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SENATE BILL NO. 345

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 46.2-341.16:1 of the Code of Virginia, relating to endorsement authorizing driver to transport hazardous materials; fees; emergency.

Patron—Williams

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-341.16:1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-341.16:1. (For effective date, see note) Conformance with requirements of U.S.A. Patriot Act of 2001.

A. Notwithstanding any other provision of this title, no endorsement authorizing the driver to operate a vehicle transporting hazardous materials as defined in the U.S.A. Patriot Act of 2001 (49 U.S.C. § 5103a et seq.) shall be issued, renewed, or reissued by the Department unless the endorsement is issued, renewed, or reissued in conformance with the requirements of § 1012 of the U.S.A. Patriot Act of 2001, including all amendments thereto, and the federal regulation promulgated thereunder, for the issuance by the states of licenses to operate motor vehicles transporting hazardous materials, and the Department has received notification from the U.S. Secretary of Transportation or the U.S. Transportation Security Administration, if required by the U.S.A. Patriot Act 2001 (49 U.S.C. § 5103a et seq.) and federal regulations, that the applicant does not pose a security threat warranting denial of such endorsement. Further, the Department shall cancel any existing endorsement authorizing a driver to operate a vehicle transporting hazardous materials if it has received notification that the holder of such endorsement does not meet the standards for security threat assessment established by the U.S. Transportation Security Administration.

B. Notwithstanding the provisions of § 46.2-330, a Virginia commercial driver's license with a hazardous materials endorsement shall be issued so that it expires no later than five years from its date of issuance, and it may be issued for a period of less than three years if a shorter period is necessary in order to put the license into a five-year renewal cycle as provided in § 46.2-330.

C. Notwithstanding the provisions of § 46.2-332, the Commissioner or his agent may collect an additional nonrefundable fee in conjunction with an application for a hazardous materials endorsement to offset the additional costs of collecting and processing fingerprints and other information required in conjunction with the security threat assessment program established through the U.S. Transportation Security Administration for hazardous materials endorsement applicants, which fee shall include a pass-through of the fees assessed by the Transportation Security Administration or other federal agencies as well as an additional amount, not to exceed \$100, to cover additional costs incurred by the Commonwealth in issuing commercial driver's licenses pursuant to the provisions of this section, and there shall be no exemption from such additional fee for any applicant who is an employee of the Commonwealth or any county, city, or town. In addition, any local law-enforcement agency that provided fingerprinting services in conjunction with the security threat assessment program may assess a fee from the applicant in an amount set by local ordinance, not to exceed \$25. Such amount shall be collected by the local law-enforcement agency and remitted to the treasurer of the appropriate locality to be used solely for the purpose of defraying the costs of operating the law-enforcement agency and shall not be used to supplant existing local funds for the operation of the law-enforcement agency.

2. That an emergency exists and this act is in force from its passage.

INTRODUCED

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