Regular Session, 2011

HOUSE BILL NO. 174

BY REPRESENTATIVE HENRY BURNS AND LITTLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MTR VEHICLE/COMMERCIAL: Allows for certain commercial drivers with physical disabilities to drive intrastate only

AN ACT

To enact R.S. 32:408(B)(7), relative to commercial driver's licenses; to provide for a waiver of certain requirements for certain commercial drivers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:408(B)(7) is hereby enacted to read as follows:

§408. Examination of applicants required; classes of licenses

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B.

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(7)(a) Commercial driver applicants not meeting the physical standards as set forth in 49 CFR 391.41(b)(10), pertaining to vision requirements, may apply to the department for an intrastate driver waiver. Minimum vision requirements, for such waiver are as follows:

(i) Distant visual acuity of at least 20/40 (Snellen) or better in at least one eye with or without corrective lenses.

(ii) Field of vision of a least seventy degrees in one direction and thirty-five in the other direction of the horizontal meridian of the applicant's dominant eye, and

(iii) The ability to distinguish colors of signals and devices showing standard red, green, and amber.

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(b) The applicant for the waiver shall supply the department with the following information when requesting the waiver:

(i) A copy of the medical examination performed pursuant to 49 CFR 391.43.

(ii) A copy of any medical certificate issued as a result of a medical examination completed pursuant to 49 CFR 391.43.

(iii) A medical evaluation completed by an optometrist certified by the American Board of Optometry or an ophthalmologist certified by the American Board of Ophthalmology. The summary must include an assessment of the driver's functional capabilities as they relate to the driver's ability to perform normal tasks associated with operating a motor vehicle.

(iv) A copy of the driver applicant's road test and certificate issued pursuant to 49 CFR 391.31(b) through (g).

(v) A copy of the driver applicant's previous waiver of certain physical defects, when applicable.

(vi) The class of vehicle to be used by the applicant, if granted a waiver. To qualify for the waiver, the applicant shall have had two years commercial driving experience within the five years immediately preceding the application date for the class of vehicle indicated. This driving experience shall be verified by a notarized statement provided by the applicant's current or previous employers or by himself, if self-employed.

(vii) Evidence, on a form approved by the department, that the applicant has successfully passed a skills test administered by an authorized third party for the class of vehicle to be used by the applicant, if granted a waiver. The skills test shall be administered following the diagnosis which prevents the applicant from failing to meet the physical standards set forth in 49 CFR 391.41(b)(10), pertaining to vision requirements. The skills test required by this Item shall only be required upon the initial application for a waiver issued pursuant to this Paragraph.

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(c) The department shall issue an intrastate driver waiver to an applicant if it finds that he meets the minimum vision requirements as stated by Subparagraph (a) and Items (b)(i) through (iii) of this Paragraph, and granting the waiver would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such waiver.

(d) Applicants granted a waiver shall only drive within the territorial limits of Louisiana.

(e) Applicants who are issued a waiver are prohibited from transporting passengers for hire, manifested hazardous wastes, or hazardous material required to be placarded.

(f) Waivers granted pursuant to this Paragraph shall be valid for the duration of the applicant's commercial driver's license. An applicant desiring a waiver pursuant to this Paragraph shall reapply for the waiver each time he renews his commercial driver's license. The skills test required by Item (b)(vii) of this Paragraph shall only be required upon the initial application for a waiver issued pursuant to this Paragraph.

(g) Nothing in this Paragraph shall be construed to relieve a commercial driver of any of his responsibilities required by state or federal law, rule, or regulation.

(h) The Department of Public Safety and Corrections, office of motor vehicles, may, in accordance with the Administrative Procedure Act, promulgate rules and regulations for the efficient implementation and enforcement of this Paragraph.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henry Burns HB No. 174

Abstract: Allows certain commercial motor vehicle drivers who do not meet federal vision standards to drive certain commercial motor vehicles intrastate only.

Present law requires all commercial motor vehicle drivers to meet 49 CFR 391.41(b)(10) relative to vision requirements in order to drive commercial motor vehicles interstate and intrastate.

Proposed law allows commercial motor vehicle drivers who do not meet the vision requirements in 49 CFR 391.41(b)(10) to drive certain commercial motor vehicles in La. only if the driver meets certain qualifications, including but not limited to the following:

(i) Distant visual acuity of at least 20/40 (Snellen) or better in at least one eye with or without corrective lenses;

(ii) Field of vision of a least 70 degrees in one direction and 35 in other direction of the horizontal meridian of the applicant's dominant eye;

(iii) The ability to distinguish colors of signals and devices showing standard red, green, and amber;

(iv) Two years commercial driving experience within the five years immediately preceding the application date for the class of vehicle indicated; and

(v) Successfully passing a skills test administered by an authorized third party for the class of vehicle which the driver will drive if granted a waiver pursuant to proposed law.

Proposed law provides that a waiver to an applicant if the department finds that the applicant meets the proposed minimum vision requirements and granting the waiver would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such waiver.

Proposed law permits applicants granted a waiver pursuant to proposed law to only drive within the territorial limits of La.

Proposed law prohibits applicants granted a waiver pursuant to proposed law from transporting passengers for hire and manifested hazardous wastes or hazardous material required to be placarded.

Proposed law provides that waivers granted pursuant to proposed law shall be valid for the duration of the applicant's commercial driver's license and that an applicant desiring a waiver granted pursuant to proposed law shall reapply for the waiver each time he renews his commercial driver's license.

Proposed law permits, to promulgate rules and regulations, in accordance with the APA for the efficient implementation and enforcement of proposed law.

(Adds R.S. 32:408(B)(7))

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