

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB178

Hearing Date: Tuesday January 25, 2011
Committee On: Transportation and Telecommunications
Introducer: Transportation and Telecommunications
One Liner: Change commercial drivers' licenses provisions

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh,
Louden, Price

Nay:

Absent:

Present Not Voting:

Proponents:

Dusty Vaughan
Beverly Neth
Gerald Krolikowski

Representing:

Introducing for Senator Fischer
Department of Motor Vehicles
Nebraska State Patrol

Opponents:

Kristen Gottschalk

Representing:

Nebraska Rural Electric Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB 178 requires medical certification for holders of a commercial driver license (CDL) and harmonizes provisions with federal regulations pertaining to the operation of commercial motor vehicles (CMV) and transportation of Hazardous Materials on Nebraska highways.

The bill makes many changes to the statutory provisions of the CDL licensing process. However, a majority are for clarification and harmonizing purposes. The main substantive changes include:

Section 5 amends Sec. 60-4,131 to create new definitions of Downgrade, Medical examiner's certificate, and Medical variance within the provisions applicable to operation of CMV's.

Section 9 amends Sec. 60-4,138 to create a new V endorsement on a CDL. This endorsement is for those CDL holders who are required to carry medical variance documentation.

Section 12 amends Sec. 60-4,144 to provide a cutoff date of January 1, 2012, after which a CDL applicant must make a self-certification exemption or provide medical certification. The DMV may give notice and provide certification requirements to CDL holders. A holder who fails to certify is subject to downgrade.

Section 13 creates a new provision to require a person expecting to operate a CMV to certify to the DMV that he or she fits within one of four different categories:

1. a driver in interstate commerce that must maintain a current medical examiner's certificate and provide a copy to DMV;
2. a driver operates a CMV in interstate commerce, but engages only in activities exempted from medical certification;
3. a driver operates a CMV only in intrastate commerce and therefore is subject to state qualification requirements; or
4. a driver operates a CMV only in intrastate commerce, but is exempted from state qualification requirements.

Section 14 states that after January 1, 2012, in order for a person to obtain a CDL, the DMV will post the driver's self certification, retain the medical examiner's certificate for at least three years, and post the medical information from the certificate to the Commercial Driver License Information System (CDLIS). The provision outlines the specific information to be posted.

The DMV will be required to update within ten days of an expiration of medical certification or variance a driver's status as "not certified" or the issuance, renewal, or expiration of a medical variance.

The DMV will also be required to notify the CDL holder of the status change and downgrade the CDL within 60 days of a driver becoming "not certified".

Section 19 amends Sec. 60-2909.01 to authorize the DMV to release a motor vehicle record to a CDL holder's employer or CDLIS for medical certification purposes.

Section 20 amends Sec. 75-363 to strike the exemption for nonprofit entities furnishing electric service (co-ops.) from falling under the intrastate motor carrier definition and the requirements that come with that category.

Section 21 amends Sec. 75-364 to strike the agricultural and non-specification tank exceptions from the federal Hazardous Materials Regulations.

Deb Fischer, Chairperson