

CHAPTER 279
FORMERLY
HOUSE BILL NO. 394

AN ACT TO AMEND VOLUME 79, CHAPTER 214 OF THE LAWS OF DELAWARE AND TITLE 21, CHAPTER 26 OF THE DELAWARE CODE RELATING TO COMMERCIAL LEARNER PERMITS AND COMMERCIAL DRIVER LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2608, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§2608. Commercial driver license qualification standards [Effective July 8, 2015]

(d) Commercial learner permit (CLP). –

(1) The issuance of a CLP is a precondition to the initial issuance of a CDL. A CLP may be issued to an individual who has satisfied the following requirements:

- a. Is at least 18 years of age;
- b. Holds a valid Delaware driver license; and
- c. Has passed the vision and written tests required for a CDL.

(4) A CLP holder is eligible to apply for a passenger, school bus₂ or tank endorsement while holding a CLP provided the written test is passed for each endorsement prior to the permit issuance. A CLP holder with a passenger or school bus endorsement is prohibited from carrying passengers or students. A CLP holder with a tank endorsement may only operate an empty tank vehicle. All other endorsements as defined by 49 C.F.R. §383.153~~(b)~~ are prohibited on a CLP.

Section 2. Amend § 2609, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2609 Non-domiciled CDL or CLP [Effective July 8, 2015]

(a) The Division of Motor Vehicles may issue a non-domiciled CDL or CLP to an applicant who:

(2) If the applicant is domiciled in a state that is prohibited from issuing CDLs and CLPs in accordance with 49 C.F.R. § 384.405. The applicant is eligible to obtain a non-domiciled CDL or CLP from any state that complies with testing and licensing standards in accordance with 49 C.F.R. Part 383, and elects to issue a non-domiciled CDLs or CLPs.

(3) The word “non-domiciled” must appear on the face of the non-domiciled CDL or CLP. An applicant must surrender any ~~non-resident~~ non-domiciled CDL or CLP issued by another state. Prior to issuing a non-domiciled CDL or CLP, the Division of Motor Vehicles must establish the practical capability of revoking, suspending, or cancelling the non-domiciled CDL or CLP and disqualifying that person with the same conditions applicable to the commercial driver license issued to a resident of this State.

Section 3. Amend § 2610, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§2610 Application for commercial driver license or commercial learner permit [Effective July 8, 2015]

(d) The applicant must ~~provides~~ the names of all states where the applicant has previously been licensed to driver any type of motor vehicle during the previous 10 years.

Section 4. Amend § 2611, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2611 Commercial driver license [Effective July 8, 2015]

(b) *Classifications, endorsements and restrictions.* — Commercial driver licenses may be issued with the following classifications, endorsements, and restrictions; 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 except motorcycles and taxicabs which require special endorsements, unless the proper endorsement appears on the license:

(1) *Classification.* —

a. *CDL Class A.* — Any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of the ~~vehicle(s) being towed~~ towed unit(s) is in excess of 10,000 pounds.

Section 5. Amend § 2612, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2612 Disqualification and cancellation [Effective July 8, 2015]

(a) A person operating a CMV while either holding a CDL ~~license~~, CLP, or being required to hold a CDL ~~license~~, CLP, or any CDL or CLP holder operating a non-CMV shall be disqualified from driving a commercial motor vehicle for a period of not less than 1 year if convicted of a first violation of the following in accordance with 49 C.F.R. § 383.51, Table 1:

(7) Driving a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's CDL or CLP is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle.

(f) After suspending, revoking, or canceling a commercial driver license or commercial learner permit, the Division of Motor Vehicles must update its records to reflect that action within 10 days. After suspending, revoking or canceling a nonresident commercial driver's privileges, the Division of Motor Vehicles must notify the licensing authority of the state which issued the commercial driver license or commercial ~~driver instruction~~ learner permit within 10 days.

Section 6. Amend Chapter 214, Volume 79 of the Laws of Delaware by making deletions as shown by strike through and insertions as shown by underline as follows, and by consecutively renumbering the remaining sections accordingly:

~~Section 9~~ Section 8. Amend § 2612, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

Section 7. Amend Chapter 214, Volume 79 of the Laws of Delaware by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 14. ~~Unless otherwise specified herein, the provisions of this bill~~ Section 12 of this Act (said Section amending § 2626, Title 21 of the Delaware Code) shall become effective April 17, 2014. The remaining provisions of this Act shall become effective July 8, 2015.

Approved June 30, 2014