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**HOUSE BILL NO. 2391****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Conservation and Natural Resources  
on January 31, 1997)

(Patron Prior to Substitute—Delegate Kilgore)

*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.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-1450 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-341.9:1 as follows:**

§ 10.1-1450. Waste Management Board to promulgate regulations regarding hazardous materials.

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 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. In the opinion of the Director, 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.

§ 46.2-341.9:1. *Commissioner to grant variances for commercial drivers transporting hazardous wastes.*

*The Commissioner may, to the extent allowed by federal law, 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 is at least twenty-one years of age;*

3. *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*

4. *In the opinion of the Commissioner, the driver is able to perform the normal tasks associated with operating a commercial motor vehicle and comply with the applicable regulations authorized by § 10.1-1450.*

*The Commissioner may promulgate regulations addressing such variances.*