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SENATE BILL NO. 807

Offered January 12, 2011

Prefiled January 5, 2011

A BILL to amend and reenact §§ 46.2-339, 46.2-341.9, 46.2-341.10, and 46.2-341.16 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-341.18:3, relating to certain drivers of certain commercial vehicles.

Patron—Obenshain

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-339, 46.2-341.9, 46.2-341.10, and 46.2-341.16 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-341.18:3 as follows:

§ 46.2-339. Qualifications of school bus driver; examination.

No person shall drive any school bus on a highway in the Commonwealth unless: (i) during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1; and (ii) unless he has had a reasonable amount of experience in driving motor vehicles, and has passed a special examination pertaining to his ability to drive a school bus with safety to its passengers and to other persons using the highways. Such person shall obtain a commercial driver's license with the applicable classifications and endorsements, issued pursuant to the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), if the school bus he drives is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act. For the purpose of preparing for the examination required by this section, any person holding a valid driver's license issued under Article 4 of this chapter, may drive, under the direct supervision of a person holding a valid school bus license endorsement, a school bus which contains no other passengers, provided that, on and after April 1, 1992, only persons holding a valid commercial driver's license or instruction permit issued under the provisions of the Virginia Commercial Driver's License Act, may operate, under the direct supervision of a person holding a valid commercial driver's license with a school bus endorsement, a school bus which is a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act and which contains no pupil passengers. The Department may adopt regulations necessary to provide for the examination of persons desiring to qualify to drive school buses in the Commonwealth and for the granting of permits to qualified applicants.

§ 46.2-341.9. Eligibility for commercial driver's license.

A Virginia commercial driver's license shall be issued only to a person who drives or intends to drive a commercial motor vehicle and who is domiciled in the Commonwealth, provided that any person who is domiciled in a jurisdiction outside the United States, but has resided in the Commonwealth for a period of six weeks, shall be eligible for a commercial driver's license under such terms and conditions as the Department may require.

No person shall be eligible for a Virginia commercial driver's license until he has applied for such license and has passed the applicable vision, knowledge and skills tests required by this article, and has satisfied all other applicable licensing requirements imposed by the laws of the Commonwealth.

No person shall be eligible for a Virginia commercial driver's license during any period in which he is disqualified from driving a commercial motor vehicle, or his driver's license or privilege to drive is suspended, revoked or cancelled in any state, or during any period wherein the restoration of his license or privilege is contingent upon the furnishing of proof of financial responsibility.

No person shall be eligible for a Virginia commercial driver's license until he surrenders all other driver's licenses issued to him by any state.

No person under the age of twenty-one years shall be eligible for a commercial driver's license, except that a person who is at least eighteen years of age may be issued a commercial driver's license, provided that such person is exempt from or is not subject to the age requirements of the federal Motor Carrier Safety Regulations contained in 49 C.F.R. Part 391, and is not prohibited from operating a commercial motor vehicle by the Virginia Motor Carrier Safety Regulations, and has so certified. No person under the age of twenty-one years shall be issued a hazardous materials endorsement.

No person shall be eligible for a Virginia commercial driver's license to drive a Type P or Type S vehicle, as defined in subsection B of § 46.2-341.16, during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

§ 46.2-341.10. Special provisions relating to commercial driver's instruction permit.

The Department, upon receiving an application on forms prescribed by the Commissioner and upon the applicant's satisfactory completion of the vision and knowledge tests required for the class and type of commercial motor vehicle to be driven by the applicant may, in its discretion, issue to such applicant a commercial driver's instruction permit. Such permit shall expire one year after issuance and shall entitle the applicant to drive a commercial motor vehicle of the class and type designated on the permit, but only when accompanied by a person licensed to drive the class and type of commercial motor vehicle driven by the applicant. The person accompanying the permit holder shall occupy the seat closest to the driver's seat for the purpose of giving instruction to the permit holder in driving the commercial motor vehicle.

No person shall be issued a commercial driver's instruction permit unless he possesses a valid Virginia driver's license or has satisfied all the requirements necessary to obtain such a license.

No person shall be issued a commercial driver's instruction permit to drive passenger-carrying commercial vehicles or school buses during any period in which he is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

It shall be unlawful for any instruction permit holder to operate a commercial motor vehicle without being accompanied by a licensed driver as provided in this section. Persons who violate this section shall be guilty of a Class 2 misdemeanor.

The Department shall charge a fee of three dollars for each instruction permit issued under the provisions of this section.

§ 46.2-341.16. Vehicle classifications and endorsements.

A. A commercial driver's license shall authorize the licensee to operate only the classes and types of commercial motor vehicles designated thereon. The classes of commercial motor vehicles for which such license may be issued are:

1. Class A-Combination heavy vehicle. - Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the gross vehicle weight rating of the vehicles being towed is in excess of 10,000 pounds;

2. Class B-Heavy straight vehicle or other combination. - Any single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating that is not in excess of 10,000 pounds; and

3. Class C-Small vehicle. - Any vehicle that does not fit the definition of a Class A or Class B vehicle and is either (i) designed to transport sixteen or more passengers including the driver or (ii) is used in the transportation of hazardous materials.

B. Commercial driver's licenses shall be issued with endorsements and restrictions authorizing the driver to operate or restricting the driver to the types of vehicles identified as follows:

1. Type T-Vehicles with double or triple trailers;

2. Type P-Vehicles carrying passengers;

3. Type N-Vehicles with cargo tanks;

4. Type H-Vehicles required to be placarded for hazardous materials;

5. Type K-Vehicles not equipped with air brakes; and

6. Type S-School buses carrying 16 or more passengers, including the driver.

C. Persons authorized to drive Class A vehicles are also authorized to drive Classes B and C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

D. Persons authorized to drive Class B vehicles are also authorized to drive Class C vehicles, provided such persons possess the requisite endorsements for the type of vehicle driven.

E. Any licensee who seeks to add a classification or endorsement to his commercial driver's license must submit the application forms, certifications and other updated information required by the Department and shall take and successfully complete the tests required for such classification or endorsement.

F. Persons convicted of an offense, committed on or after July 1, 2011, for which registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, are not authorized to drive Type P or Type S vehicles.

§ 46.2-341.18:3. Disqualification for certain sexual offenses.

The Commissioner shall disqualify any person convicted of an offense, committed on or after July 1, 2011, for which registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, from operating a passenger-carrying commercial vehicle or school bus during the period of time in which the person is required to maintain registration.