

HB361 INTRODUCED



1 HB361
2 IT9E66W-1
3 By Representative Bedsole
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 21-Mar-24



4 SYNOPSIS:

5 Under existing law, the Federal Motor Carrier
6 Safety Administration (FMCSA) is the federal agency
7 responsible for regulating and providing oversight of
8 commercial motor vehicles engaged in interstate
9 commerce.

10 This bill would revise existing state law to
11 conform to various changes to FMCSA regulations,
12 including deleting a requirement for a driver to report
13 certain violations; deleting a school bus driver fee
14 and written test waiver; revising fees for commercial
15 driver licenses and learner's permits; adding a human
16 trafficking ban; and repealing a steel coil transport
17 certification requirement.

18 Section 111.05 of the Constitution of Alabama of
19 2022, prohibits a general law whose purpose or effect
20 would be to require a new or increased expenditure of
21 local funds from becoming effective with regard to a
22 local governmental entity without enactment by a 2/3
23 vote unless: it comes within one of a number of
24 specified exceptions; it is approved by the affected
25 entity; or the Legislature appropriates funds, or
26 provides a local source of revenue, to the entity for
27 the purpose.

28 The purpose or effect of this bill would be to



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require a new or increased expenditure of local funds within the meaning of the section. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the section.

A BILL
TO BE ENTITLED
AN ACT

Relating to commercial motor vehicles; to amend Sections 32-6-49.5, 32-6-49.8, 32-6-49.10, 32-6-49.11, 32-6-49.19, 32-9A-2, and 32-9A-4, Code of Alabama 1975, to revise existing state law to conform to various changes to Federal Motor Carrier Safety Administration (FMCSA) regulations, including deleting a requirement for a driver to report certain violations; deleting a school bus driver fee and written test waiver; revising fees for commercial driver licenses and learner's permits; adding a human trafficking ban; and repealing a steel coil transport certification requirement; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-6-49.5, 32-6-49.8, 32-6-49.10,



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32-6-49.11, 32-6-49.19, 32-9A-2, and 32-9A-4, Code of Alabama 1975, are amended to read as follows:

"§32-6-49.5

~~Notification required by driver shall be as follows:~~

~~(a) Notification of convictions:~~

~~(1) TO STATE. Any driver holding a commercial driver license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control, in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, must notify the Department of Public Safety in the manner specified by the department within 30 days of the date of conviction.~~

~~(2) TO EMPLOYERS.~~ (a) Any driver holding a commercial driver license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state, or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, must notify his or her employer in writing of the conviction within 30 days of the date of conviction.

(b) Any driver whose commercial driver license is suspended, revoked, or cancelled by any state, or federal, provincial, territorial, or municipal laws of Canada, or who loses the privilege to drive a commercial motor vehicle in any such state for any period, including being disqualified from driving a commercial motor vehicle, or who is subject to an out of service order, must notify his or her employer of that



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fact before the end of the business day following the day the driver received notice of that fact.

(c) Any person who applies to be a commercial motor vehicle driver must provide the employer, at the time of the application, with the following information for the 10 years preceding the date of application:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(2) The dates between which the applicant drove for each employer; and

(3) The reason for leaving that employer.

The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information."

"§32-6-49.8

Commercial driver license qualification standards shall be as follows:

(a) Testing.

(1) GENERAL. No person may be issued a commercial driver license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. ~~part~~ Part 383, ~~subparts~~ Subparts G and H, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the department.



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(2) ~~THIRD-PARTY~~THIRD-PARTY TESTING. The department may authorize a 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 skills test specified by this section, if the test is the same as what would otherwise be administered by the state and the third party has entered into an agreement with this state which complies with requirements of 49 C.F.R. ~~part~~ Part 383.75.

(b) Waiver of skills test. The department may waive the skills test specified in this section for a commercial driver license applicant who meets the requirements of 49 C.F.R. ~~part~~ Part 383.77. ~~In the case of school bus drivers the department shall waive the skills test herein specified.~~

(c) Limitations on issuance of license. A commercial driver license may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver license is suspended, revoked, or cancelled in any state or foreign jurisdiction with reciprocity; nor may a commercial driver license be issued to a person who has a commercial driver license issued by any other state unless the person first surrenders all such licenses, which shall be returned to the issuing state(s) for cancellation.

(d) The holder of a valid commercial driver license learner's permit may drive a commercial motor vehicle only when accompanied by the holder of a commercial driver license



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valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial vehicle.

(e) A commercial driver license learner's permit for a particular class or classes of commercial vehicle may be issued to a person who meets all the qualifications required of a person seeking a commercial driver license and has passed the vision and written tests for that class of commercial driver license. Commercial driver license learner's permits may be issued with any endorsements or restrictions provided for in 49 C.F.R. Part 383. The endorsements or restrictions shall be coded in accordance with the provisions of 49 C.F.R. § 383.153."

"§32-6-49.10

(a) The commercial driver license shall be marked "Commercial Driver License" or "CDL," and shall be, to the maximum extent practicable, tamper proof. It shall include, but not be limited to, all of the following information:

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

(2) The person's color photograph.

(3) A physical description of the person including sex, height, weight, eye and hair color.

(4) Date of birth.

(5) Any other number or identifier not to include the Social Security number of the person deemed appropriate by the department.

(6) The person's signature.

(7) The class or type of commercial motor vehicle or



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vehicles which the person is authorized to drive together with any endorsements or restrictions.

(8) The name of this state.

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

(b) Commercial driver licenses may be issued with the following classifications, endorsements, and restrictions as provided below. The holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles including Class D, except motorcycles (Class M). Vehicles which require an endorsement may not be driven unless the proper endorsement appears on the license.

(1) Commercial driver licenses shall be classified as follows:

Class A - Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more, provided the GVWR of the ~~vehicle(s)~~ vehicle or vehicles being towed is in excess of 10,000 pounds.

Class B - Any single vehicle with a GVWR of 26,001 pounds or more, and any such vehicle towing a vehicle not in excess of 10,000 pounds.

Class C - Any single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds comprising:

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

(ii) Vehicles used in the transportation of hazardous materials which require the vehicle to be placarded under 49



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C.F.R., Part 172, Subpart F.

(2) ~~Endorsements and restrictions shall be coded as follows:~~ Commercial driver licenses may be issued with any endorsements or restrictions provided for in 49 C.F.R. Part 383. The endorsements or restrictions shall be coded in accordance with 49 C.F.R. § 383.153.

~~"H" - Authorizes the driver to drive a vehicle transporting hazardous materials.~~

~~"K" - Restricts the driver to vehicles not equipped with airbrakes.~~

~~"T" - Authorizes driving double and triple trailers.~~

~~"P" - Authorizes driving vehicles carrying passengers.~~

~~"S" - Authorizes driving a school bus.~~

~~"N" - Authorizes driving tank vehicles.~~

~~"X" - Represents a combination of hazardous materials and tank vehicle endorsements.~~

(c) Before issuing a commercial driver license, the department shall obtain driving record information through the Commercial Driver License Information System, the National Driver Register, and from each state in which the person has been licensed.

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

(e) A commercial driver license issued pursuant to this article expires as set by existing state law.

(f) Renewal procedures for commercial driver licenses



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shall be as follows: Every person applying for renewal of a commercial driver license shall complete the application form required by subsection (a), providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement shall be taken and passed."

"§32-6-49.11

(a) (1) Any person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of one of the following:

~~(1)~~ a. Driving a motor vehicle under the influence of alcohol, or a controlled substance or any other drug which renders a person incapable of safely driving.

~~(2)~~ b. Driving a commercial motor vehicle while the alcohol concentration of the person's blood, urine, or breath is 0.04 or more.

~~(3)~~ c. Knowingly and willfully leaving the scene of an accident involving a motor vehicle driven by the person.

~~(4)~~ d. Using a motor vehicle in the commission of any felony.

~~(5)~~ e. Refusal to submit to a test to determine the driver's use of a controlled substance or alcohol concentration while driving a motor vehicle.

(2) If any of the violations ~~in subdivisions (1) to (5), inclusive,~~ described in this subsection occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three



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253 years.

254 (b) A person is disqualified for life if convicted of
255 two or more violations of any of the offenses specified in
256 subsection (a), or any combination of those offenses, arising
257 from two or more separate incidents.

258 (c) The Alabama State Law Enforcement Agency may ~~issue~~
259 ~~regulations and promulgate establishing~~ adopt rules and
260 establish guidelines, including conditions, under which a
261 disqualification for life under subsection (b) may be reduced
262 to a period of not less than 10 years.

263 (d) A person is disqualified from driving a commercial
264 motor vehicle for life who uses a motor vehicle in the
265 commission of any felony involving the manufacture,
266 distribution, or dispensing of a controlled substance, or
267 possession with intent to manufacture, distribute, or dispense
268 a controlled substance.

269 (e) A person is disqualified from driving a commercial
270 motor vehicle for life if the person is convicted of using a
271 vehicle in the commission of a felony involving any act or
272 practice of severe forms of trafficking in persons, as defined
273 in 22 U.S.C. § 7102(11).

274 ~~(e)~~ (f) A person is disqualified from driving a
275 commercial motor vehicle for a period of not less than 60 days
276 if convicted of two serious traffic violations, or 120 days if
277 convicted of three serious traffic violations, committed in a
278 commercial motor vehicle arising from separate incidents
279 occurring within a three-year period.

280 ~~(f)~~ (g) (1) A person is disqualified from driving a



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commercial motor vehicle for not less than 90 days nor more than one year upon a first conviction of driving a commercial vehicle while under an out-of-service order.

(2) A person is disqualified from driving a commercial motor vehicle for not less than one year nor more than five years if during any 10-year period the person receives two convictions of driving a commercial vehicle while under an out-of-service order where the convictions arise out of separate incidents.

(3) A person is disqualified from driving a commercial motor vehicle for not less than three years nor more than five years if during any 10-year period the person receives three or more convictions of driving a commercial vehicle while under an out-of-service order where the convictions arise out of separate incidents.

(4) If a conviction of driving a commercial motor vehicle while under an out-of-service order arises out of an arrest where the person was transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. § 5101, et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver, the person is disqualified for not less than 180 days nor more than two years upon a first conviction and not less than three years nor more than five years upon any subsequent conviction within a 10-year period where these factors exist.

~~(g)~~ (h) (1) A person is disqualified from operating a commercial motor vehicle for not less than 60 days upon a



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first conviction, not less than 120 days if during any three-year period the person receives two convictions, and not less than one year if during any three-year period the person receives three or more convictions of any of the following railroad-highway grade crossing violations:

a. The driver is not required to stop, but fails to slow down and check that tracks are clear of an approaching train.

b. The driver is not required to stop, but fails to stop before reaching the crossing if the tracks are not clear.

c. The driver is always required to stop, but fails to stop before driving onto the crossing.

d. The driver fails to have sufficient space to drive completely through the crossing without stopping.

e. The driver fails to obey a traffic control device or the directions of an enforcement official at the crossing.

f. The driver fails to negotiate a crossing because of insufficient undercarriage clearance.

(2) A person is disqualified for not less than 120 days if during any three-year period the person receives two convictions of a railroad-highway grade crossing violation.

(3) A person is disqualified from operating a commercial motor vehicle for not less than one year if during any three-year period the person receives three or more convictions of a railroad-highway grade crossing violation.

~~(h)~~ (i) After suspending, revoking, or canceling a commercial driver license, the Alabama State Law Enforcement Agency shall update its records to reflect that action within



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10 days. After suspending, revoking, or canceling a nonresident commercial driver's privilege, the Alabama State Law Enforcement Agency shall notify the licensing authority of the state that issued the commercial driver license or commercial driver instruction permit within 10 days.

(j) Any failure~~A person who fails~~ to report or disclose required information under this section, either before or after issuance of a commercial driver license, shall be guilty of a Class C felony ~~and shall, upon conviction thereof, be punished as provided by law.~~"

"§32-6-49.19

(a) For the purpose of defraying the cost of issuing commercial ~~drivers' licensed~~driver licenses, the Alabama State Law Enforcement Agency, judge of probate, or license commissioner shall collect ~~for~~all of the following fees:

(1) For each commercial driver license or commercial driver license learner's permit, a fee equal to the sum of all fees imposed for the issuance of a Class D driver license.

(2) For each Class A commercial driver license, the~~an~~ additional sum of ~~fifty dollars (\$50);~~thirty dollars (\$30).

(3) For each Class B commercial driver license, the~~an~~ additional sum of ~~forty dollars (\$40) for each Class B commercial driver license;~~twenty dollars (\$20). ~~and the sum of twenty dollars (\$20) for each Class C commercial driver license and commercial driver license learner's permit. The fee for any school bus driver license shall be twenty dollars (\$20) and the license shall be restricted to the operation of a school bus and noncommercial vehicle.~~



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(b) (1) ~~These~~Commercial driver licenses shall be issued for a period of four years,~~except a commercial.~~

(2) Commercial driver license learner's ~~permit~~which permits shall be issued for a period of one year.

~~(b) (c)~~ The additional revenue from the additional fees collected pursuant to this section,~~as amended by Act 2004-521,~~ shall be deposited in the ~~Highway Traffic Safety Fund of the Department of Public Safety~~Public Safety Fund."

"§32-9A-2

(a) (1) Except as otherwise provided in subsection (b), no person may operate a commercial motor vehicle in this state, or fail to maintain required records or reports, in violation of the federal motor carrier safety regulations as prescribed by the U.S. Department of Transportation, 49 C.F.R. Part 107, Parts 171-180, Part 380, Parts 382-387, and Parts 390-399 and as they may be amended in the future. Except as otherwise provided herein, this chapter shall not be construed to repeal or supersede other laws relating to the operation of motor vehicles.

(2)a. No person may operate a commercial motor vehicle in this state in violation of 49 C.F.R. § 393.120, as amended, relating to load securement for certain metal coils.

b. No one owning, leasing, or allowing a commercial vehicle to be operated in this state shall knowingly or negligently be in violation of 49 C.F.R. § 393.120, as amended, relating to load securement for metal coils.

(3) No person may knowingly or negligently own or lease or cause to be operated on any public highway, road, street,



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or other public right-of-way a commercial motor vehicle loaded with a metal coil in a manner that fails to comply with 49 C.F.R. § 393.120 and thereby allows a metal coil to drop, fall, spill, shift, or otherwise escape from the commercial vehicle onto any public highway, road, street, or any other public right-of-way.

~~(4)a. No motor carrier may initiate or terminate in this state the commercial transport of metal coils, as defined in 49 C.F.R. §393.120, unless the commercial vehicle operator is certified in proper load securement as provided in 49 C.F.R. §393.120. Certification shall be conducted according to standards published by the Department of Public Safety and certified by the motor carrier and the driver on forms provided by the department.~~

~~b. The operator of a commercial motor vehicle involved in the commercial transport of metal coils subject to this subdivision shall be certified in proper load securement as provided in 49 C.F.R. §393.120.~~

~~(5)~~ (4) Except as it relates to subdivision (3), no law enforcement officer may make an arrest or issue a citation under this chapter unless he or she has satisfactorily completed, as a part of his or her training, the basic course of instruction developed by the Commercial Vehicle Safety Alliance. Those law enforcement officers authorized to enforce this chapter shall annually receive in service training related to commercial motor vehicle operations, including, but not limited to, training in current federal motor carrier safety regulations, safety inspection procedures, and



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out-of-service criteria. The annual training requirements shall be designated and specified by the director. An officer qualified under this section to make an arrest or issue a citation pursuant to subdivision (3) may arrest or issue a citation to the driver of a commercial motor vehicle without a warrant and without witnessing the violation personally if, upon personal investigation, the officer has reasonable cause to believe that a violation has occurred.

(b) Notwithstanding subsection (a) or any other provision of law to the contrary:

(1) Amendments to the hours of service regulations promulgated by the U.S. Department of Transportation at 68 Federal Register 22456, April 28, 2003 and effective June 27, 2003, shall not apply to utility service vehicles as defined at 49 C.F.R. § 395.2, not including television cable or community antenna service vehicles, which are owned or operated by utilities regulated by the Public Service Commission or electric cooperatives and which are engaged solely in intrastate commerce in this state until June 27, 2006, provided the amendments are valid and remain in effect as of that date. Hours of service regulations that are applicable in this state immediately prior to June 27, 2003, shall remain applicable to utility service vehicles engaged solely in intrastate commerce in this state until June 27, 2006. If the U.S. Department of Transportation issues an official finding that this provision may result in the loss of federal Motor Carrier Safety Assistance Program funding, the ~~department~~ Alabama State Law Enforcement Agency may adopt



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rules providing for earlier implementation of the amendments to the federal hours of service regulations. If federal law or regulations are amended at any time to exempt utility service vehicles from the hours of service requirements, any exemption shall be effective in this state immediately for the duration of the federal exemption.

(2) The ~~department~~ Alabama State Law Enforcement Agency may adopt rules suspending the effective date for up to three years after adoption of any motor carrier safety regulation by the U.S. Department of Transportation as applied to vehicles engaged solely in intrastate commerce in this state, provided that the suspension does not result in the loss of federal Motor Carrier Safety Assistance Program funding.

(3) The ~~department~~ Alabama State Law Enforcement Agency may enter into agreements with state and local emergency management agencies and private parties establishing procedures for complying with 49 U.S.C. §_31502(e) and federal regulations promulgated thereto at 49 C.F.R. §_390.23 which provide an exemption from the hours of service regulations during certain emergencies.

(4) The ~~department~~ Alabama State Law Enforcement Agency may adopt rules granting any waiver, variance, or exemption permitted under 49 U.S.C. §_31104(h) and federal regulations promulgated thereto at 49 C.F.R. §§_350.339-350.345, provided that the waiver, variance, or exemption does not result in the loss of federal Motor Carrier Safety Assistance Program funding and does not take effect unless approved by the U.S. Department of Transportation if that approval is required.



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(5) A commercial motor vehicle operated in intrastate commerce which does not equal or exceed 26,001 pounds, except a motor vehicle, regardless of weight, which is designed or used to transport 16 or more passengers, including the driver, or which is used in the transportation of hazardous materials and required to be placarded pursuant to 49 C.F.R. Part 172, Subpart F, shall be exempt from the federal motor carrier regulations otherwise made applicable in this state pursuant to subsection (a). For purposes of this subdivision, "commercial motor vehicle" means a commercial motor vehicle as defined in 49 C.F.R. § 390.5.

(6) For purposes of those provisions of 49 C.F.R. § 395 providing for exemptions from the hours of service requirements of that section respecting the operation of motor vehicles for the transportation of agricultural commodities as contemplated in that section, the planting and harvesting season for this state is defined by the Legislature as the period from April 1 of each calendar year to March 31 of the next succeeding calendar year.

(c) Nothing in this section ~~as amended by Act 2008-336~~ shall be interpreted to exempt any person from the obligations to operate a motor vehicle in a safe and proper manner or to observe the rules of the road, nor shall any provision of this section ~~as amended by Act 2008-336~~ be interpreted to immunize any person from civil liability for actionable conduct.

~~(d) The Department of Public Safety shall publish standards for training drivers of commercial motor vehicles in proper load securement for metal coils as provided in 49~~



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~~C.F.R. §393.120 and provide for certification of drivers of commercial motor vehicles carrying metal coils."~~

"§32-9A-4

(a) Any person violating Section 32-9A-2(a)(1) shall be guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars (\$25) nor more than two thousand dollars (\$2,000) for each offense. In addition, the court may impose a sentence of imprisonment in the county jail, not to exceed 30 days, for each offense.

(b) Any person violating Section 32-9A-2(a)(2)a. or a motor carrier violating Section 32-9A-2(a)(2)b. shall be guilty of a misdemeanor and punished by a fine of not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) for each offense.

(c) Any operator of a commercial motor vehicle violating Section 32-9A-2(a)(2)a. in which a metal coil drops, falls, spills, shifts, or otherwise escapes from the vehicle shall be guilty of a misdemeanor and punished by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000).

(d) Any person violating Section 32-9A-2(a)(3) ~~or any motor carrier violating Section 32-9A-2(a)(4)a.~~ shall be guilty of a misdemeanor and punished by a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000).

(e) Any person violating Section ~~32-9A-2(a)(4)b.~~ 32-9A-2(a)(4) shall be guilty of a misdemeanor and punishable by a fine of not less than two hundred ~~and~~



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533 fifty dollars (\$250) nor more than one thousand dollars
534 (\$1,000).

535 (f) In addition to the other penalties for a violation
536 of subdivisions (2), (3), or (4) of Section 32-9A-2(a), the
537 court may impose a sentence of imprisonment in the county
538 jail, not to exceed one year, for each conviction under
539 subdivisions (2), (3), or (4) of Section 32-9A-2(a).

540 (g) In addition to other punishment fixed by law, the
541 court may enter an order prohibiting the person from operating
542 any commercial motor vehicle for a period to be specified by
543 the court, or perpetually, as the court may determine."

544 Section 2. Although this bill would have as its purpose
545 or effect the requirement of a new or increased expenditure of
546 local funds, the bill is excluded from further requirements
547 and application under Section 111.05 of the Constitution of
548 Alabama of 2022, because the bill defines a new crime or
549 amends the definition of an existing crime.

550 Section 3. This act shall become effective on October
551 1, 2024.