

WORK SESSION
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Law Enforcement and Engineering—A Necessary Partnership

Moderator
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COMMERCIAL DRIVER'S LICENSING LAW

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Department of Vehicle Regulation

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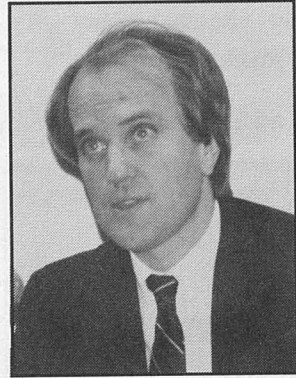
COMMERCIAL DRIVER'S LICENSING LAW

OPENING REMARKS

by Jerry Lentz

We know of 19 states, including Kentucky, where no particular skill or knowledge is required to qualify as a tractor-trailer operator. In addition to training deficiencies, another problem with operators of commercial trucks is the possession of multiple driver's licenses.

When stopping commercial vehicles, regulatory and law enforcement personnel sometimes discover the operator possesses licenses from different states. Operators obtain other states' licenses so they can operate legally in a state that has suspended their license, usually because of traffic violations or serious accidents. As you might suspect, this became a concern of the federal government and various trucking agencies and associations across the nation. Since these problems needed to be addressed at the federal level, Congress enacted the Commercial Vehicle Safety Act on October 18, 1986. That act makes it illegal for the operator of a commercial motor vehicle such as a truck, bus, or other vehicle meeting certain criteria, to have more than one license. It also mandates that operators demonstrate certain skills and knowledge before being allowed to operate a commercial vehicle.



Earlier, we talked about communication and cooperation between agencies. Interestingly, it was both the lack of uniformity among the states and cooperative efforts from the states that led to the development and passage of this legislation. This illustrates why we're here today and why everyone is concerned about CDL and the need for it.

INTRODUCTIONS

O. B. Arnold is President of the Kentucky Motor Transport Association (KMTA). He has worked in the Department of Transportation in vehicle regulation and served as commissioner of that post from March 1973 until January 1980, when he became president of the KMTA. He is also Executive Director of the Kentucky Household Goods Carriers Association.

Mickey Goff became the CDL branch manager in the Drivers License Division of Vehicle Regulation in July 1989. She has held a number of positions in the driver's license area since 1978 and is extremely knowledgeable and experienced in this field. She is from Frankfort and is working toward a BS degree in political science at Kentucky State University.

Joe Breeze, a career employee with state government, began working with the Kentucky State Police in 1960 and served as a trooper until his retirement last year. In July 1989 he became director of Motor Vehicle Enforcement, which is a division of the Vehicle Regulation Department in

Transportation. Col. Breeze has a BS degree in law enforcement from Eastern Kentucky University.

Kentucky State Police trooper, Thomas P. (Tim) Hazlett, is a graduate of the University of Kentucky, studied criminal justice at Eastern Kentucky University, and has an MS in public administration from Kentucky State University. He has held a number of positions with the State Police, and has training in DUI detection, drug testing, and psychological screening. Currently he is a police captain in charge of the driver testing section, which will be responsible for implementing the testing sections of our commercial driver's license once it is implemented.

Mickey Goff

The Commercial Vehicle Safety Act requires all licensing jurisdictions to adopt common minimum requirements for issuing commercial drivers licenses. Current Kentucky statues have no provision for regulations that establish levels of fitness, medical qualifications, specialized training standards, and testing requirements in the licensing process of commercial vehicle operators. Kentucky Statue 281.76 allows for the issuance of chauffeur's endorsements to operators of higher motor vehicles. The only requirements for a chauffeur's endorsement is a valid operators license, a minimum age of 18 years, and payment of a required fee.



The Kentucky State Police fatal accident reporting system indicates one in 24 trucks in Kentucky was involved in an accident in 1988. The major, contributing factor in these accidents was driver inattention. By implementing the Commercial Motor Vehicle Safety Act and passing the

Commercial Driver's License Law, Kentucky will improve highway safety by removing problem and inexperienced drivers from the highway. We will prevent the issuance of multiple licenses and provide uniform training and treatment of our commercial drivers. Those individuals required to attain a chauffeur's license or a commercial drivers license are interstate and intrastate drivers driving vehicles weighing 26,001 or more pounds, drivers carrying 16 or more passengers (including the driver), and drivers of vehicles transporting hazardous materials. To comply with the federal requirements, Kentucky must first pass a commercial driver's license law, which would follow federal mandates. These federal mandates call for uniform standards for issuance of licenses. The minimum standards require each commercial driver's license applicant to pass a knowledge test and road skill test that comply with federal standards. The commercial driver's license should be tamper-proof and must contain the name, address, social security number, physical description of the applicant, the vehicle's classification, name of the licensing jurisdiction, and date of expiration.

We also must establish disqualification requirements. A commercial motor vehicle operator would be disqualified for one year if (1) convicted of driving under the influence of alcohol or a controlled substance, (2) leaving the scene of an accident involving a commercial motor vehicle, or (3) using

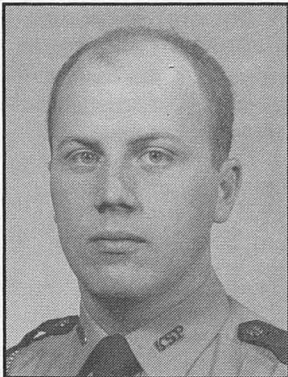
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that vehicle in the commission of a felony. If the commercial motor vehicle is designed for transporting hazardous materials and the driver is convicted of one of the above, he would be disqualified for a period of three years. A commercial motor vehicle driver would be disqualified for life if convicted of two or more of these offences. The federal government has given the state an opportunity to reduce that lifetime penalty to 10 years if they wish to write that into their law. Serious traffic violations also is being considered as under the state law. Serious traffic violations include: (1) excessive speeding or any speed in excess of 15 mph or more above the posted speed limit, (2) reckless driving or willful or wanton disregard of the safety of a person or property, (3) improper or erratic traffic lane changing, (4) following the vehicle ahead too closely, and (5) a violation relating to a moving motor vehicle traffic control law arising in connection with a fatal accident.

The Commercial Driver's Licensing Information System (CDLIS) will act as a clearinghouse to record and file identifying information on every commercial license issued and any violations attached to that license. A state must check with this clearinghouse before issuing a commercial driver's license to an applicant.

Tim Hazlett

The Kentucky State Police is the designated agency for driver's license testing. Driver testing began in 1936 and was conducted by the Kentucky Highway Patrol. The Kentucky State Police has been responsible for statewide testing since its formation in 1948. In 1988 the State Police administered 220,653 written and oral examinations, to both first-time and renewal drivers, and conducted 98,982 road tests. As a result of commercial driver's license testing, these numbers will increase tremendously.



I want to give an overview of the commercial driver testing phase. A driver will make an application through the circuit court clerk, who will do a records check for verification of the applicant's identify and driving record. A learner's permit will then be issued to give the applicant an opportunity to drive the vehicle they will be using. The new driver will have time to learn the operation of the vehicle and be in compliance with the law prior to the road test. If the legislative package is passed, the driver must hold a learner's permit a minimum of 10 days before being eligible for the road test.

An applicant will obtain a learner's permit in their county of residence, but more than likely, road tests will be administered at regional testing sights. Because of the vehicle's size, it is not geographically and logistically advisable to conduct testing in every small town. So we will probably establish and administer tests at nine to 12 regional testing sites, depending on available funding and other variables. A driver would call a toll-free number at our central office in Frankfort and we will set up a schedule for him to be tested at a regional testing site. Examiners will be able to administer four or five road tests per day.

Because of the size of the vehicles, the different segments, and additional details, we anticipate "grandfathering" (claiming exemption for previously existing conditions) in the beginning in order to catch up with the federal law and requirements that have been imposed. Our records indicate Kentucky currently has about 107,000 licensed chauffeur drivers. We hope that 80 percent of these will qualify for the commercial license through grandfathering. The grandfather qualifications require two years of commercial driving experience and absence of any disqualifying violations. Those grandfathered must complete a written examination that will include basic questions to test knowledge of the Motor Carrier Safety Act and the use of large vehicles. A supplemental test will be administered based on the endorsement of the classification of the license of the vehicle. There will be different tests, for instance, for HAZ-MAT (hazardous materials) operators, school bus drivers, and commercial drivers, etc.

The road test will consist of a pre-trip inspection of the vehicle (before it is started) to demonstrate operator knowledge of instrumentation and mechanical operation of the vehicle. This is followed by the actual road skills demonstration, which will have predetermined maneuvers on different road types: rural, interstate, and urban. We estimate that each road test will take about an hour and fifteen minutes.

The testing sites present another potential hurdle. An area somewhat larger than a football field is needed to administer the required test for maneuvers. Unfortunately, a driver must take the road test in a vehicle representative of the one he will operate full time.

Data from 1987 indicate Kentucky has 163,600 registered vehicles that fall within the commercial vehicle category and 107,000 chauffeur drivers. In the 15 consecutive months leading up to April 1, 1992, we have the task of trying to test approximately 5,700 people a month to meet requirements, and this assumes no failures. But this is just a one-time administration function.

We will publish a driver's manual that comprehensively details what is expected of a driver in terms of written general knowledge and performance knowledge for the actual driving test. These manuals of instruction are supposed to be written on the sixth-grade education level. However, Tennessee, one of two states already engaged in testing, has experienced about a 50-percent fail rate in its written test. They do not have oral testing. We plan to institute an oral examination for those with poor reading comprehension. Although the manual may be written in sixth-grade vocabulary, we must accept that some people, while recognizing words, may not comprehend their meaning. So, we are concerned with this, as well.

In some areas, we are having a difficult time determining exactly what role we will play and what consequences may follow. So far, California is the only state that has adopted this licensing procedure with any degree of success, primarily because they already had a classified license system in place. All they had to do was adopt written knowledge and road skills tests.

We will send examiners to one of the national training centers that have the duty of training driver-examiners for the entire nation. The examiners we send will subsequently train other examiners, so that all of our examiners will be proficient in administering the tests.

The commercial driver's license is a classified type of license (there's an A, B, C, and D license) based on different groups. A driver wishing to operate

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a commercial vehicle in all these groups, may have to take four different tests, unless he possesses a class-A license. The class-A license is a premium license; with it a driver can operate anything less than that. However, a class-B licensee cannot operate a class A vehicle. Class primarily deals with types of vehicles (e.g., a light delivery van as opposed to a tractor trailer or a tractor with two trailers).

Joe Breeze

My division is responsible for enforcing the commercial law for trucks. By virtue of this, we will probably be charged with enforcement of the commercial driver's license. Although the State Police and county and municipal police will play a role, the majority of enforcement will fall to us and our job will be reasonably simple. One task is to issue a valid license, making sure it is appropriate to the class of truck being driven. We will be looking for forgeries or bogus licenses. We also will be evaluating the physical and medical fitness of a driver to operate on this license.

Finally (and of great difficulty to us) is the DUI (driving under the influence) enforcement of a .04 per cent blood alcohol level. In law enforcement, we have been trained to key on .05 per cent and up, and now, we will have to key in on a .04 per cent. We will have to design or incorporate some type of breath test devices, portable or otherwise, to have in our facilities or in our cars to test or screen drivers prior to making an arrest for a .04 per cent DUI, because that's a difficult stage in the DUI cycle. If we are to have problems, I visualize this as being a problem. It won't be easy to retrain our people to recognize an operator who is under the influence of alcohol (at .04 per cent) or some other controlled substance.



O. B. Arnold

A combination of things has happened in the trucking industry in the past two years under federal guidelines. The Commercial Motor Vehicle Safety Act requires all drivers to have a physical examination and stipulates that they must carry a card with them to prove it. That was the first step. The second step, mandatory drug testing for transportation drivers, goes into effect December 21 of this year. It requires a company with 50 or more drivers (by December 21 of this year) to be in a drug testing program; if it has fewer than 50, the company will have an additional year to comply. These requirements are supported by the trucking industry, for obvious reasons—the most important person we have in the trucking industry is the driver of the company's \$100,000 rig.



I think the biggest problem will be the driver's lack of knowledge about how a vehicle works. A

driver not only needs to know how to drive a vehicle, he needs to know how it works. For example, he's got to know how an air brake works. This is creating some testing problems. This is where California and Tennessee are having some problems. These drivers will need to learn how to conduct pretesting of his vehicle on a daily basis before driving it. This will greatly improve our safety record, of course. We need to put on seminars and make videos available to drivers. I have some available now and will have more available, but I'm waiting to see what the Legislature does. Also, I think the trucking industry and state government should produce a written program.

Question:

Is there a written test that deals with rules of the road and traffic control devices?

Answer:

The road signs, the rules of the road, etc., obviously, will be the same as in the past, but the written test will go into detail on the commercial vehicle aspect (such as stopping distances, maneuverability, and those types of things). We don't have a test yet. We are almost at a stalemate at this point, waiting for legislative action in order to see what type of statutes will be enacted. It would be premature for us to start publishing and distributing a lot of materials when we don't have a law in effect.

I just talked to Florida officials yesterday. They have passed their law now. They are going to start testing in April of this coming year, but they won't issue any licenses yet. They are attempting to get a lot of these drivers tested prior to needing the license. They will put the information into the computer and come next April, they will have only to issue the licenses to those who have passed the test. That might be something we might want to think about here. We could conduct the tests, even though the licenses are not required for six months. It spreads it out.

Question:

Are commercial drivers not falling under DOT or ICC regulations going to have to have physical examinations?

Answer:

They already need physical examinations, because Kentucky's regulations require that now.

Yes, they will have to have the medical information filled out when they apply for a license; that is going to be part of the commercial driver's license application.

Question:

Will we have to maintain vehicle testing at each of the sites?

Answer:

No, as I mentioned earlier, each applicant will have to obtain a learner's permit. When he comes for the road skills test, he will be accompanied by a driver already holding a commercial driver's license because they will have to bring their own rig. Just like we are doing now with passenger cars.

Question:

Will government agencies have to be tested also?

Answer:

Yes, they are not exempt.

Question:

Is all testing done on new applications for CDL or just on renewals? How often will CDL have to be renewed?

Answer:

If it is a first-time applicant for a commercial driver's license, they will take a knowledge test to get their permit and will come back later to take the road test. The renewal period will be just like we have now.

Question:

How will new drivers getting into business acquire a vehicle in which to be tested.

Answer:

I'm not sure we have a remedy for that. There are three truck driving schools in Kentucky, at this point, and are all operated by the Department of Education's vocational school. They are located in Paintsville, Pineville, and Bowling Green. It may be possible that if a driver goes through the school's program, they will let him drive the training vehicle. Otherwise, the applicant will have to borrow one.