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HOUSE BILL NO. 2391

Offered January 20, 1997

A *BILL to amend and reenact § 10.1-1450 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-341.9:1, relating to the granting of variances for drivers of commercial vehicles hauling hazardous materials.*

Patron—Kilgore

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1450 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1450. Waste Management Board to promulgate regulations; granting of variances by Commissioner of Department of Motor Vehicles.

A. The Board shall promulgate regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported. Such regulations shall be no more restrictive than any applicable federal laws or regulations.

B. The ~~Director~~ *Commissioner of the Department of Motor Vehicles* may grant variances from the regulations with respect to the physical qualifications for drivers of commercial motor vehicles transporting hazardous materials if:

1. The driver is regularly employed in a job requiring the operation of a commercial motor vehicle transporting hazardous materials;

2. The driver was regularly employed in such a job as of January 1, 1990, and had been so employed for at least five years immediately preceding January 1, 1990;

3. The driver has not been convicted, during the five-year period preceding the date the variance is granted, of any motor vehicle violation committed while driving a commercial motor vehicle used in the transportation of hazardous materials; ~~and~~

4. *The driver is at least eighteen year old;*

5. *A physician licensed in Virginia certifies that, in his professional opinion, the driver is capable of safely operating a commercial motor vehicle transporting hazardous materials; and*

6. In the opinion of the ~~Director~~ *Commissioner of the Department of Motor Vehicles*, the driver is able to perform the normal tasks associated with operating a commercial motor vehicle and comply with the applicable regulations authorized by this section.

The Board may promulgate regulations addressing such variances and may provide for additional variances from the regulations authorized by this section.

INTRODUCED

HB2391