

1 certified by the FMCSA and listed on the National Registry of Certified  
2 Medical Examiners.

3 (21) A person's state of domicile is that state where a person has his or  
4 her true, fixed, and permanent home and physical residence and to which he or  
5 she has the intention of returning whenever he or she is absent.

6 (22) "Mobile telephone" means a mobile communication device that  
7 falls under or uses any commercial mobile radio service, as defined under  
8 47 C.F.R. § 20.3. "Mobile telephone" does not include two-way or Citizens  
9 Band Radio services.

10 (23) "Texting" means manually entering alphanumeric text into, or  
11 reading text from, an electronic device. "Texting" includes short message  
12 service, e-mailing, instant messaging, a command or request to access a World  
13 Wide Web page, pressing more than a single button to initiate or terminate a  
14 voice communication using a mobile telephone, or engaging in any other form  
15 of electronic text retrieval or entry, for present or future communication.

16 "Texting" does not include:

17 (A) inputting, selecting, or reading information on a global  
18 positioning system or navigation system;

19 (B) pressing a single button to initiate or terminate a voice  
20 communication using a mobile telephone; or





1           (1)(A) under the age of 21 years in the case of commercial driver  
2 licenses, except as otherwise provided, that persons 18 years of age or older  
3 may obtain a commercial driver license that restricts the driver to operation  
4 solely within this State; or

5           (B) under the age of 18 years in the case of commercial learner's  
6 permits;

7           (2) who, within three years of the license application and for initial  
8 applicants only, has been convicted of an offense listed in subsection 4116(a)  
9 of this title ~~(or or a comparable offense in any jurisdiction)~~ jurisdiction, or  
10 convicted of an offense listed in 49 U.S.C. § 30304(a)(3) in any jurisdiction;

11           (3) unless ~~that~~ Vermont is the state of domicile of the person is a  
12 resident of this state and the person has passed a knowledge and skills test for  
13 driving a commercial motor vehicle which complies with minimum federal  
14 standards established by federal regulation enumerated in 49 C.F.R. part 383,  
15 subparts F, G, and H and has satisfied all other requirements of 49 U.S.C. ch.  
16 313, as may be amended, and the Commercial Motor Vehicle Safety Act of  
17 1986, Title XII of Pub. L. 99-570, as amended, in addition to other  
18 requirements imposed by state law or federal regulation. The tests shall be  
19 prescribed and conducted by the ~~commissioner~~ Commissioner.

20           (c) The ~~commissioner~~ Commissioner may authorize a person, including an  
21 agency of this or another state, an employer, a private driver training facility,

1 or other private institution, or a department, agency, or instrumentality of local  
2 government, to administer the skills test specified by this section, provided:

3 (1) the test is the same as would otherwise be administered by the ~~state~~  
4 State; and

5 (2) the third party has entered into an agreement with this ~~state~~ State  
6 which complies with requirements of 49 C.F.R. ~~part~~ § 383.75.

7 (d) ~~A skills test may be waived as follows:~~

8 ~~(1) the commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25,~~  
9 ~~may provide for a waiver of the skills test specified in this section for a~~  
10 ~~commercial driver license applicant who meets the requirements of 49 C.F.R.~~  
11 ~~part 383.77;~~

12 ~~(2) the rules may establish deadlines by which applicants must claim~~  
13 ~~entitlement and qualification to skills test waivers and may provide for the~~  
14 ~~scheduling of group knowledge testing. At the discretion of the~~  
15 Commissioner, the skills test required under 49 C.F.R. § 383.113 may be  
16 waived for a commercial motor vehicle driver with military commercial motor  
17 vehicle experience who is currently licensed at the time of his or her  
18 application for a commercial driver license, if the test is substituted with an  
19 applicant's driving record in combination with the driving experience specified  
20 in this subsection. The Commissioner shall impose conditions and limitations

1 to restrict the applicants from whom alternative requirements for the skills test  
2 may be accepted. Such conditions shall include the following:

3 (1) the applicant must certify that, during the two-year period  
4 immediately prior to applying for a commercial driver license, he or she:

5 (A) has not had more than one license in addition to a military  
6 license;

7 (B) has not had any license suspended, revoked, or cancelled;

8 (C) has not had any convictions for any type of motor vehicle for the  
9 disqualifying offenses specified in subsection 4116(a) of this title;

10 (D) has not had more than one conviction for any type of motor  
11 vehicle for serious traffic violations specified in subdivision 4103(16) of this  
12 title; and

13 (E) has not had any conviction for a violation, other than a parking  
14 violation, of military, state, or local law relating to motor vehicle traffic control  
15 arising in connection with any traffic accident, and has no record of an  
16 accident in which he or she was at fault; and

17 (2) the applicant must provide evidence and certify that he or she:

18 (A) is regularly employed or was regularly employed within the last  
19 90 days in a military position requiring operation of a commercial motor  
20 vehicle;

1           (B) was exempted from the commercial driver license requirements  
2 in 49 C.F.R. § 383.3(c); and

3           (C) was operating for at least the two years immediately preceding  
4 discharge from the military a vehicle representative of the commercial motor  
5 vehicle the driver applicant operates or expects to operate.

6           (e) A Obtaining a commercial driver instruction learner's permit shall be  
7 issued as follows:

8           (1) a commercial driver instruction permit is a precondition to the initial  
9 issuance of a commercial driver license. The issuance of a commercial  
10 learner's permit also is a precondition to the upgrade of a commercial driver  
11 license if the upgrade requires a skills test. A permit may be issued to an  
12 individual who holds a valid Vermont driver's license from any jurisdiction  
13 who has passed the vision and written tests required for the class of license  
14 authorizing the operation of the type of vehicle for which the permit  
15 application is being made; A commercial learner's permit holder is not  
16 eligible to take the commercial driver license skills test in the first 14 days  
17 after initial issuance of the commercial learner's permit. A permit shall be  
18 issued for a period of six months, and only one renewal or reissuance of a  
19 commercial learner's permit may be granted within a two-year period.

20           (2) the commercial driver instruction permit shall be issued for a period  
21 of six months for a fee of \$12.00. Only one renewal or reissuance may be

1 ~~granted within a two-year period. The holder of a commercial driver~~  
2 ~~instruction permit may, unless otherwise disqualified, drive a commercial~~  
3 ~~motor vehicle on a highway only when accompanied by the holder of a~~  
4 ~~commercial driver license valid for the type of vehicle driven who occupies a~~  
5 ~~seat beside the individual for the purpose of giving instruction in driving the~~  
6 ~~commercial motor vehicle.~~

7 (f) The fee for a knowledge test and accompanying skill test shall be  
8 \$35.00 for the first test and \$30.00 for each subsequent test. The fee for an  
9 endorsement test shall be \$13.00. In the event that an applicant fails a test  
10 three times, he or she may not take the test again for at least six months. A fee  
11 of \$20.00 shall be paid by the applicant before he or she may schedule a skill  
12 test. If an applicant does not appear for the scheduled skill test, the \$20.00  
13 scheduling fee is forfeited and another \$20.00 scheduling fee must be paid  
14 before another skill test will be scheduled, unless the applicant has given the  
15 ~~department~~ Department at least 48 hours' notice of cancellation of the test. If  
16 the applicant passes the skill test, the \$20.00 scheduling fee for that test will be  
17 used as part of the license fee. If the applicant appears for the scheduled skill  
18 test and fails the skill test, a subsequent skill test will be scheduled without an  
19 additional \$20.00 fee. Use of an interpreter is prohibited during the  
20 administration of the knowledge or skills tests.

1 (g) A commercial driver license, or commercial ~~driver instruction~~ learner's  
2 permit may not be issued to a person while the person is subject to a  
3 disqualification from driving a commercial motor vehicle, or while the  
4 person's driver license is suspended, revoked, or cancelled in any state. A  
5 driver license may not be issued to a person who has a commercial driver  
6 license issued by any state unless the person first surrenders all driver licenses  
7 issued by any state, which licenses shall be returned to the issuing states for  
8 cancellation.

9 (h) A person shall be entitled to take the test for a commercial driver  
10 license unless his or her driver's license is, at the time of the requested test,  
11 suspended, revoked, cancelled, or disqualified in any other state.

12 § 4109. ~~NONRESIDENT~~ NONDOMICILED COMMERCIAL DRIVER  
13 LICENSE; NONDOMICILED COMMERCIAL LEARNER'S  
14 PERMIT

15 (a) The ~~commissioner~~ Commissioner may issue a ~~nonresident~~  
16 nondomiciled commercial driver license or a nondomiciled commercial  
17 learner's permit to a ~~resident~~ of an individual domiciled in a foreign  
18 jurisdiction if the ~~United States secretary of transportation~~ Federal Motor  
19 Carrier Safety Administrator has determined that the commercial motor vehicle  
20 testing and licensing standards in the foreign jurisdiction do not meet the  
21 testing standards established in 49 C.F.R. part 383. In addition, the

1 ~~commissioner~~ Commissioner may issue a ~~nonresident~~ nondomiciled  
2 commercial driver license or a nondomiciled commercial learner's permit to a  
3 person domiciled in a state while that state is prohibited from issuing  
4 commercial driver licenses in accordance with 49 C.F.R. ~~part~~ § 384.405. The  
5 word "~~nonresident~~" "nondomiciled" must appear on the face of the ~~nonresident~~  
6 nondomiciled commercial driver license or nondomiciled commercial learner's  
7 permit. An applicant shall surrender any ~~nonresident~~ nondomiciled  
8 commercial driver license or nondomiciled commercial learner's permit issued  
9 by another state. Prior to issuing a ~~nonresident~~ nondomiciled commercial  
10 driver license or nondomiciled commercial learner's permit, the ~~commissioner~~  
11 Commissioner shall establish the practical capability of revoking or suspending  
12 the ~~nonresident~~ nondomiciled commercial driver license or nondomiciled  
13 commercial learner's permit.

14 (b) An applicant domiciled in a foreign jurisdiction must provide an  
15 unexpired employment authorization document (EAD) issued by the U.S.  
16 Citizenship and Immigration Services or an unexpired foreign passport  
17 accompanied by an approved I-94 form documenting the applicant's most  
18 recent admittance into the United States. No proof of domicile is required.

19 (c) An applicant for a nondomiciled commercial driver license or  
20 commercial learner's permit is not required to surrender his or her foreign  
21 license.

1 § 4110. APPLICATION FOR COMMERCIAL DRIVER LICENSE OR  
2 COMMERCIAL LEARNER'S PERMIT

3 (a) The application for a commercial driver license or commercial ~~driver~~  
4 ~~instruction~~ learner's permit shall include the following:

5 (1) The full name and current mailing and residential address of the  
6 person.

7 (2) A physical description of the person, including sex, height, and  
8 weight.

9 (3) Date of birth and proof of age.

10 (4) The applicant's Social Security number; unless the application is for  
11 a ~~nonresident~~ nondomiciled commercial driver license or a nondomiciled  
12 commercial learner's permit. The Commissioner must verify the name, date of  
13 birth, and Social Security number provided by the applicant with the  
14 information on file with the Social Security Administration. A commercial  
15 learner's permit or commercial driver license may not be issued, renewed, or  
16 upgraded if data in the Social Security Administration database does not match  
17 the data provided by the applicant.

18 (5) The person's signature.

19 (6) Certifications that:

20 (A) ~~for an applicant who operates or expects to operate in interstate~~  
21 ~~or foreign commerce or who is otherwise subject to 49 C.F.R. part 391, the~~

1 ~~applicant meets the qualifications requirements contained in part 391; or~~  
2 ~~operates or expects to operate entirely in intrastate commerce and who is not~~  
3 ~~subject to part 391, that the applicant is subject to state driver qualification~~  
4 ~~requirements and is not subject to part 391; One of the following categories~~  
5 ~~applies to the applicant:~~

6 (i) Non-excepted interstate. He or she operates or expects to  
7 operate in interstate commerce, is both subject to and meets the qualification  
8 requirements of 49 C.F.R. part 391, and is required to obtain a medical  
9 examiner's certificate under 49 C.F.R. § 391.45.

10 (ii) Excepted interstate. He or she operates or expects to operate  
11 in interstate commerce, but engages exclusively in transportation or operations  
12 excepted under 49 C.F.R. § 390.3(f), 391.2, 391.68, or 398.3 from all or parts  
13 of the qualification requirements of 49 C.F.R. part 391 and therefore is not  
14 required to obtain a medical examiner's certificate by 49 C.F.R. § 391.45.

15 (iii) Non-excepted intrastate. He or she operates only in intrastate  
16 commerce and therefore is subject to state driver qualification requirements.

17 (iv) Excepted intrastate. He or she operates only in intrastate  
18 commerce, but engages exclusively in transportation or operations excepted  
19 from all or parts of the state's driver qualification requirements.

1           (B) ~~the~~ The motor vehicle in which the applicant's skills test will be  
2 taken is representative of the type of motor vehicle that the applicant operates  
3 or expects to operate;

4           (C) ~~the~~ The applicant is not subject to any disqualification under  
5 49 C.F.R. ~~section~~ § 383.51, or any license suspension, revocation, or  
6 cancellation under the law of any jurisdiction;

7           (D) ~~the~~ The applicant does not have a driver's license from more than  
8 one state or jurisdiction; ~~and~~.

9           (E) ~~for~~ For initial applicants only, the applicant has not been  
10 convicted of an offense listed in subsection 4116(a) of this title ~~(or or a~~  
11 comparable offense in any ~~jurisdiction)~~ jurisdiction, or an offense listed in  
12 49 U.S.C. § 30304(a)(3) in any jurisdiction within three years of the license  
13 application.

14           (7) Any other information required by the ~~commissioner~~;  
15 Commissioner, including, ~~but not limited to~~ the names of all states where the  
16 applicant has been licensed to operate any type of motor vehicle during the  
17 previous 10 years.

18           (8) The ~~application shall be accompanied by the~~ proper fee.

19           (A) The four-year fee for a commercial driver license shall be  
20 \$75.00. The two-year fee shall be \$50.00. In those instances where the

1 applicant surrenders a valid Vermont Class D license, the total fees due shall  
2 be reduced by:

3 ~~(A)~~(i) one-quarter of the four-year fee established by section 601 of  
4 this title for each remaining full year of validity; or

5 ~~(B)~~(ii) one-half of the two-year fee paid for each remaining full year  
6 of validity.

7 (B) The fee for a commercial learner's permit is \$12.00.

8 (9) Proof of citizenship or lawful permanent residency as specified in  
9 Table 1 of 49 C.F.R. § 383.71.

10 (10) Proof of compliance with the Transportation Security  
11 Administration requirements codified in 49 C.F.R. part 1572 if the person is  
12 applying for a hazardous materials endorsement. A lawful permanent resident  
13 of the United States requesting a hazardous materials endorsement must  
14 additionally provide his or her U.S. Citizenship and Immigration Services alien  
15 registration number.

16 (11) For an applicant who certifies that he or she will operate  
17 commercial motor vehicles in non-excepted interstate commerce, an original or  
18 a copy of a certificate prepared by a medical examiner. Certification status or  
19 "certified" will be posted in the Commercial Driver's License Information  
20 System driver record for the driver.

1 (b) When a licensee or permittee changes his or her name, mailing address,  
2 or residence or in the case of the loss, mutilation, or destruction of a license or  
3 permit, the licensee or permittee shall forthwith notify the ~~commissioner~~  
4 Commissioner and apply in person for a duplicate license or permit in the same  
5 manner as set forth in subsection (a) of this section. The fee for a duplicate  
6 license or permit shall be \$13.00.

7 (c) A person ~~who has been a resident of this state~~ for whom Vermont has  
8 been his or her state of domicile for more than 30 days shall not drive a  
9 commercial motor vehicle under the authority of a commercial driver license  
10 or commercial learner's permit issued by another jurisdiction.

11 (d) ~~Any person who knowingly falsifies information or certifications~~  
12 ~~required under subsection (a) of this section shall have his or her commercial~~  
13 ~~driver license revoked. Such persons may reapply for a commercial driver~~  
14 ~~license no sooner than 60 days after the revocation. [Repealed.]~~

15 § 4110a. NON-EXCEPTED INTERSTATE OR INTRASTATE STATUS;

16 CERTIFIED MEDICAL STATUS

17 (a) On or before January 30, 2014, every person who holds a commercial  
18 learner's permit or commercial driver license shall provide the Commissioner  
19 the certification required under subdivision 4110(a)(6)(A) of this chapter.

20 (b) On or before January 30, 2014, existing holders of a commercial  
21 learner's permit or commercial driver license who certify to non-excepted

1 interstate driving operations shall provide the Commissioner with an original  
2 or a copy of a current medical examiner's certificate. Certification status of  
3 "certified" will be posted on the Commercial Driver's License Information  
4 System driver record for the driver. Failure to provide the Commissioner a  
5 current medical examiner's certificate will result in the posting of "not-  
6 certified" status to the Commercial Driver's License Information System driver  
7 record for the driver, and a commercial learner's permit or commercial driver  
8 license downgrade will be initiated.

9 (c) To maintain a medical certification status of "certified," the holder of a  
10 commercial driver license or commercial learner's permit who certifies that he  
11 or she will operate commercial motor vehicles in non-excepted interstate  
12 commerce must provide the State an original or copy of each subsequently  
13 issued medical examiner's certificate required under 49 C.F.R. part 391.

14 § 4111. COMMERCIAL DRIVER LICENSE

15 \* \* \*

16 (b) Classifications, endorsements, and restrictions. Driver licenses may be  
17 issued with the following classifications, endorsements, and restrictions:

18 \* \* \*

19 (2) Licenses may be issued with appropriate endorsements and  
20 restrictions noted thereon. The ~~commissioner~~ Commissioner shall determine

1 the manner of notation. ~~Endorsements and restrictions may include, but are~~  
2 ~~not limited, to those which:~~

3 (A) ~~authorize a driver to drive a vehicle transporting hazardous~~  
4 ~~materials;~~

5 (B) ~~restrict the driver to vehicles not equipped with air brakes when~~  
6 ~~the person either fails the air brake component of the knowledge test or~~  
7 ~~performs the skills test in a vehicle not equipped with air brakes;~~

8 (C) ~~authorize driving motorcycles;~~

9 (D) ~~authorize driving tank vehicles;~~

10 (E) ~~authorize driving vehicles carrying passengers;~~

11 (F) ~~authorize driving Type I or II school buses;~~

12 (G) ~~authorize driving Type II school buses;~~

13 (H) ~~authorize driving double trailers;~~

14 (I) ~~restrict the driver to operation solely within this state. A~~

15 ~~commercial driver license or commercial driver instruction permit with this~~  
16 ~~restriction may be issued to any person who has attained the age of 18 years.~~

17 \* \* \*

18 § 4111a. COMMERCIAL LEARNER'S PERMIT

19 (a) Contents of permit. A commercial learner's permit shall contain the  
20 following:

1           (1) the prominent statement that the permit is a “Commercial Learner’s  
2 Permit,” except as specified in subsection 4109(a) of this title, and that it is not  
3 valid unless accompanied by a valid Vermont operator’s license;

4           (2) the full name, signature, and residential address in Vermont of the  
5 person to whom the permit is issued;

6           (3) physical and other information to identify and describe the person,  
7 including the month, day, and year of birth, sex, and height;

8           (4) the permit holder’s state license number;

9           (5) the name of the state that issued the permit;

10          (6) the date of issuance and the date of expiration of the permit;

11          (7) the group or groups of commercial motor vehicles that the permit  
12 holder is authorized to operate, indicated as follows:

13           (A) A for Combination Vehicle;

14           (B) B for Heavy Straight Vehicle;

15           (C) C for Small Vehicle;

16          (8) the endorsements for which the permit holder has qualified, if any,  
17 indicated as required under 49 C.F.R. § 383.153(b)(2)(viii); and

18          (9) the restrictions placed on the permit holder, if any, indicated as  
19 follows:

20           (A) P for No passengers in commercial motor vehicle bus;

21           (B) X for No cargo in commercial motor vehicle tank vehicle;

1           (C) L for a No Air brake equipped commercial motor vehicle;

2           (D) V for medical variance;

3           (E) M for No Class A passenger vehicle;

4           (F) N for No Class A and B passenger vehicle;

5           (G) K for Intrastate only;

6           (H) Any additional restrictions that apply to the commercial learner's  
7 permit driving privilege.

8           (b) Classifications, endorsements, and restrictions.

9           (1) The holder of a commercial learner's permit may not operate a  
10 commercial motor vehicle transporting hazardous materials.

11           (2) The holder of a commercial learner's permit may, unless otherwise  
12 disqualified, drive a commercial motor vehicle on a highway only when  
13 accompanied by the holder of a commercial driver license valid for the type of  
14 vehicle driven who occupies a seat beside the individual or, in the case of a  
15 vehicle designed to transport more than 15 passengers, who occupies a seat  
16 directly behind or in the first row behind the driver and who directly observes  
17 and supervises the commercial learner's permit holder for the purpose of  
18 giving instruction in driving the commercial motor vehicle.

19           (3) Endorsements.

20           (A) A commercial learner's permit holder with a passenger  
21 endorsement must have taken and passed the passenger endorsement

1 knowledge test. A commercial learner's permit holder with a passenger  
2 endorsement is prohibited from operating a commercial motor vehicle carrying  
3 passengers, other than federal or state auditors and inspectors, test examiners,  
4 other trainees, and the commercial driver license holder accompanying the  
5 commercial learner's permit holder as prescribed in subdivision (2) of this  
6 subsection. The passenger endorsement must be class specific.

7 (B) A commercial learner's permit holder with a school bus  
8 endorsement must have taken and passed the school bus endorsement  
9 knowledge test. A commercial learner's permit holder with a school bus  
10 endorsement is prohibited from operating a school bus with passengers other  
11 than federal or state auditors and inspectors, test examiners, other trainees, and  
12 the commercial driver license holder accompanying the commercial learner's  
13 permit holder as prescribed in subdivision (2) of this subsection.

14 (C) A commercial learner's permit holder with a tank vehicle  
15 endorsement must have taken and passed the tank vehicle endorsement  
16 knowledge test. A commercial learner's permit holder with a tank vehicle  
17 endorsement may only operate an empty tank vehicle and is prohibited from  
18 operating any tank vehicle that previously contained hazardous materials that  
19 has not been purged of any residue.

20 (D) All other federal endorsements are prohibited on a commercial  
21 learner's permit.

1 § 4112. RECORDS NOTIFICATION

2 (a) After suspending, revoking, or disqualifying a person from holding a  
3 commercial driver license or commercial learner's permit, the ~~commissioner~~  
4 Commissioner shall update his or her records to reflect that action within 10  
5 days. After suspending, revoking, or disqualifying a nonresident commercial  
6 driver's privileges, the ~~commissioner~~ Commissioner shall notify the licensing  
7 authority of the state which issued the commercial driver license or  
8 commercial ~~driver certificate~~ learner's permit within 10 days.

9 (b) When the ~~commissioner~~ Commissioner receives a request for an  
10 operating record of a person currently or previously licensed in Vermont, the  
11 ~~commissioner~~ Commissioner shall provide the information within 30 days.

12 § 4113. NOTIFICATION OF TRAFFIC CONVICTIONS

13 When a person who holds a commercial driver license or commercial  
14 learner's permit issued by another state is convicted in this ~~state~~ State of any  
15 violation of state law or local ordinance relating to motor vehicle traffic  
16 control, other than parking violations, in any type of vehicle, the ~~commissioner~~  
17 Commissioner shall notify the driver licensing authority in the licensing state  
18 of the conviction within 10 days.

19 \* \* \*

1 § 4115. RECIPROCITY

2 (a) Notwithstanding any law to the contrary, a person may drive a  
3 commercial motor vehicle in this ~~state~~ State if the person has a valid  
4 commercial driver license or commercial learner's permit issued by any state  
5 of the United States, any province or territory of Canada in accordance with  
6 the minimum federal standards for the issuance of commercial motor vehicle  
7 driver licenses, or the Licencia Federal de Conductor issued by the Republic of  
8 Mexico if the person's license or permit is not suspended, revoked, or canceled  
9 and if the person is not disqualified from driving a commercial motor vehicle  
10 or subject to an out-of-service order.

11 (b) The ~~commissioner~~ Commissioner shall give all out-of-state convictions  
12 full faith and credit and treat them for sanctioning purposes under this chapter  
13 as if they occurred in this ~~state~~ State.

14 (c) The ~~commissioner~~ Commissioner shall record disqualifications and  
15 convictions received from other jurisdictions regarding Vermont operators.

16 § 4116. DISQUALIFICATION

17 \* \* \*

18 (d) A person shall be disqualified from driving a commercial motor vehicle  
19 for a period of 60 days if convicted of two serious traffic violations or if  
20 convicted of two violations of subsection 4125(c) of this chapter, or 120 days  
21 if convicted of ~~three~~ a third or subsequent serious traffic ~~violations~~ violation or

1 if convicted of a third or subsequent violation of subsection 4125(c) of this  
2 chapter, arising from separate incidents occurring within a three-year period.

3 A disqualification for 120 days shall be issued to be consecutive with any  
4 previous disqualification.

5 \* \* \*

6 § 4116a. SUSPENSION OF OPERATING PRIVILEGE

7 (a) A person's privilege to operate a commercial motor vehicle in the ~~state~~  
8 State of Vermont shall be suspended for one year, if:

9 (1) the person is convicted of a first violation of operating, attempting to  
10 operate, or being in actual physical control of a commercial motor vehicle on a  
11 highway with an alcohol concentration of 0.04 or more, or under the influence,  
12 as defined in section 1218 of this title; and

13 (2) the person's commercial driver license or commercial learner's  
14 permit is issued by a state or country that does not have a reciprocity  
15 agreement with the ~~state~~ State of Vermont for the disqualification of  
16 commercial driver licenses or permits under section 4115 of this title.

17 \* \* \*

18 § 4118. EFFECTIVE DATE OF DISQUALIFICATION; HEARING

19 (a) A disqualification from driving a commercial motor vehicle shall be  
20 effective on not less than 10 days' notice.

1 (b) If requested, a hearing on the disqualification shall be conducted under  
2 sections 105-107 of this title. ~~The~~ Except as provided in subsection 4124(a) or  
3 4124(c) of this chapter, the scope of the hearing shall be limited to verification  
4 of the conviction.

5 (c) A person aggrieved by a decision resulting from a hearing under this  
6 section may have the decision reviewed on the record under Rule 75 of the  
7 Vermont Rules of Civil Procedure. The review shall be to the Washington  
8 ~~superior court~~ Superior Court or, in the discretion of the licensee, to the  
9 ~~superior court~~ Superior Court in the county the licensee resides or has a  
10 principal place of business.

11 \* \* \*

12 § 4124. PENALTIES FOR FRAUD; ACTION UPON SUSPECTED FRAUD

13 (a) If from the check of an applicant's license status and record prior to  
14 issuing a commercial learner's permit or commercial driver license or at any  
15 time after the commercial learner's permit or commercial driver license is  
16 issued, the Commissioner determines that the applicant or holder has  
17 knowingly falsified any information, documentation, or certifications required  
18 under this chapter, the Commissioner shall give the applicant or holder notice  
19 of his or her findings and an opportunity to show cause why the application,  
20 commercial learner's permit, or commercial driver license should not be  
21 disqualified for a period of 60 consecutive days. The disqualification shall be

1 effective 10 days after the notice is sent unless the applicant or holder requests  
2 a hearing. If after a hearing the Commissioner determines that the applicant or  
3 holder has knowingly falsified any information, documentation, or  
4 certifications required under this chapter, the Commissioner shall disqualify  
5 for a period of 60 consecutive days the person's commercial learner's permit  
6 or commercial driver license, his or her pending application, or his or her  
7 privilege to operate a commercial motor vehicle.

8 (b) A person convicted of fraud related to the issuance of a commercial  
9 learner's permit or commercial driver license who seeks to renew, transfer, or  
10 upgrade the fraudulently obtained commercial learner's permit or commercial  
11 driver license shall be disqualified for one year. The disqualification shall be  
12 recorded in the person's driving record.

13 (c) If the Commissioner receives credible information that a commercial  
14 learner's permit or commercial driver license holder is suspected but has not  
15 been convicted of fraud related to the issuance of his or her commercial  
16 learner's permit or commercial driver license, the Commissioner shall require  
17 the holder to retake the skills or knowledge test, or both, and send the holder  
18 notice of the same. Within 30 days after notice is sent, the holder shall make  
19 an appointment or otherwise schedule to take the next available test. If the  
20 holder fails to make an appointment within 30 days, the Commissioner shall  
21 disqualify his or her commercial learner's permit or commercial driver license.

1 If the holder fails either the knowledge or skills test or does not take the test,  
2 the Commissioner shall disqualify his or her commercial learner's permit or  
3 commercial driver license. Once a holder's commercial learner's permit or  
4 commercial driver license has been disqualified, he or she must reapply for a  
5 commercial learner's permit or commercial driver license under the procedures  
6 applicable to all commercial learner's permit or commercial driver license  
7 applicants.

8 § 4125. TEXTING VIOLATIONS; HANDHELD MOBILE TELEPHONE

9 VIOLATIONS

10 (a) Definitions. As used in this section, "driving" means operating a  
11 commercial motor vehicle on a public highway, including while temporarily  
12 stationary because of traffic, a traffic control device, or other momentary  
13 delays. "Driving" does not include operating a commercial motor vehicle with  
14 or without the motor running when the operator has moved the vehicle to the  
15 side of or off a highway and has halted in a location where the vehicle can  
16 safely remain stationary.

17 (b)(1) General Prohibition on Texting. No operator shall engage in texting  
18 while driving a commercial motor vehicle.

19 (2) Exception. Texting while driving is permissible by operators of a  
20 commercial motor vehicle when necessary to communicate with law  
21 enforcement officials or other emergency services.

1           (3) No person may be issued traffic complaints alleging a violation of  
2 this section and a violation of section 1099 of this title from the same incident.

3           (c)(1) General Prohibition on Use of Handheld Mobile Telephones. No  
4 operator shall use a handheld mobile telephone while driving a commercial  
5 motor vehicle.

6           (2) Exception. Use of a handheld mobile telephone is permissible by  
7 operators of a commercial motor vehicle when necessary to communicate with  
8 law enforcement officials or other emergency services.

9           (d) Motor Carriers.

10           (1) A motor carrier shall not allow or require its drivers to engage in  
11 texting while driving a commercial motor vehicle.

12           (2) A motor carrier shall not allow or require its drivers to use a  
13 handheld mobile telephone while driving a commercial motor vehicle.

14       Sec. 2. EFFECTIVE DATE

15           This act shall take effect on July 1, 2013.