



SPONSOR: Sen. Peterson & Rep. Mitchell  
Sens. Ennis, Henry, Lavelle; Rep. Bennett

DELAWARE STATE SENATE  
147th GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 39

AN ACT TO AMEND TITLE 21 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:

- 1           Section 1. Amend § 2603, Title 21 of the Delaware Code by making insertions as shown by underlining and  
2 deletions as shown by strike through as follows:
- 3                     §2603. Definitions.
- 4           Notwithstanding any other provision of this title, the following definitions apply to this chapter:
- 5           (1) "Alcohol" means any substance containing any form of alcohol, including, but not limited to, ethanol,  
6 methanol, propanol and isopropanol.
- 7           (2) "Alcohol concentration" means:
- 8                     a. The number of grams of alcohol per 100 milliliters of blood; or  
9                     b. The number of grams of alcohol per 210 liters of breath.
- 10           (3) "Alien" means any person not a citizen or national of the United States."
- 11           (4) "CDL downgrade" means either:
- 12                     a. Except where otherwise provided in this title, the Division allows the driver to change  
13 his or her self-certification to interstate but operating exclusively in transportation or operation excepted from 49 C.F.R.  
14 Part 391, as provided in § 390.3(f), § 391.2, § 391.68, or § 398.3;
- 15                     b. The Division allows the driver to change his or her self-certification to intrastate only if the  
16 driver is physically qualified for intrastate-only driving under § 4704(b) of this title;
- 17                     c. The Division allows the driver to change his or her certification to intrastate but operating exclusively in  
18 transportation or operations excepted under § 4704(c)(1) [or] (2) of this title driver physical qualification requirements; or  
19                     d. The Division removes the CDL privilege from the driver license.

20 (5) "CDLIS driver record" means the electronic record of the individual CDL driver's status and history stored by the state  
21 of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. § 31309.

22 (6) "CDLIS motor vehicle record" means a report generated from the CDLIS driver record meeting the  
23 requirements for access to CDLIS information and provided by states to users authorized in 49 C.F.R. §384.225(e)(3) and  
24 (4), subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C.  
25 §21-2725, and § 305 of this title.

26 (7) ~~"Commercial driver instruction permit"~~ "Commercial Learner Permit" (CLP) means a permit issued pursuant  
27 to § 2608(d) of this title.

28 (8) "Commercial driver license" (CDL) means a license issued in accordance with the  
29 requirements of this chapter to an individual which authorizes the individual to drive a certain class of commercial motor  
30 vehicle.

31 (9) "Commercial driver license information system" (CDLIS) means the information system  
32 established pursuant to the CMVSA to serve as a clearinghouse for locating information related to the licensing and  
33 identification of commercial motor vehicle drivers.

34 (10) "Commercial motor vehicle (CMV)" means a motor vehicle or combination of motor vehicles used in  
35 commerce to transport passengers or property if the motor vehicle

36 a. Has a gross combination weight rating (GCWR) of 26,001 pounds or more inclusive of a towed unit(s) with a  
37 gross vehicle weight rating (GVWR) of more than 10,000 pounds; or

38 b. Has a gross vehicle weight rating (GVWR) of 26,001 pounds or more; or

39 c. Is designed to transport 16 or more passengers, including the driver; or

40 d. Is of any size and is used in the transportation of hazardous materials.

41 (11) "Controlled substance" means any substance so classified under § 102(6) of the Controlled Substances Act  
42 (21 U.S.C. § 802(6)), and includes all substances listed on Schedules I through V, of 21C.F.R. part 1308, as they may be  
43 revised from time to time.

44 (12) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed  
45 to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture  
46 of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the  
47 court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the  
48 penalty is rebated, suspended, or probated.

49 (13) "Disqualification" means any of the following actions:

- 50 a. The suspension, revocation, or cancellation of a CDL or CLP by the state or jurisdiction of issuance.
- 51 b. Any withdrawal of a person's privileges to drive a Commercial Motor Vehicle (CMV) by a state or
- 52 other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic control (other than parking,
- 53 vehicle weight or vehicle defect violations).
- 54 c. A determination by the FMCSA that a person is not qualified to operate a commercial motor vehicle
- 55 under Part 391 of 49 C.F.R.
- 56 (14) "Drive" means to drive, operate or be in physical control of a motor vehicle.
- 57 (15) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or
- 58 who is required to hold a commercial driver license.
- 59 (16) "Driver license" means a license issued by a state to an individual which authorizes the individual to drive a
- 60 motor vehicle.
- 61 (17) "Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or
- 62 more of the following acts in a CMV:
- 63 a. Driving a CMV while the person's alcohol concentration is 0.04 or more;
- 64 b. Driving under the influence of alcohol as prescribed by State law; or
- 65 c. Refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of
- 66 §383.51(b) or § 392.5(a)(2) of 49 C.F.R.
- 67 (18) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who
- 68 owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.
- 69 (19) "Excepted interstate commerce" means a CDL/CLP applicant certifies that he or she operates or expects to
- 70 operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 C.F.R. § 390.3(f),
- 71 § 391.2, § 391.68, or § 398.3 from all or parts of the qualification requirements of 49 C.F.R. Part 391 and is, therefore, not
- 72 required to obtain a federal medical examiner's certification by 49 C.F.R. § 391.45.
- 73 (20) "Excepted intrastate commerce" means a CDL/CLP applicant certifies that he or she operates in intrastate
- 74 commerce but engages exclusively in transportation or operations excepted from all or parts of the Delaware's driver
- 75 medical qualification requirements in §§ 2621 and 4704(c)(2) of this title.
- 76 (21) "Fatality" means the death of a person as a result of a motor vehicle accident.
- 77 (22) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term
- 78 exceeding 1 year.
- 79 (23) "FMCSA" means Federal Motor Carrier Safety Administration.

80 (24) "Foreign jurisdiction" means any jurisdiction other than a state of the United States or District of Columbia.

81 (25) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer or manufacturers as  
82 the maximum loaded weight of a single vehicle. The GVWR of a combination (articulated) vehicle (commonly referred to  
83 as the "Gross Combination Weight Rating" or (GCWR) is the GVWR of the power unit plus the GVWR of the towed unit  
84 or units.

85 (26) "Hazardous material" means any material that has been designated as hazardous under 49 U.S.C. § 5103  
86 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or  
87 toxin in 42 C.F.R. part 73.

88 (27) "Imminent hazard" means the existence of a condition relating to hazardous material that presents a  
89 substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or  
90 the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen  
91 the risk of that death, illness, injury or endangerment.

92 (28) "Issue and issuance" means initial licensure, license transfers, license renewals, license upgrades, and  
93 nonresident commercial driver's licenses.

94 (29) "Major Traffic Violation" means any conviction defined as "Major" as specified by 49 C.F.R. 383.51(b)  
95 Table 1.

96 (30) "Manual Transmission" means a transmission utilizing a driver-operated clutch that is activated by a pedal or  
97 lever and a gearshift mechanism either operated by hand or foot.

98 ~~(29)~~ (31) "Measurable amount of alcohol" means the alcohol concentration of the person's blood or breath is equal  
99 to or greater than 0.02 but less than 0.04.

100 ~~(30)~~ (32) "Medical examiner" for purposes of conducting U.S. Department of Transportation physical examination  
101 for CMV certification means a person who is licensed, certified, and/or registered, in accordance with applicable state laws  
102 and regulations, to perform physical examinations. The term includes but is not limited to, doctors of medicine, doctors of  
103 osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. For medical examinations conducted  
104 on and after May 21, 2014, a medical examiner must be certified by FMCSA and listed on the National Registry of  
105 Certified Medical Examiners as defined in this section.

106 ~~(31)~~ (33) "Medical variance" means a driver has received 1 of the following from FMCSA that allows the driver to  
107 be issued a medical certificate:

108 a. An exemption letter permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. Part  
109 381, Subpart C, or § 391.64;

110 b. A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant  
111 to 49 C.F.R. § 391.49.

112 ~~(32)~~ (34) "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by  
113 electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human  
114 power, motorized wheel chairs, farm implements of husbandry, mopeds, tripeds and OHV's.

115 ~~(33)~~ (35) "Motor vehicle record" means the report of the driving status and history of a driver generated from the  
116 driver record, provided to users, such as drivers or employers, and subject to the provisions of the Driver Privacy Protection  
117 Act, 18 U.S.C. §§ 2721-2725 and § 305 of this title.

118 (36) "National Registry of Certified Medical Examiners" means a program administered by the  
119 Federal Motor Carrier Safety Administration (FMCSA) that establishes requirements for healthcare professionals who  
120 perform physical qualification examinations for commercial motor vehicle (CMV) drivers. All healthcare professionals  
121 whose scope of practice authorizes them to perform physical examinations and who intend to perform physical  
122 examinations and issue medical certificates for CMV drivers to meet the requirements of Section 391.41 of the Federal  
123 Motor Carrier Safety Regulations (FMCSRs) must be certified and listed on FMCSA's National Registry no later than May  
124 21, 2014.

125 ~~(34)~~(37) "Non-CMV" means a motor vehicle or combination of motor vehicles not defined by the term  
126 "commercial motor vehicle (CMV)" in this section.

127 (35) (38) "Non-excepted interstate commerce" means a CDL/CLP applicant certifies that he or she operates or  
128 expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R.  
129 Part 391, and is required to obtain a federal medical examiner's certification by 49 C.F.R. § 391.45.

130 ~~(36)~~ (39) "Non-excepted intrastate commerce" means a CDL/CLP applicant certifies that he or she operates only in  
131 intrastate commerce and, therefore, is subject to the Delaware driver medical qualification requirements in § 4704(a), (b),  
132 and (c)(1) of this title.

133 ~~(37)~~ (40) "~~Nonresident~~ Non-Domiciled CDL" means a CDL or CLP issued by a State under either of the following  
134 two conditions:

135 a. To an individual domiciled in a foreign country meeting the requirements of § 383.23(b)(1) of  
136 49 C.F.R.

137 b. To an individual domiciled in another state meeting the requirements of § 383.23(b)(2) of 49  
138 C.F.R.

139                   (38) (41) "Out-of-service order" means a declaration by the Federal Highway Administration or an  
140 authorized enforcement officer of a federal, state, local or governmental agency from Puerto Rico, Canada or Mexico that  
141 a driver or a commercial motor vehicle or motor carrier operation (as defined in the Federal Motor Carrier Safety  
142 Regulations [49 C.F.R. Part 390]) is out-of-service pursuant to § 386.72 (imminent hazard), § 392.5 (intoxicating  
143 beverage), § 395.13 (drivers declared out-of-service) or § 396.9 (inspection of motor vehicles in operation) of the Federal  
144 Motor Carrier Safety Regulations or comparable laws of any governmental agency referred to above or the North  
145 American Uniform Out-of-Service Criteria.

146                   (39) (42) "Railroad-highway grade crossing violation" means ~~convictions in a commercial motor vehicle~~  
147 ~~of violations of a federal, State or local law or regulation pertaining to 1 of the following 6 offenses at~~ railroad-  
148 ~~highway grade crossings:~~  
149 \_\_\_\_\_ a. ~~For drivers who are not required to always stop, failing to slow down and check that the tracks~~  
150 ~~are clear of an approaching train;~~  
151 \_\_\_\_\_ b. ~~For drivers who are not required to always stop, failing to stop before reaching the crossing if~~  
152 ~~the tracks are not clear;~~  
153 \_\_\_\_\_ c. ~~For drivers who are always required to stop, failing to stop before driving onto the crossing;~~  
154 \_\_\_\_\_ d. ~~For all drivers, failing to have sufficient space to drive completely through the crossing~~  
155 ~~without stopping;~~  
156 \_\_\_\_\_ e. ~~For all drivers, failing to obey a traffic control device or the directions of an enforcement~~  
157 ~~official at the crossing; and~~  
158 \_\_\_\_\_ f. ~~For all drivers, failing to negotiate a crossing because of insufficient underearriage clearance~~  
159 ~~any conviction defined as "Railroad -highway grade crossing" as specified by 49 C.F.R. 383.51(d) Table 3.~~

160                   (40) (43) "School bus" means a commercial motor vehicle used to transport preprimary, primary, or  
161 secondary school students from home to school, from school to home, or to and from school-sponsored events, or any  
162 vehicle which meets the regulatory requirements adopted by the Department of Education with the advice of the Division of  
163 Motor Vehicles as specified under § 2901 of Title 14. "School bus" does not include a bus used as a common carrier.

164                   (41)-(44) "Serious traffic violation" means any conviction defined as "Serious", specified by 49 C.F.R.  
165 383.51(c) Table 2. ~~of any of the following offenses when operating a CMV, except weight, defect and parking violations:~~  
166 \_\_\_\_\_ a. ~~Excessive speeding, involving any single offense for any speed of 15 miles per hour or more~~  
167 ~~above the posted speed limit;~~

- 168 ~~\_\_\_\_\_ b. Reckless driving, as defined by state or local law or regulation, including but not limited to~~  
169 ~~offenses of driving a CMV in willful or wanton disregard for the safety of persons or property;~~  
170 ~~\_\_\_\_\_ c. Improper or erratic traffic lane changes;~~  
171 ~~\_\_\_\_\_ d. Following the vehicle ahead too closely;~~  
172 ~~\_\_\_\_\_ e. A violation, arising in connection with a fatal accident, of state or local law relating to motor~~  
173 ~~vehicle traffic control;~~  
174 ~~\_\_\_\_\_ f. Driving a CMV without obtaining a CDL;~~  
175 ~~\_\_\_\_\_ g. Driving a CMV without a CDL in the driver's possession. Any individual who provides proof~~  
176 ~~to the enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine~~  
177 ~~for such a violation, that the individual held a valid CDL on the date the citation was issued, shall not be guilty of this~~  
178 ~~offense; or~~  
179 ~~\_\_\_\_\_ h. Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle~~  
180 ~~group being operated or for the passengers or type of cargo being transported.~~

181 ~~(42)~~ (45) "State" for the purpose of this chapter means a state, territory or possession of the United States, the  
182 District of Columbia, the Republic of Mexico, the Commonwealth of Puerto Rico and any province of the Dominion of  
183 Canada.

184 (46) "Tank Vehicle" means any commercial motor vehicle that is designed to transport any liquid or  
185 gaseous materials within a tank or tanks, having an individual rated capacity of more than 119 gallons and an aggregate  
186 rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or chassis.

187 ~~(44)~~ (47) "United States" means the 50 states and the District of Columbia.

188 Section 2. Amend § 2606, Title 21 of the Delaware Code by making insertions as shown by underlining and  
189 deletions as shown by strike through as follows:

190 § 2606. Employer responsibilities.

191 (a) Each employer must require the applicant to provide the information specified in § 2605(c) of this title.

192 (b) No employer may allow, permit, or authorize a driver to drive a commercial motor vehicle during any period:

193 (1) In which the driver has had a ~~commercial driver license~~ CDL/CLP suspended, revoked, or cancelled  
194 by any state, is currently disqualified from driving a commercial vehicle, or has been issued an out of service order  
195 in any state; or

196 (2) In which the driver has more than 1 driver license.

197 (3) In which the driver does not have a CDL/CLP license for the type vehicle the employer requires the  
198 driver to drive.

199 (c) No employer may knowingly allow, require, permit or authorize a driver to operate a commercial motor vehicle  
200 in violation of a federal, state or local law or regulation pertaining to railroad-highway grade crossing violations.

201 (d) No employer may knowingly allow, require, permit or authorize a driver to operate a commercial motor  
202 vehicle in violation of an out-of-service order.

203 Section 3. Amend § 2607, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as  
204 shown by strike through as follows:

205 § 2607. Commercial driver license required.

206 (a) Except when driving under a ~~commercial driver instruction permit~~ commercial learner permit and accompanied  
207 by the holder of a commercial driver license valid for the vehicle being driven or while being tested by the  
208 Department for a commercial driver's license, no person may drive a commercial motor vehicle unless the person  
209 holds a commercial driver license and applicable endorsements valid for the vehicle being driven and is in  
210 possession of such license.

211 (b) No person may drive a commercial motor vehicle while that person's driving privilege is denied, withdrawn,  
212 barred, canceled, suspended, revoked, or disqualified.

213 (c) No person may drive a commercial motor vehicle in violation of an out-of-service order.

214 (d) No person may drive a commercial motor vehicle while an out-of-service order is in effect while transporting  
215 hazardous materials required to be placarded or while operating a vehicle designed to transport 16 or more  
216 passengers, including the driver.

217 (e) Conditional or occupational licenses may not be issued to holders of a CDL or CLP licenses, nor may any  
218 person drive a commercial motor vehicle while in possession of a conditional or occupational license.

219 (f) Any violation of this section shall be an unclassified misdemeanor, with the penalties set forth in § 2622 of this  
220 title.

221 Section 4. Amend § 2608, Title 21 of the Delaware Code by making insertions as shown by underlining and  
222 deletions as shown by strike through as follows:

223 § 2608. Commercial driver license qualification standards.

224 (a) Testing. –

225 (1) General. -- No person may be issued a commercial driver license unless that person is a resident of this State  
226 and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal



227 standards established by federal regulation enumerated in 49 C.F.R. part 383, subparts G and H, and has satisfied all other  
228 requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests must be  
229 prescribed and conducted by the Division of Motor Vehicles.

230 (2) Third-party testing. -- The Division of Motor Vehicles may authorize a person, including an agency of this or  
231 another state, an employer, a private driver training facility, or other private institution, or a department, agency or  
232 instrumentality of local government, to administer the skills test specified by this section, provided:

233 a. The test is the same which would otherwise be administered by the State; and

234 b. The 3rd party has entered into an agreement with the State which complies with requirements of 49  
235 C.F.R. part 383.75.

236 (3) Testing by State. -- ~~After June 30, 1992.~~ Only an agency of the State, as approved by the Division of Motor  
237 Vehicles, shall be permitted to administer the skills test specified by this chapter.

238 (b) Waiver of skills test. -- The Division of Motor Vehicles may waive the skills test as specified in this section for a  
239 commercial driver license applicant who meets the requirements of 49 C.F.R. part 383.77.

240 (c) Limitations on issuance of license. -- A commercial driver license or ~~commercial driver instruction permit~~  
241 commercial learner permit may not be issued to a person while the person is subject to a disqualification from driving a  
242 commercial motor vehicle, or while the person's driver license is suspended, revoked, denied or cancelled in any state; nor  
243 may a commercial driver license be issued to a person who has a commercial driver license issued by any other state unless  
244 the person first surrenders all such licenses, which must be returned to the issuing state(s) for cancellation.

245 (d) ~~Commercial driver instruction permit~~ Commercial Learner Permit (CLP). --

246 (1) ~~The issuance of a CLP is a precondition to the initial issuance of a CDL. A commercial driver~~  
247 ~~instruction permit~~ CLP may be issued to an individual who has satisfied the following requirements:

248 a. Is at least 18 year of age;

249 b. Holds a valid Delaware driver license and;

250 c. ~~who~~ Has passed the vision and written tests required for a CDL. ~~commercial motor vehicle~~  
251 ~~driver license.~~

252 (2) The ~~commercial driver instruction permit~~ CLP may not be issued for a period to exceed 6 months.  
253 Only one renewal or re-issuance may be granted within a ~~2~~ 1-year period. The ~~2~~ 1-year period shall begin with the issuance  
254 date of the original permit. The holder of a ~~commercial driver instruction permit~~ CLP may, unless otherwise disqualified,  
255 drive a commercial motor vehicle only when accompanied by the holder of a commercial driver license, valid for the type  
256 of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial

257 motor vehicle; provided that the ~~commercial driver instruction permit~~ CLP holder may not operate a commercial motor  
258 vehicle transporting hazardous materials as defined in § 2603 of this chapter.

259 (3) A CLP holder is not eligible to take the CDL pre-trip, skills or road test in the first 14 days after initial  
260 issuance of the CLP.

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

265 (5) The issuance of a CLP is a precondition to the upgrade of a CDL if the upgrade requires a skills test.

266 (6) Content of CLP – The commercial learner permit must be marked “Commercial Learner Permit” or  
267 “CLP” and must be, to the maximum extent possible, tamperproof. The CLP must include, but not be limited to, the  
268 following information:

269 (A) The name and residential address of the person;

270 (B) The person's photograph;

271 (C) A physical description of the person including sex, height, weight, and eye color;

272 (D) Date of birth;

273 (E) Any unique number or identifier deemed appropriate by the Division of Motor Vehicles;

274 (F) The person's signature;

275 (G) The class or type of commercial motor vehicle(s) which the person is authorized to drive together with any  
276 endorsements or restrictions;

277 (H) The name of this State;

278 (I) The issue date of the current license; and

279 (J) The expiration date of the current license.

280 (7) Commercial Learner Permit Restrictions

281 (A) “P” – Restricts the driver from operating CMV with passengers.

282 (B) “X” – Restricts the driver from operating tank vehicle with cargo.

283 (C) “L” – Restricts the driver from operating a vehicle with airbrakes.

284 (D) “V” – Restricts the driver from operating a CMV without a valid medical variance issued by the Federal Motor  
285 Carrier Safety Administration.

286 (E) “M” – Restricts the driver from operating a Class A passenger vehicle.

287 (F) "N" – Restricts the driver from operating a Class A or B passenger vehicle.

288 (G) "K" – Restricts the driver from operating a CMV out of the State of Delaware.

289 Section 5. Amend § 2609, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as  
290 shown by strike through as follows:

291 § 2609 ~~Non-resident CDL.~~ Non-Domiciled CDL or CLP

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

293 (1) is domiciled in a resident of a foreign jurisdiction if the United States Secretary of Transportation has  
294 determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the  
295 testing standards established in 49 C.F.R. part 383; or

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

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

304 (b) ~~Exceptions.~~

305 ———(1) ~~If a CMV operator is not domiciled in a foreign jurisdiction which the Administrator has determined tests~~  
306 ~~drivers and issues CDL's or CLPs in accordance with, or under standards similar to the standards contained in subparts F,~~  
307 ~~G, and H of 49 C.F.R Part 383, the person may obtain a Nonresident non-domiciled CDL or CLP from a State which does~~  
308 ~~comply with the testing and licensing standards contained in such Subparts F, G and H of 49 C.F.R. Part 383.~~

309 ———(2) ~~If an individual is domiciled in a state while that state is prohibited from issuing CDL's or CLPs in accordance~~  
310 ~~with "49 C.F.R. § 384.405", that individual is eligible to obtain a nonresident CDL from any state that elects to issue a~~  
311 ~~nonresident CDL and which complies with the testing and licensing standards contained in Subparts F, G, and H of 49~~  
312 ~~C.F.R. Part 383.~~

313 Section 6. Amend § 2610, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as  
314 shown by strike through as follows:

315 § 2610. Application for commercial driver license or commercial learner permit.

316 (a) The application for a commercial driver license or commercial ~~driver instruction~~ learner permit must  
317 include the following:

318 (1) The full name and current residential and mailing address of the person;

319 (2) A physical description of the person including sex, height, weight and eye color;

320 (3) Date of birth;

321 (4) The applicant's Social Security number;

322 (5) The person's signature;

323 (6) Certifications including those required by 49 C.F.R. part 383.71(a);

324 (7) Any other information required by the Division of Motor Vehicles; and

325 (8) A consent to release driving record information; ~~and~~

326 (9) (b) Delaware adopts by reference 49 CFR Part 1572. Therefore, ~~if~~ if applying for a hazardous  
327 materials endorsement, the applicant must comply with Transportation Security Administration requirements codified in 49  
328 C.F.R. Part 1572, and provide proof of citizenship, by presenting a United States passport, a certificate of birth that bears an  
329 official seal and was issued by a State, county, municipal authority or outlying possession of the United States, a  
330 Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545 or DS-1350), a Certificate of  
331 Naturalization (Form N-550 or N-570), a Certificate of U.S. Citizenship (Form N-560 or N-561) or immigration status by  
332 presenting a Permanent Resident Card, Alien Registration Receipt Card (Form I-551), Temporary I-551 stamp in foreign  
333 passport, a Temporary I-551 stamp on Form I-94, Arrival/Departure Record with photograph of the bearer or a Reentry  
334 Permit (Form I-327). A lawful permanent resident of the United States requesting a hazardous materials endorsement must  
335 additionally provide that lawful permanent resident's Bureau of Citizenship and Immigration Services (BCIS) Alien  
336 registration number.

337 (c) ~~(4)~~ The applicant's non-commercial and commercial driver license from any other jurisdiction ~~is~~  
338 must be surrendered to the Division.

339 (d) ~~(4)~~ The applicant must provides the names of all States where the applicant has previously been  
340 licensed to drive any type of motor vehicle during the previous 10 years.

341 (e) ~~(b)~~ When the name, ~~or~~ residential address, or (mailing address), of a ~~holder of a~~ commercial driver's  
342 license holder changes, an application for a corrected license must be made as provided in this title.

343 (f) ~~(e)~~ No person who has been a resident of this State for 30 days may drive a commercial motor vehicle  
344 under the authority of a commercial driver license issued by another jurisdiction.

345 (g) ~~(d)~~ Any person who knowingly falsifies information or certifications required under subsection (a) of  
346 this section is subject to disqualification suspension, revocation, or cancellation of the person's ~~commercial driver license~~  
347 CDL or CLP for a period of at least 60 consecutive days and is guilty of perjury and shall be fined or imprisoned.

348 (h) If the Division receives credible information that a CLP- or CDL-holder is suspected, but has not been  
349 convicted of fraud related to the issuance of his/her CLP or CDL, the driver must be required to re-take the CDL skills and  
350 knowledge tests. Within 30 days of receiving notification from the State that re-testing is necessary, the affected CLP or  
351 CDL holder must make an appointment or otherwise schedule to take the next available test. A person's CLP or CDL will  
352 be disqualified if he/she fails to make an appointment within 30 days, does not take the required knowledge or skills test, or  
353 fails the knowledge or skills test. Once a CLP or CDL holder's privileges have been disqualified, he/she must reapply for a  
354 CLP or CDL under State application procedures.

355 (i) Any person who has been convicted of fraud related to the issuance, renewal, transfer, or upgrade of a  
356 CDL/CLP, other than falsifying information or certifications as specified in subsection (g) of this section, shall be  
357 disqualified for a period of not less than 1 year.

358 Section 7. Amend § 2611, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as  
359 shown by strike through as follows:

360 § 2611. Commercial driver license.

361 (a) Content of license. -- The commercial driver license must be marked "Commercial Driver License" ~~or~~  
362 "~~CDL~~" and must be, to the maximum extent practicable, tamper proof. It must include, but not be limited to, the following  
363 information:

- 364 (1) The name and residential address of the person;
- 365 (2) The person's ~~each~~ photograph;
- 366 (3) A physical description of the person including sex, height, weight, and eye color;
- 367 (4) Date of birth;
- 368 (5) Any unique number or identifier deemed appropriate by the Division of Motor Vehicles;
- 369 (6) The person's signature;
- 370 (7) The class or type of commercial motor vehicle or vehicles which the person is authorized to  
371 drive together with any endorsements or restrictions;
- 372 (8) The name of this State;
- 373 (9) The issue date of the current license; and
- 374 (10) The expiration date of the current license.

375 (b) Classifications, endorsements and restrictions. -- Commercial driver licenses may be issued with the  
376 following classifications, endorsements, and restrictions; the holder of a valid commercial driver license may drive all  
377 vehicles in the class for which that license is issued, and all lesser classes of vehicles except motorcycles and taxicabs  
378 which require special endorsements, unless the proper endorsement appears on the license:

379 (1) Classification. --

380 a. CDL Class A. -- Any single combination of vehicles with a GVWR GCWR of  
381 26,001 pounds or more, provided the GVWR of the towed unit and any such vehicle towing a vehicle is in excess of 10,000  
382 pounds.

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

385 c. CDL Class C. -- Any single vehicle or combination of vehicles with a GVWR of less  
386 than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds ~~comprising: that is~~  
387 either 1. Vehicles designed to transport 16 or more passengers, including the driver; ~~and or~~ 2. Vehicles used in the  
388 transportation of hazardous materials which requires the vehicle to be placarded under 49 C.F.R. part 172, subpart F.

389 (2) Endorsements ~~and restrictions~~. --

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

391 ~~b. "L" -- Restricts the driver to vehicles not equipped with airbrakes.~~

392 ~~b.~~ e. "T" -- Authorizes driving double and triple trailers.

393 ~~c.~~ d. "P" -- Authorizes driving vehicles carrying passengers.

394 ~~d.~~ e. "N" -- Authorizes driving tank vehicles.

395 ~~e.~~ f. "X" -- Represents a combination of hazardous materials and tank vehicle  
396 endorsements.

397 ~~f.~~ g. "S" -- Authorizes driving school buses.

398 ~~h. "K" -- Restricts CDL drivers to operating commercial motor vehicles only within this~~  
399 ~~State.~~

400 ~~i. "V" -- FMCSA medical variance restriction.~~

401 (3) Restrictions --

402 a. "L" -- Restricts the driver from operating vehicles equipped with airbrakes.

403 b. "Z" -- Restricts the driver from operation of full air brake system vehicles.

404 c. "E" -- Restricts the driver from operation of manual transmission vehicles.

- 405 d. "O" – Restricts the driver from operating tractor-trailer CMVs.
- 406 e. "M" – Restricts the driver from operating a Class A passenger vehicle.
- 407 f. "N" – Restricts the driver from operating a Class A or B passenger vehicle.
- 408 g. "K" – Restricts the driver from operating a CMV outside the State of Delaware.
- 409 h. "V"– Restricts the driver from operating a CMV without a valid medical variance issued through the Federal
- 410 Motor Carrier Safety Administration.

411 (c) Applicant record check. -- Before issuing a commercial driver license or permit to any person, the

412 Division will perform a records check of the commercial driver license information system, the national driver register's

413 problem driver pointer system, and/or any other information system designated by federal regulation to confirm the holder's

414 identity and determine the applicant's license eligibility. The records check will be performed no earlier than 24 hours prior

415 to the issuance of a commercial driver license or permit. A commercial driver license will not be issued before these

416 mandatory record checks are completed.

417 (d) License surrender. -- A commercial driver license or permit may not be issued to a person who has a

418 CDL or a drivers license issued by another state unless the person first surrenders all such licenses. The Division will either

419 return the surrendered license to the issuing state for cancellation or the Division will destroy the surrendered license

420 document and notify the previous issuing state that the person is now licensed in this State.

421 (e) Notification of license issuance. -- Within 10 days after issuing a commercial driver license or

422 commercial learner permit, the Division of Motor Vehicles must notify the commercial driver license information system of

423 that fact, providing all information required to ensure identification of the person. In the case of transfer issuances, the

424 Division will also implement Change State of Record transactions in the commercial driver license information system,

425 thereby notifying the commercial driver license information system and the previous State of Record that Delaware is now

426 the State of Record.

427 (f) Expiration of license. -- Upon receipt of the application and fee and after such examination as

428 provided in this chapter, the Division shall issue, if the applicant has complied with the provisions of this title, a

429 commercial motor vehicle driver's license which shall expire and be renewable on the eighth anniversary date of the birth of

430 the applicant next following the date of its issuance unless the birth date is February 29, in which event the license shall

431 expire and be renewable on February 28 every eighth year. Notwithstanding the provisions of the first sentence of this

432 subsection, the Secretary shall issue a commercial motor vehicle driver's license endorsed for the transport of hazardous

433 materials for a period of 5 years or less to coincide with the expiration of the Transportation Security Administration

434 approval for the driver to transport hazardous materials. The license shall expire on the driver's last birthday prior to the  
435 expiration of the hazardous materials endorsement.

436 (g) License transfer and renewal procedures. -- Every person applying for a license transfer or renewal of  
437 a commercial driver license must complete the application form required by § 2610(a) of this title providing updated  
438 information and required certifications, supplying any CDL issued by the previous state, and provide the names of all States  
439 where the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years. If the  
440 applicant wishes to retain a hazardous materials endorsement, the applicant must have passed the tests required by 49  
441 C.F.R. § 383.121. At the time of application for a transfer, the applicant shall appear and be photographed.

442 (h) Fees. --

443 (1) The fee for a commercial motor vehicle driver license shall be \$48 except when the  
444 commercial motor vehicle driver license is endorsed for the transport of hazardous materials in which event the fee shall be  
445 \$30. The fee for a non-CDL Class A or non-CDL Class B driver license shall be \$40.

446 (2) The fee for renewal of a commercial motor vehicle driver license shall be \$48 except when  
447 the commercial motor vehicle driver license is endorsed for the transport of hazardous materials in which event the fee shall  
448 be \$30. The fee for renewal of a non-CDL Class A or non-CDL Class B driver license shall be \$40. A late fee of \$1.15 shall  
449 be assessed in addition to the renewal fee for every person whose commercial motor vehicle driver license has expired.

450 (3) The fee for changing from ~~+~~ one class to another class shall be \$10, if the change requires a  
451 written examination or skills test. There shall be no fee assessed if the driver wishes to change to a class of a lower weight  
452 vehicle and such change is made at time of renewal of license.

453 (4) If the applicant wishes to add an endorsement after a commercial driver license has been  
454 issued, the fee for adding such endorsement shall be \$5.00.

455 (5) [Repealed.]

456 (i) Compliance with the Military Selective Service Act --

457 (1) Any male applicant who applies for a commercial driver license instruction permit or license  
458 or a renewal of any such permit or license and who is at least 18 years of age but less than 26 years of age shall be  
459 registered in compliance with the requirements of § 3 of the "Military Selective Service Act," 50 U.S.C. App. § 453, as  
460 amended.

461 (2) The Department shall forward in an electronic format the necessary personal information of  
462 the applicants identified in paragraph (1) of this subsection to the selective service system. The applicant's signature on the  
463 application shall serve as an indication that the applicant either has already registered with the selective service system or



464 that the applicant is authorizing the Department to forward to the selective service system the necessary information for  
465 such registration. The Department shall notify the applicant at the time of application that the applicant's signature  
466 constitutes consent to registration with the selective service system, if the applicant is not already registered.

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

469 § 2612. Disqualification and cancellation.

470 (a) A person operating a CMV while either holding a CDL license, CLP, or being required to hold a CDL  
471 license, CLP, or any CDL holder operating a non-CMV shall be disqualified from driving a commercial motor vehicle for a  
472 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  
473 1:

474 (1) Driving, operating or having in physical control a noncommercial vehicle or a commercial  
475 motor vehicle, under the influence of alcohol or a controlled substance, or any drug which impairs driving ability.

476 (2) Driving, operating or having in physical control a commercial motor vehicle while the  
477 alcohol concentration of the person's blood or breath is 0.04 or more.

478 (3) Knowingly and ~~wilfully~~ willfully leaving the scene of an accident.

479 (4) Using a motor vehicle in the commission of any felony as defined in this chapter.

480 (5) Refusal to submit to a breath or blood test to determine the driver's alcohol concentration  
481 while driving, operating or having in physical control a motor vehicle.

482 (6) Using the vehicle to commit a felony, other than a felony described in subsection (d) of this  
483 section.

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

487 (8) Causing a fatality through the negligent operation of a commercial motor vehicle, including  
488 but not limited to crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

489 If any of the above violations occurred while transporting a hazardous material required to be placarded, the person shall be  
490 disqualified for a period of 3 years.

491 (b) A person is disqualified for life if convicted of 2 or more violations of any of the offenses specified in  
492 subsection (a) of this section, or any combination of those offenses, arising from 2 or more separate incidents.

493 (c) The Division of Motor Vehicles may issue regulations establishing guidelines, including conditions,  
494 under which a disqualification for life under subsection (b) of this section may be reduced to a period of not less than 10  
495 years.

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

499 (e) A person is disqualified from driving a commercial motor vehicle for a period of 60 days if convicted  
500 of 2 serious traffic violations, or 120 days if convicted of 3 or more serious traffic violations, committed in a commercial  
501 motor vehicle arising from separate incidents occurring within a 3-year period or committed while operating a  
502 noncommercial motor vehicle if the conviction results in the revocation, cancellation, or suspension of the person's license  
503 or noncommercial motor vehicle driving privileges. The 120-day disqualification period must be served in addition to any  
504 other previous period of disqualification. Serious traffic violations for purposes of this section shall be those violations as  
505 specified in 49 C.F.R. § 383.51, Table 2.

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

510 (g) A person who has been disqualified from operating a commercial motor vehicle pursuant to this  
511 chapter may be issued a license to operate a noncommercial motor vehicle during such disqualification period provided  
512 such person is not otherwise suspended, revoked or canceled pursuant to this title.

513 (h) After September 30, 1997, a driver who is convicted of violating an out-of-service order is  
514 disqualified for the following periods in accordance with 49 C.F.R. § 383.51, Table 4:

515 (1) First violation. -- A driver shall be disqualified for a period of not less than 180 days or more  
516 than 1 year if the driver is convicted of a first violation of an out-of-service order. If any such driver is transporting  
517 hazardous materials required it be placarded under the Hazardous Materials Transportation Act [ §§ 8223 to 8230 of Title  
518 29] or is operating a motor vehicle designed to transport more than 15 passengers, including the driver, that driver shall be  
519 disqualified for a period of not less than 180 days nor more than 2 years.

520 (2) Second violation. -- A driver shall be disqualified for a period of not less than 2 years nor  
521 more than 5 years if, during any 10-year period, the driver is convicted of 2 violations of out-of-service orders in separate  
522 incidents. If any such driver is transporting hazardous materials required to be placarded under the Hazardous Materials

523 Transportation Act [ §§ 8223 to 8230 of Title 29] or is operating a motor vehicle designed to transport more than 15  
524 passengers, including the driver, that driver shall be disqualified for a period of not less than 3 years nor more than 5 years.

525 (3) Third or subsequent violations. -- A driver shall be disqualified for a period of not less than 3  
526 years nor more than 5 years; if, during any 10-year period the driver is convicted of 3 or more violations of out-of-service  
527 orders in separate incidents.

528 (4) Additional penalties. -- In addition to the disqualification, drivers convicted of violating an  
529 out-of-service order shall be fined not less than \$2,500 nor more than \$3,500 for a first conviction and not less than \$5,000  
530 nor more than \$6,000 for a second or subsequent conviction within a 10-year period. Employers convicted of violating an  
531 out-of-service order shall be fined not less than \$2,750 nor more than \$25,000.

532 (i) A driver who is convicted of a railroad-highway grade crossing violation shall be disqualified for the  
533 following periods in accordance with 49 C.F.R. § 383.51, Table 3:

534 (1) First violation. -- A driver must be disqualified for not less than 60 days if the driver is  
535 convicted of a first violation of a railroad-highway grade crossing violation.

536 (2) Second violation. -- A driver must be disqualified for not less than 120 days if, during any 3-  
537 year period, the driver is convicted of a second railroad-highway grade crossing violation in a separate incident.

538 (3) Third or subsequent violation. -- A driver must be disqualified for 1 year if, during any 3-  
539 year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in a separate incident.

540 (4) Employer penalties. -- An employer who is convicted of a railroad-highway grade crossing  
541 violation will be subject to a civil penalty of not more than \$10,000 in accordance with 49 C.F.R. § 383.53.

542 (j) The Division of Motor Vehicles will disqualify a Delaware CDL licensee or CLP holder if the Federal  
543 Motor Carrier Safety Administrator declares the licensee not qualified and orders disqualification for them.

544 Section 10. Amend § 2615, Title 21 of the Delaware Code by making insertions as shown by underlining and  
545 deletions as shown by strike through as follows:

546 § 2615. Notification of traffic convictions.

547 (a) Whenever a person who holds a CDL or CLP from another state is convicted of a violation of this  
548 State or local law relating to motor vehicle traffic control (other than a parking violation), in any type of vehicle, the  
549 Division must notify the licensing entity in the State where the driver is licensed of this conviction within 30 days of the  
550 conviction, except beginning on September 30, 2008, the notification must be made within 10 days of the conviction.

551 (b) Whenever a person who does not hold a CDL or CLP but is licensed to drive by another State and is  
552 convicted of a violation of this State or local law relating to motor vehicle traffic control (other than a parking violation), in

553 a CMV, the Division must notify the licensing entity in the State where the driver is licensed of this conviction within 30  
554 days of the conviction, except beginning on September 30, 2008, the notification must be made within 10 days of the  
555 conviction.

556 (c) Whenever the Division receives notification of failure to appear, failure to pay, or failure to comply  
557 from a Delaware court or from any other state for a violation relating to motor vehicle traffic control (other than a parking  
558 violation) the failure to appear, failure to pay, or failure to comply will be posted to the driver's record as a conviction under  
559 the following conditions:

560 (1) For any person operating a CMV while either holding a CDL/CLP or being required to hold  
561 a CDL/CLP; or

562 (2) For any CDL/CLP holder operating any type of vehicle.

563 (d) Whenever an unlicensed driver from this State is convicted of any violation as provided in § 2612 of  
564 this title, the Division will establish a driving record in the person's name and, if appropriate, withdraw the person's driving  
565 privileges by license suspension, revocation, disqualification, cancellation or denial when authorized by statute or Division  
566 policy. Those persons whose driving privileges are withdrawn under this section will be reinstated when they have  
567 completed the reinstatement procedures specified in statute or Division policy.

568 Section 11. Amend § 2619, Title 21 of the Delaware Code by making insertions as shown by underlining and  
569 deletions as shown by strike through as follows:

570 § 2619. Reciprocity.

571 (a) Notwithstanding any law to the contrary, a resident of another State who is issued a ~~commercial driver~~  
572 ~~license~~ CDL/CLP or non-domiciled CDL/CLP issued by that State, or a ~~commercial driver license~~ issued by the Canadian  
573 Provinces and Territories in conformity with the Canadian National Safety Code, or a Licencia Federal de Conductor issued  
574 by the United Mexican States, may drive a commercial motor vehicle in this State if the person has a valid  
575 CDL/CLP, ~~commercial motor vehicle driver license~~, or valid ~~commercial motor vehicle driver license instruction learner~~  
576 ~~permit~~ or non-domiciled CDL/CLP issued by those jurisdictions in accordance with the minimum federal standards for the  
577 issuance of commercial motor vehicle driver licenses, if the person is not suspended, revoked or canceled, and if the person  
578 is not disqualified from driving a commercial motor vehicle, or subject to an "out-of-service" order. A driver holding a  
579 commercial driver license issued under the Canadian National Safety Code or Licencia Federal de Conductor issued by  
580 Mexico is prohibited from obtaining a ~~non-resident~~ non-domiciled CDL/CLP or any type of Delaware driver license unless  
581 the driver becomes a resident of this State and surrenders all driver licenses issued by Canada or Mexico.

582 (b) The Division of Motor Vehicles must give all out-of-state convictions full faith and credit and treat  
583 them for sanctioning purposes under this chapter as if they occurred in this State.

584 Section 12. Amend § 2625, Title 21 of the Delaware Code by making insertions as shown by underlining and  
585 deletions as shown by strike through as follows:

586 § 2625. Masking violations.

587 The State shall not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would  
588 prevent a CDL/CLP holder's and CMV driver's conviction for any violation, in any type of motor vehicle, of a state or local  
589 traffic control law (except a parking violation) from appearing on the driver's record, whether the driver was convicted for  
590 an offense committed in this State or another state.

591 Section 13. Amend § 2626, Title 21 of the Delaware Code by making insertions as shown by underlining and  
592 deletions as shown by strike through as follows:

593 § 2626. CDL medical certification requirements.

594 (a) CDL medical self-certification requirements. --

595 (1) Beginning January 30, 2012, any person applying for an initial CLP/CDL must self-certify to  
596 the Division that he or she is operating commercial motor vehicles in a non-excepted interstate commerce, excepted  
597 interstate commerce, non-excepted intrastate commerce or excepted intrastate commerce status.

598 (2) Existing CDL holders must self-certify to the Division on or after January 30, 2012, but not  
599 later than January 30, 2014, that he or she operates commercial motor vehicles in a non-excepted interstate commerce,  
600 excepted interstate commerce, non-excepted intrastate commerce or excepted intrastate commerce status.

601 (3) It is the responsibility of the CDL/CLP holder to immediately notify the Division if/when his  
602 or her medical certification status changes.

603 (b) Medical certification documentation requirements for non-excepted interstate commerce drivers after  
604 January 30, 2012. --

605 (1) Any person applying for an initial CLP/CDL who certifies that he or she will operate CMVs  
606 in non-excepted, interstate commerce must provide the Division with the current, original medical examiner's certificate  
607 prepared by a medical examiner who, on and after May 21, 2014, is currently certified by FMCSA and is listed on the  
608 National Registry of Certified Medical Examiners confirming the applicant meets the minimum physical qualifications for  
609 CMV operators in accordance with federal regulations.

610 (2) On or after January 30, 2012, but not later than January 30, 2014, existing CDL holders must  
611 provide the Division with the current original or copy of the medical examiner's certificate prepared by a medical examiner

612 who, on and after May 21, 2014, is currently certified by FMCSA and is listed on the National Registry of Certified  
613 Medical Examiners confirming the CDL holder meets the minimum physical qualifications for CMV operators in  
614 accordance with federal regulations.

615 (3) In order to maintain a medical certification status of certified, the CDL/CLP holder who  
616 certifies that he or she will operate CMVs in non-excepted interstate commerce must provide the Division with a current  
617 original or copy of each subsequent medical examiner's certificate prepared by a medical examiner confirming the  
618 CDL/CLP holder meets the minimum physical qualifications for CMV operators in accordance with federal regulations.

619 (c) CDL/CLP issuance procedures for drivers who after January 30, 2012, self-certify as operating in non-  
620 excepted interstate commerce. --

621 (1) The Division must verify the driver has self-certified as a non-excepted interstate commerce  
622 operator.

623 (2) The Division must verify the driver has a "certified" medical status on the medical  
624 examiner's certificate and on the CDLIS driver record.

625 (3) In the event that the driver has not self-certified or the medical certification status of the  
626 individual is "not-certified," the applicant will be denied a CDL/CLP issuance, renewal, upgrade or transfer, and the CDL  
627 will be downgraded.

628 (4) Approximately 60 days before a medical examiner's certificate expires, the Division will  
629 attempt to notify the CDL/CLP holder requiring him or her to either submit a current medical certificate or self-certify that  
630 he or she now operates a CMV in excepted interstate commerce, non-excepted intrastate commerce or excepted intrastate  
631 commerce. The CDL/CLP will be downgraded no later than 60 days after the CDL/CLP holder's current medical  
632 certification expires or when determined to be "not-certified" if:

- 633 a. He or she does not change his or her self-certification to excepted interstate commerce, non-excepted  
634 intrastate commerce, or excepted intrastate commerce;
- 635 b. He or she does not present to the Division a current medical certificate;
- 636 c. His or her FMCSA medical variance expires; or
- 637 d. The FMCSA notifies the Division that his or her medical variance was removed or rescinded.

638 (5) Upon notification from the FMCSA that a medical variance has been issued to a CDL/CLP  
639 driver, the Division shall file, electronically or otherwise, medical variance information, the CDLIS driver record will be  
640 updated, and the CDL/CLP document will show a restricted code "V" indicating there is information about a medical  
641 variance on the CDLIS driver record. Within 10 calendar days of receiving information from the FMCSA regarding the

642 issuance or renewal of a medical variance for a driver, the Division must update the CDLIS driver record to include the  
643 medical variance information provided by the FMCSA.

644 (d) CDL driver physical qualifications and recordkeeping requirements for non-excepted interstate  
645 commerce drivers. --

646 (1) A CDL/CLP holder who is subject to the physical requirements contained in 49 C.F.R. §  
647 391.41 must not operate a commercial motor vehicle unless he or she is medically certified as physically qualified to do so,  
648 and, except as provided in paragraph (b)(2) of this section, when on duty, has on his or her person the original or a copy of  
649 a current medical examiner's certificate that he or she is physically qualified to drive a commercial motor vehicle.

650 (2) Beginning January 30, ~~2012~~, 2014, a CDL/CLP holder who has submitted a current medical  
651 examiner's certificate to the Division in accordance with 49 C.F.R. § 383.71(h) substantiating he or she is medically  
652 "certified," no longer needs to carry on his or her person the medical examiner's certificate once the medical certification  
653 information is posted on the CDLIS driver record. The Division will post the medical information in CDLIS within 10 days  
654 after the driver submits a current medical certificate. If there is no medical certification information on that driver's CDLIS  
655 driver record, a current medical examiner's certificate issued prior to January 30, 2012, will be accepted until January 30,  
656 2014.

657 (3) A CDL/CLP driver who obtained a medical variance from the FMCSA must continue to  
658 have in his or her possession the original or copy of that medical variance documentation at all times when driving a CMV.

659 (4) Canadian and Mexican CMV drivers are not required to have in their possession a medical  
660 examiner's certificate if the driver has been issued and possesses a valid commercial driver license issued by the United  
661 Mexican States or Canadian Province or Territory and whose license and medical status, including any waiver or  
662 exemption, can be electronically verified. Drivers from any of the countries who have received a medical authorization that  
663 deviates from the mutually accepted compatible medical standards of the resident country are not qualified to drive a CMV  
664 in the other countries. Canadian and Mexican drivers who do not meet the medical fitness provisions of their home country  
665 for motor carriers are not qualified to drive a CMV in the United States even if that driver has received a medical variance  
666 or waiver. In addition, U.S. drivers who receive a medical variance from the FMCSA are not qualified to drive a CMV in  
667 Canada or Mexico.

668 (e) CDL/CLP holders self-certifying that they operate or expect to operate CMVs in excepted interstate  
669 commerce must:

670 (1) Meet the minimum physical qualifications for CMV operators as determined in 49 C.F.R. §  
671 390.3(f), § 391.2, § 391.68, or § 398.3; and

672 (2) Self-certify to the Division that that operate or expect to operate CMVs in excepted interstate  
673 commerce upon each renewal of their CDLs.

674 (f) CDL/CLP holders self-certifying that they operate or expect to operate CMVs in non-excepted  
675 intrastate or excepted intrastate commerce must:

676 (1) Meet the minimum physical qualifications for CMV operators as determined in § 4704 of  
677 this title;

678 (2) Self-certify to the Division that they operate or expect to operate CMVs in non-excepted  
679 intrastate or excepted intrastate commerce upon each renewal of their CDLs;

680 (3) Meet the minimum physical qualification requirements for CMV operators as determined in  
681 subsections (b) through (d) or subsection (e) of this section before the CDL holders may have the "K" restriction removed  
682 from their CDLs/CLP.

683 (g) Release of medical certification information in the CDLIS driver record. -- Except where prohibited  
684 by § 305 of this title or Division policies, the following authorized agents may receive CDLIS driver record information:

685 (1) States. -- All information on all CDLIS driver records.

686 (2) Secretary of Transportation. -- All information on all CDLIS driver records.

687 (3) Driver. -- All information on that driver's CDLIS driver record obtained on the CDLIS motor vehicle  
688 record.

689 (4) Motor carrier or prospective motor carrier. -- After the employer or prospective employer notifies the  
690 driver, all information on that driver's or prospective driver's CDLIS driver record obtained on the CDLIS  
691 motor vehicle record.

692 Section 13. Amend § 2708, Title 21 of the Delaware Code by making insertions as shown by underlining and deletions as  
693 shown by strike through as follows:

694 (b) To qualify for an S (school bus) endorsement an applicant must meet all the following requirements:

695 (1) Be at least 18 years of age with 1 year of driving experience.

696 (2) Have qualified for a CDL license with P (passenger) endorsement.

697 (3) Show completion of a course of training with specific course content as determined by the  
698 Department of Education and including the knowledge specified in 49 C.F.R. § 383.123(a)(2). ~~Such~~  
699 ~~course shall contain as a minimum 12 hours of classroom training and 6 hours of training aboard a school~~  
700 ~~bus with a certified Delaware School Bus Driver Trainer. Training on the school bus must include 4 hours~~  
701 ~~of actual driving, 2 of which must be with students on the bus.~~



702 Section 14. Unless otherwise specified herein, the provisions of this bill shall become effective July 8,  
703 2015.

#### SYNOPSIS

This bill will bring Delaware into compliance with the Federal Motor Carrier Safety Administration's new commercial driver license and commercial learner permit issuance standards. Much of the bill is housekeeping and includes changes such as altering the language "commercial driver instructor permit" to "commercial learner permit", changing the language "non-resident" to non-domiciled", adding new definitions, and adding commercial learner permit specifications to Delaware law. Other changes include limiting certain endorsements to the commercial learner permit, requiring medical examiners to be certified by FMCSA, and adding new restrictions to the commercial driver license.

Author: Senator Peterson