

COMMERCIAL DRIVERS LICENSE POLICY

1.0 PURPOSE

To assure that the City complies with the provisions of the Commercial Driver's License Laws of the State of North Carolina. This policy will meet or exceed requirements set by U.S. Department of Transportation, Federal Highway Administration Parts 383,390-391.

2.0 SCOPE

All Departments.

3.0 DEFINITIONS

3.1 Accident (CDL) means an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:

3.1.1 A fatality;

3.1.2 Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

3.1.3 One or more motor vehicles incurring disabling damages as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

3.1.4 The term accident does not include:

3.1.4.1 An occurrence involving only boarding and alighting from a stationary motor vehicle; or

3.1.4.2 An occurrence involving only the loading or unloading of cargo.

3.2 **ACCIDENT (TRANSIT)** means an occurrence associated with the operation of a vehicle, if as a result there is:

3.2.1 a fatality,

3.2.2 an individual suffers an injury requiring medical treatment away from the accident scene,

3.2.3 disabling damage to one or more voiceless requiring that vehicle to be transported away from the scene by a tow truck or other vehicle, or

3.2.4 the transit vehicle is removed from revenue service (49CFR 653.7, 654.7)

3.3 **COMMERCIAL DRIVER'S LICENSE (CDL):** A CDL is required by North Carolina state law of drivers who operate the following types of vehicles:

3.3.1 A single or combination vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds.

3.3.2 A vehicle designed to transport 16 persons, including the driver.

3.3.3 Any size vehicle which requires hazardous materials placard.

3.3.4 Note: Fire and/or Emergency vehicles are exempt from this law.

3.4 **DISQUALIFYING OFFENSES:** The following are disqualifying offenses:

3.4.1 Driving a commercial motor vehicle while under the influence of alcohol. This shall include:

3.4.1.1 Driving a commercial motor vehicle while the person's alcohol concentration is 0.04% or more;

3.4.1.2 Driving under the influence of alcohol, as prescribed by State law; or

3.4.1.3 Refusal to undergo such testing as is required by any State or jurisdiction;

3.4.2 Driving a commercial motor vehicle under the influence of a 21 CFR 1308.11 Schedule I identified controlled substance, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug;

3.4.3 Transportation, possession, or unlawful use of a 21 CFR 1308.11 Schedule I identified controlled substance, an amphetamines, narcotic drugs, formulations of an amphetamine, or derivatives of narcotic drugs while the driver is on duty as the term on-duty time is defined in section 395.2 of the Federal Motor Carrier Safety Regulations;

3.4.4 Leaving the scene of an accident while operating a commercial motor vehicle; or

3.4.5 A felony involving the use of a commercial motor vehicle.

4.0 **POLICY**

4.1 The department head, in consultation with the Director of Personnel, shall determine which positions are required to have a CDL.

4.2 The City will furnish a certified instructor to train employees on the knowledge part of the CDL test.

4.3 The City shall purchase videotapes and materials for training employees in all area of the program.

- 4.4 A minimum of one employee shall be trained to be a third party administrator to administer the skills test, pre-tip inspection test and the road test. This employee will then be qualified to train other City employees as third party administrators to assist with the CDL program.
- 4.5 The completion of the CDL program consists of two basic parts:
 - 4.5.1 Knowledge Test
 - 4.5.2 Skills Test
- 4.6 The City shall pay the cost of application fees for the initial knowledge test. This allows the employee three attempts to pass.
 - 4.6.1 The employee shall be required to pay the cost for any additional attempts to pass the knowledge test if required.
 - 4.6.2 This testing shall be on employee's own time.
- 4.7 The City shall pay the initial license fee required after successful completion of the skills test.
- 4.8 The City shall pay for each required endorsement.
- 4.9 At renewal date, the City shall pay all costs for renewal above the cost of a regular operator's license.
- 4.10 The employee shall be required to pay for re-issuance of the CDL, if license is suspended for any traffic violation or is lost.

5.0 DRIVERS APPLICATION REQUIREMENTS

- 5.1 Employees shall be required to sign an agreement, indicating that if they leave the employment of the City within six (6) months of receiving their CDL, they shall reimburse the City for all fees expended in obtaining their CDL.
- 5.2 All new hires as determined by department heads, in consultation with the Director of Personnel, shall be required to obtain a CDL within six (6) months after employment.
- 5.3 When applying for a CDL, the employees will be required to furnish the following:
 - 5.3.1 Two proofs of identity; A birth certificate and a valid driver's license or other documentation that a DMV requires.
 - 5.3.2 One proof of social security number: a social security card or computer generated W-2 Tax Form, paycheck stub voter registration or selective service card.
 - 5.3.3 The addresses at which the applicant has resided during the 3 years proceeding the date on which the application is submitted.

- 5.3.4 The issuing State, number, and expiration date of each unexpired commercial motor vehicle operator's license or permit that has been issued to the applicant.
- 5.3.5 The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semi-trailers, full trailers, and pole trailers) which he/she has operated.
- 5.3.6 A list of all motor vehicle accidents in which the applicant was involved during the three (3) years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused.
- 5.3.7 A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the three (3) years preceding the date application is submitted.
- 5.3.8 A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of an license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred.
- 5.3.9 A list of the names and addresses of the applicant's employers during the ten (10) years preceding the date the application is submitted, together with the dates he/she was employed by, and his/her reason for leaving the employ of, each employer.

5.4 Drivers are required to take annual DOT physicals will need their medical card.

6.0 **ANNUAL DRIVING RECORD REVIEW**

- 6.1 The Safety & Health Office will at least once every 12 months, making an inquiry into the driving record of each CDL driver employed.
- 6.2 Employees will be required to certify that their privilege to drive any motor vehicle is not suspended, revoked, or disqualified anywhere and that they hold no more that one driver's license.
- 6.3 All City CDL drivers will be required to sign a release of information for every inquiry made to past employer/State DMV or for any other need as requested by this section.
- 6.4 Refusal to provide authorization for the release of information will result in the denial of driving privileges for the City. The employee may also receive disciplinary action, up to and including termination.
- 6.5 While reviewing the driving record of each CDL driver employed, the following will be assessed:
 - 6.5.1 A determination will be made as to whether that driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle.

- 6.5.2 The City will consider any evidence that the driver has violated any applicable Federal Motor Carrier Safety Regulations in this subchapter or Hazardous Materials Regulations (49 CFR Chapter I, subchapter C)
- 6.5.3 The driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles. Great weight will be given to violations such as speeding, reckless driving, operating while under the influence of alcohol or drugs, or evidence that indicate that the driver has exhibited a disregard for the safety of the public.

7.0 **RECORDKEEPING**

- 7.1 A copy of the response from each State agency to the inquiry required by this policy shall be maintained in the driver's personnel file.
- 7.2 A note, including the name of the person who performed the review of the driving record and the date of such review, shall be maintained in the driver's personnel file.