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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 8-161

"Uniform Classification and Commercial Driver's License Act of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-505 on first and second readings, May 29, 1990, and June 12, 1990, respectively. Following the signature of the Mayor on June 29, 1990, this legislation was assigned Act No. 8-224, published in the July 20, 1990, edition of the D.C. Register, (Vol. 37 page 4665) and transmitted to Congress on July 10, 1990 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-161, effective September 20, 1990.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
August	1,2,3
September	5,6,7,10,11,12,13,14,17,18,19

D.C. LAW 8 - 161
SEP 20 1990

Codification
New Chapter 18 of Title 40
District of Columbia Code
(1991 Supplement)

AN ACT

D.C. ACT 8 - 224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 29 1990

To establish a uniform classification and commercial driver's license program to reduce commercial motor vehicle accidents, fatalities, and injuries in accordance with the federal Commercial Motor Vehicle Safety Act of 1986.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Classification and Commercial Driver's License Act of 1990".

Sec. 2. Definitions.

New Section
40-1801

For the purposes of this act, the term:

(1) "Commercial driver's license" means a license issued pursuant to this act that authorizes an individual to operate a class of commercial motor vehicle.

(2) "Commercial driver's license information system" means the informational system established pursuant to the Commercial Motor Vehicle Safety Act of 1986, approved October 27, 1986 (100 Stat. 3207; 49 U.S.C. sec. 2701 et seq.) ("Commercial Motor Vehicle Safety Act"), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(3) "Commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property:

(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

(B) If the vehicle is designed to transport more than 15 passengers, including the driver; or

(C) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with the District of Columbia Hazardous Material Transportation and Motor Carrier Safety Act of 1988,

effective March 16, 1989 (D.C. Law 7-190; D.C. Code, sec. 6-3301 et seq.), or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. sec. 1801 et seq.).

(4) "Disqualify" means to withdraw the privilege to drive a commercial motor vehicle.

Sec. 3. Uniform classification and commercial driver's license requirements.

New Section
40-1802

The Mayor shall:

(1) Adopt and administer a program to test and ensure the fitness of a person to operate a commercial motor vehicle in accordance with rules issued pursuant to section 10 that comply with the minimum federal standards established under section 12005 (a) of the Commercial Motor Vehicle Safety Act (49 U.S.C. sec. 2704(a));

(2) Issue a commercial driver's license to a person if the person passes a written and driving test for the operation of a commercial vehicle that complies with the minimum standards required by paragraph (1) of this section;

(3) Issue a commercial driver's license only to a person who operates a commercial motor vehicle and is domiciled in the District of Columbia ("District");

(4) Authorize a person to operate a commercial motor vehicle only by issuance of a commercial driver's license that contains the following information:

(A) The name and address of the person to whom the license is issued and a physical description of the person;

(B) The social security number or other information to identify the person;

(C) The class or type of commercial motor vehicle that the person is authorized to operate under the license; and

(D) The duration for which the license is valid;

(5) Not issue a commercial driver's license to a person during a period in which the person is disqualified from the operation of a commercial motor vehicle or the driver's license of the person is suspended, revoked, or cancelled;

(6) Not issue or renew a commercial driver's license to a person who has a commercial driver's license issued by another state unless the person 1st/surrenders the driver's license issued by the other state;

(7) Participate in a national commercial driver's license information system established pursuant to section 12007 of the Commercial Motor Vehicle Safety Act (49 U.S.C.

sec. 2706) to enable the District to have access to information regarding any person who:

- (A) Applies for or is issued a commercial driver's license;
 - (B) Is licensed to drive a commercial motor vehicle in the District;
 - (C) Is not qualified to drive a commercial motor vehicle in the District; or
 - (D) Has been convicted in another jurisdiction of a moving traffic violation while driving a commercial motor vehicle; and
- (8) Comply with any other requirement mandated by section 12009 of the Commercial Motor Safety Vehicle Act (49 U.S.C. sec. 2708).

Sec. 4. Commercial motor vehicle driver responsibility.

New Section
40-1803

(a) Any person who operates a commercial motor vehicle and is domiciled in the District shall have a commercial driver's license issued by the Mayor.

(b) Any person who is issued a commercial motor vehicle driver's license by the Mayor shall surrender any commercial driver's license issued by another state at the time the District commercial driver's license is issued.

(c) Any person who has a driver's license suspended, revoked, or cancelled by the Mayor, who loses the right to operate a commercial motor vehicle, or who is disqualified from the operation of a commercial motor vehicle for any period shall notify his or her employer of the suspension, revocation, cancellation, lost right, or disqualification.

(d) Any person who operates a commercial motor vehicle and applies for employment as an operator of a commercial motor vehicle with an employer shall notify the employer, at the time of application, of his or her previous employment as an operator of a commercial motor vehicle.

Sec. 5. Employer responsibility.

New Section
40-1804

(a) An employer shall require an employee who operates a commercial vehicle to have a commercial driver's license.

(b) An employer shall not knowingly allow an employee to operate a commercial motor vehicle during any period in which the employee has:

- (1) A driver's license suspended, revoked, or cancelled;
- (2) Lost the right to operate or been disqualified from operating a commercial motor vehicle; or
- (3) More than 1 commercial motor vehicle license.

Sec. 6. Penalties.

New Section
40-1805

(a) If the Mayor has reason to believe that a person has violated any of the requirements in section 4 or 5, the alleged violation shall be enforced in accordance with the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Code, sec. 40-601 et seq.) ("Traffic Adjudication Act"), and rules issued by the Mayor pursuant to section 10. Any person who is determined by the Mayor, after notice and opportunity to be heard, to have violated section 4 or 5, shall be liable to the District for a civil fine of not less than \$100 or more than \$1000 for the 1st violation, of not less than \$500 or more than \$2000 for the 2nd violation, or of not less than \$1000 or more than \$5000 for the 3rd or a subsequent violation.

(b)(1) As an alternative sanction, any person who knowingly or willfully violates section 4 or 5 shall be guilty of an offense and, upon conviction, may be:

(A) Fined not less than \$100 or more than \$1000, imprisoned for not more than 6 months, or both, for the 1st violation;

(B) Fined not less than \$500 or more than \$2000, imprisoned not less than 6 months or more than 9 months, or both, for the 2nd violation; or

(C) Fined not less than \$1000 or more than \$5000, imprisoned for not less than 9 months or more than 1 year, or both, for the 3rd or a subsequent violation.

(2) Prosecutions for violations of this subsection shall be brought by the Corporation Counsel.

Sec. 7. Disqualification.

New Section
40-1806

(a) Consistent with the title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), and the Traffic Adjudication Act, the Mayor shall disqualify from the operation of a commercial motor vehicle any person who is found to have committed any of the following:

(1) Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance. For the purposes of this section, the phrase "while under the influence of alcohol" means a blood alcohol concentration at or above 0.04% as established under 12008(f) of the Commercial Motor Vehicle Safety Act (40 U.S.C. sec. 2707(f)). The phrase "controlled substance" means a drug, substance, or immediate precursor, as set forth in the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code, sec. 33-501 et seq.);

(2) Leaving the scene of an accident that involves a commercial motor vehicle operated by the person;

(3) Using a commercial vehicle in the commission of a felony; or

(4) Commission of 2 or more serious traffic violations that involve a commercial motor vehicle operated by the person with a 3-year period.

(b) A person who is found to have committed any violation set forth in subsection (a) of this section may have his or her commercial driver's license suspended for 1 year for the 1st violation, from 10 years to life for the 2nd violation, and for life for the 3rd conviction.

(c) Notwithstanding the periods of disqualification set forth in subsection (b) of this section, if a person who uses a commercial vehicle in connection with a felony is transporting a hazardous material, the Mayor shall disqualify the person for a period of not less than 3 years. If a person uses a commercial vehicle in the commission of a felony that involves the manufacturing, distributing, or dispensing of a controlled substance, the Mayor shall disqualify the person from operating the vehicle for life.

Sec. 8. Medical.

The Bureau of Motor Vehicle Services, Office of Medical Review, may establish medical standards for all commercial and District government drivers.

New Section
40-1807

Sec. 9. Fees.

The Mayor shall set and collect fees to help pay the cost for implementation of the uniform classification and commercial driver's license program set forth in section 3. The money generated from the fees shall be placed in a designated account and used to offset the cost of the uniform classification and commercial driver's license program.

New Section
40-1808

Sec. 10. Rules.

(a) Within 90 days after the effective date of this act, the Mayor shall, pursuant to title 1 of the District of Columbia Administrative Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of this act.

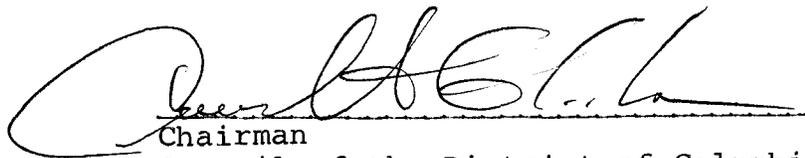
(b) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved.

New Section
40-1809

Sec. 11. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in

the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED: June 29, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-505

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-29-90

VOICE VOTE: Approved

Recorded vote on request

Absent: Crawford

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Roseleen Smith
 Secretary to the Council

6-15-90
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-12-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Roseleen Smith
 Secretary to the Council

6-15-90
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date