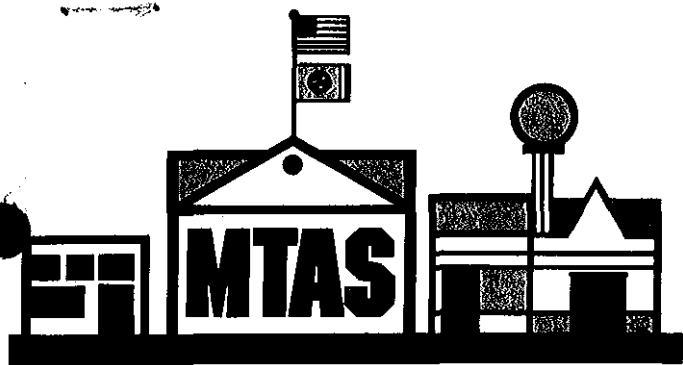




TECHNICAL BULLETIN

MUNICIPAL TECHNICAL ADVISORY SERVICE
THE UNIVERSITY OF TENNESSEE

IN COOPERATION WITH THE TENNESSEE MUNICIPAL LEAGUE



Bulletin No. 25

September 15, 1989

NEW DRIVER LICENSE REQUIREMENTS FOR COMMERCIAL VEHICLES ARE NOW IN PLACE

by Joseph Muscatello, Jr.

A number of new requirements have been enacted changing the requirements in obtaining a commercial driver license in the State of Tennessee. These requirements will affect many of your municipal employees. Though there are a number of changes and new requirements, the law is flexible and municipal employees should have no major problems in obtaining their commercial driver license.

Reasons For The Law

In 1986, to improve the nation's traffic safety, Congress passed the "Commercial Motor Vehicle Safety Act." The goals of this Act are:

- * Improve driver quality
- * Remove problem drivers from the road
- * Prevent multiple licenses

This Act states that by April 1, 1992, all drivers of commercial motor vehicles must have a state commercial driver license.

On March 18, 1988, Governor Ned McWherter signed Public Act Chapter 584 (amending *Tennessee Code Annotated* 55-7-101) to implement the Commercial Driver License Act in the State of Tennessee. This action was required to comply with the Federal Commercial Motor Vehicle Act. This bill became effective on July 1, 1989.

Major Requirements Of Tennessee's Commercial Driver License Act

From July 1, 1989 through April 1992 as driver licenses expire or as new drivers seek licenses, Tennessee drivers of commercial motor vehicles must:

1. Meet new standards to qualify for and keep a commercial driver license;
2. Pass one or more knowledge tests;
3. Demonstrate safe driving skills with a new road test; and
4. Follow new rules about notifying their employer and the Tennessee Department of Safety about traffic violations.

Requirements For A Commercial Driver License

A commercial driver license is required of anyone who drives:

1. A vehicle with a gross weight of more than 26,000 pounds (either the weight registered for the vehicle or the manufacturer's weight, whichever is greatest);
2. A trailer with a gross weight in excess of 10,000 pounds;
3. A vehicle that is designed to transport more than 15 passengers including the driver; or
4. Any sized vehicle that hauls placarded hazardous materials.

Exemptions

There are a number of exemptions to these four criteria. For city governments the most important exemption deals with emergency vehicles. Fire trucks, police vehicles, and emergency medical vehicle operators are exempt from the requirements of the commercial driver license. Tennessee Public Act 584 states in Section 2-11-(d-2) that single unit vehicles designed and used exclusively as fire apparatuses and operated by non-paid volunteer firemen are exempt. However, Senate Bill 1300 passed in the 1989 Tennessee legislative session has amended this section to include all firemen, full-time and volunteer. Other exemptions include:

1. Farmers or nurserymen operating intrastate or within 150 miles of the farm or nursery;
2. Military personnel;
3. Operators of recreation vehicles; and
4. Leasing of rental vehicles for non-business purposes.

Commercial Driver License Classifications

There are a number of license classifications based on the type of vehicle driven. In addition to the various classifications, there are endorsements to each. Each classification has individual qualifications and skill testing. The following classifications are outlined in Tennessee Public Acts of 1988, Chapter 584:

Class A: Issued for the operation of any combination of motor vehicles with a gross combination weight rating in excess of 26,000 pounds, provided that the motor vehicle or trailers being pulled have a gross vehicle weight rating in excess of 10,000 pounds. Recreational vehicles are exempted from this class of license.

Class B: Issued for the operation of any single vehicle with a gross vehicle weight rating in excess of 26,000 pounds, or any combination of motor vehicles with a gross combined rating in excess of 26,000 pounds provided the vehicle or trailers being pulled have a gross vehicle weight rating less than 10,001 pounds.

Class C: Issued for the operation of any bus or vehicle designed to carry more than 15 passengers, including the driver. This class applies to vehicles which are placarded for hazardous materials.

Class D: Issued for vehicles not in excess of 26,000 pounds with no special endorsement required.

Endorsements

In addition to obtaining a particular classification of commercial driver license, a driver may need to obtain a special endorsement(s) depending upon the type of cargo, number of passengers, for hire vehicles, etc. The endorsements will require the completion of a specific knowledge test and possibly a road test. The endorsements are as follows:

Endorsement C	Tanks with a volume of 1,000 gallons or greater
Endorsement T	Double/triple trailer
Endorsement H	Hazardous material
Endorsement P	Any vehicle transporting more than 15 passengers
Endorsement S	School bus
Endorsement F	For hire (Class D only)
Endorsement X	A combination of Endorsement C and Endorsement H.

Testing

The testing requirements of the commercial motor vehicle safety act fall into two categories: (1) knowledge tests, and (2) skills tests.

Anyone who falls under the requirements for a commercial driver license must take one or more knowledge tests, depending on what class of license and what endorsements are needed for completion of the job. The general knowledge test consists of 50 questions. An applicant must score 80% to pass the general knowledge test. Also, there are separate tests for the different classifications and endorsements. These tests range from 20 to 30 questions each depending on the type (air brake, hazardous chemicals, passenger, multiple trailer, etc.). A score of 80% or better will be needed to pass additional tests as well.

For example, the driver of a garbage truck would probably need a Class B license and would take: (1) the general knowledge test, (2) the air brakes test, and (3) possibly the hazardous materials test. The driver must score 80% or better on each of these tests.

In addition to passing the knowledge test, the applicant for a commercial driver license must pass a series of skills tests. There are three types of skills tests: (1) the pretrip inspection, to test if the applicant knows whether the vehicle is safe to drive, (2) the basic control skills test, which includes exercises in moving the vehicle, and (3) a road test, to evaluate the applicant's ability to drive safely in a variety of on-the-road situations.

Grandfathering

There is a provision in the law that allows certain applicants to be exempt from the skills portion of the test. Those applicants that can meet the following criteria are exempt:

If, during a two year period prior to applying for a commercial driver license the applicant can verify that they:

1. Have had one driver license (from one state at a time); and
2. Have operated the type or class vehicle for which the application is being made, (e.g., a garbage truck driver applying for a Class B license). The employer must certify that the applicant has had at least two years of experience operating the proper class of vehicle; and
3. Have not been convicted of DUI, drag racing, or any convictions for which license suspension or revocation is mandatory; and
4. Have not had any violation of state or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident for which the applicant was at fault; and
5. Are regularly employed in a job requiring operation of a commercial motor vehicle; and
6. Have a valid license.

If the applicant is employed by a municipal, county, or state government, or for a private company that is not involved in interstate commerce and meets the six criteria listed above, then certain exemptions can be granted. If the employee is eligible for the grandfathered exemption, and (1) drives totally in the State of Tennessee, and (2) does not haul hazardous materials, then they can get a **temporary** waiver from **passing** the knowledge test and are totally exempt from taking the skills test.

The temporary waiver from the knowledge test(s) allows an applicant to continue driving even if they fail one or more of these knowledge tests. However, the applicant must pass the knowledge test(s) prior to December 31, 1991. This temporary waiver allows the applicant time to study for the necessary portions of the knowledge test needed to receive the proper classification and endorsements. The only tests that must be retaken are the ones the applicant fails.

Qualifications for Applying for a Commercial Driver License

In order to apply for a commercial driver license, the applicant:

1. Must be 21 years of age. Exceptions are made for those who operate a vehicle solely intrastate and require no special endorsements. These individuals may obtain a Class B license at age 19. Those who operate a vehicle solely intrastate, require no special endorsements, and have successfully completed a certified driver training program for commercial vehicles may obtain a Class B license at age 18;
2. Must not currently be under a driver license suspension, cancellation, or revocation in Tennessee or any other state;
3. Must not have engaged in any conduct for which license revocation is required within the three years immediately preceding the application;

Further Information

For further information on the new driver license requirements, contact Joe Muscatello, Senior Program Consultant in Knoxville at (615) 974-5301, or write the Tennessee Department of Safety, Driver Control Division, 1150 Foster Avenue, Nashville, Tennessee 37210-9938, or call (615) 251-5302.

The Municipal Technical Advisory Service (MTAS) is a statewide agency of The University of Tennessee's Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League in providing technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, ordinance codification, and wastewater management.

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E14-1050-00-001-90

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