

As Introduced

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S. B. No. 235

Senator Burke

Cosponsors: Senators Kearney, Patton, Seitz

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A B I L L

To amend section 4506.09 of the Revised Code to 1
establish a waiver for the commercial driver's 2
license skills test for drivers with military 3
commercial motor vehicle experience. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4506.09 of the Revised Code be 5
amended to read as follows: 6

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 7
approval by the director of public safety, shall adopt rules 8
conforming with applicable standards adopted by the federal motor 9
carrier safety administration as regulations under Pub. L. No. 10
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 11
31317. The rules shall establish requirements for the 12
qualification and testing of persons applying for a commercial 13
driver's license, which shall be in addition to other requirements 14
established by this chapter. Except as provided in division (B) of 15
this section, the highway patrol or any other employee of the 16
department of public safety the registrar authorizes shall 17
supervise and conduct the testing of persons applying for a 18
commercial driver's license. 19

(B) The director may adopt rules, in accordance with Chapter 20
119. of the Revised Code and applicable requirements of the 21
federal motor carrier safety administration, authorizing the 22
skills test specified in this section to be administered by any 23
person, by an agency of this or another state, or by an agency, 24
department, or instrumentality of local government. Each party 25
authorized under this division to administer the skills test may 26
charge a maximum divisible fee of eighty-five dollars for each 27
skills test given as part of a commercial driver's license 28
examination. The fee shall consist of not more than twenty dollars 29
for the pre-trip inspection portion of the test, not more than 30
twenty dollars for the off-road maneuvering portion of the test, 31
and not more than forty-five dollars for the on-road portion of 32
the test. Each such party may require an appointment fee in the 33
same manner provided in division ~~(E)~~(F)(2) of this section, except 34
that the maximum amount such a party may require as an appointment 35
fee is eighty-five dollars. The skills test administered by 36
another party under this division shall be the same as otherwise 37
would be administered by this state. The other party shall enter 38
into an agreement with the director that, without limitation, does 39
all of the following: 40

(1) Allows the director or the director's representative and 41
the federal motor carrier safety administration or its 42
representative to conduct random examinations, inspections, and 43
audits of the other party without prior notice; 44

(2) Requires the director or the director's representative to 45
conduct on-site inspections of the other party at least annually; 46

(3) Requires that all examiners of the other party meet the 47
same qualification and training standards as examiners of the 48
department of public safety, to the extent necessary to conduct 49
skills tests in the manner required by 49 C.F.R. 383.110 through 50
383.135; 51

(4) Requires either that state employees take, at least 52
annually and as though the employees were test applicants, the 53
tests actually administered by the other party, that the director 54
test a sample of drivers who were examined by the other party to 55
compare the test results, or that state employees accompany a test 56
applicant during an actual test; 57

(5) Reserves to this state the right to take prompt and 58
appropriate remedial action against testers of the other party if 59
the other party fails to comply with standards of this state or 60
federal standards for the testing program or with any other terms 61
of the contract. 62

(C) The director shall enter into an agreement with the 63
department of education authorizing the skills test specified in 64
this section to be administered by the department at any location 65
operated by the department for purposes of training and testing 66
school bus drivers, provided that the agreement between the 67
director and the department complies with the requirements of 68
division (B) of this section. Skills tests administered by the 69
department shall be limited to persons applying for a commercial 70
driver's license with a school bus endorsement. 71

(D) The director shall adopt rules, in accordance with 72
Chapter 119. of the Revised Code, authorizing waiver of the skills 73
test specified in this section for any applicant for a commercial 74
driver's license who meets all of the following requirements: 75

(1) Certifies that, during the two-year period immediately 76
preceding application for a commercial driver's license, all of 77
the following apply: 78

(a) The applicant has not had more than one license. 79

(b) The applicant has not had any license suspended, revoked, 80
or canceled. 81

(c) The applicant has not had any convictions for any type of 82

motor vehicle for the offenses for which disqualification is 83
prescribed in section 4506.16 of the Revised Code. 84

(d) The applicant has not had any violation of a state or 85
local law relating to motor vehicle traffic control other than a 86
parking violation arising in connection with any traffic accident 87
and has no record of an accident in which the applicant was at 88
fault. 89

(e) The applicant has previously taken and passed a skills 90
test given by a state with a classified licensing and testing 91
system in which the test was behind-the-wheel in a representative 92
vehicle for the applicant's commercial driver's license 93
classification. 94

(2) Certifies and also provides evidence that the applicant 95
is regularly employed in a job requiring operation of a commercial 96
motor vehicle and that one of the following applies: 97

(a) The applicant has previously taken and passed a skills 98
test given by a state with a classified licensing and testing 99
system in which the test was behind-the-wheel in a representative 100
vehicle for the applicant's commercial driver's license 101
classification. 102

(b) The applicant has regularly operated, for at least two 103
years immediately preceding application for a commercial driver's 104
license, a vehicle representative of the commercial motor vehicle 105
the applicant operates or expects to operate. 106

(E) The director shall adopt rules, in accordance with 107
Chapter 119. of the Revised Code, authorizing waiver of the skills 108
test specified in this section for any applicant for a commercial 109
driver's license who meets all of the following requirements: 110

(1) At the time of applying, is a member or uniformed 111
employee of the armed forces of the United States or their reserve 112
components, including the Ohio national guard, or separated from 113

such service or employment within the preceding ninety days; 114

(2) Certifies that, during the two-year period immediately 115
preceding application for a commercial driver's license, all of 116
the following apply: 117

(a) The applicant has not had more than one license, 118
excluding any military license. 119

(b) The applicant has not had any license suspended, revoked, 120
or canceled. 121

(c) The applicant has not had any convictions for any type of 122
motor vehicle for the offenses for which disqualification is 123
prescribed in section 4506.16 of the Revised Code. 124

(d) The applicant has not had more than one conviction for 125
any type of motor vehicle for a serious traffic violation. 126

(e) The applicant has not had any violation of a state or 127
local law relating to motor vehicle traffic control other than a 128
parking violation arising in connection with any traffic accident 129
and has no record of an accident in which the applicant was at 130
fault. 131

(3) In accordance with rules adopted by the director, 132
certifies and also provides evidence of all of the following: 133

(a) That the applicant is regularly employed or was regularly 134
employed within the preceding ninety days in a military position 135
requiring operation of a commercial motor vehicle; 136

(b) That the applicant was exempt from the requirements of 137
this chapter under division (B)(6) of section 4506.03 of the 138
Revised Code; 139

(c) That, for at least two years immediately preceding the 140
date of application or at least two years immediately preceding 141
the date the applicant separated from military service or 142
employment, the applicant regularly operated a vehicle 143

representative of the commercial motor vehicle type that the 144
applicant operates or expects to operate. 145

(F)(1) The department of public safety may charge and collect 146
a divisible fee of fifty dollars for each skills test given as 147
part of a commercial driver's license examination. The fee shall 148
consist of ten dollars for the pre-trip inspection portion of the 149
test, ten dollars for the off-road maneuvering portion of the 150
test, and thirty dollars for the on-road portion of the test. 151

(2) The director may require an applicant for a commercial 152
driver's license who schedules an appointment with the highway 153
patrol or other authorized employee of the department of public 154
safety to take all portions of the skills test, to pay an 155
appointment fee of fifty dollars at the time of scheduling the 156
appointment. If the applicant appears at the time and location 157
specified for the appointment and takes all portions of the skills 158
test during that appointment, the appointment fee shall serve as 159
the skills test fee. If the applicant schedules an appointment to 160
take all portions of the skills test and fails to appear at the 161
time and location specified for the appointment, no portion of the 162
appointment fee shall be refunded. If the applicant schedules an 163
appointment to take all portions of the skills test and appears at 164
the time and location specified for the appointment, but declines 165
or is unable to take all portions of the skills test, no portion 166
of the appointment fee shall be refunded. If the applicant cancels 167
a scheduled appointment forty-eight hours or more prior to the 168
time of the appointment time, the applicant shall not forfeit the 169
appointment fee. 170

An applicant for a commercial driver's license who schedules 171
an appointment to take one or more, but not all, portions of the 172
skills test shall be required to pay an appointment fee equal to 173
the costs of each test scheduled, as prescribed in division 174
~~(E)~~(F)(1) of this section, when scheduling such an appointment. If 175

the applicant appears at the time and location specified for the 176
appointment and takes all the portions of the skills test during 177
that appointment that the applicant was scheduled to take, the 178
appointment fee shall serve as the skills test fee. If the 179
applicant schedules an appointment to take one or more, but not 180
all, portions of the skills test and fails to appear at the time 181
and location specified for the appointment, no portion of the 182
appointment fee shall be refunded. If the applicant schedules an 183
appointment to take one or more, but not all, portions of the 184
skills test and appears at the time and location specified for the 185
appointment, but declines or is unable to take all portions of the 186
skills test that the applicant was scheduled to take, no portion 187
of the appointment fee shall be refunded. If the applicant cancels 188
a scheduled appointment forty-eight hours or more prior to the 189
time of the appointment time, the applicant shall not forfeit the 190
appointment fee. 191

(3) The department of public safety shall deposit all fees it 192
collects under division ~~(E)~~(F) of this section in the state 193
highway safety fund. 194

~~(F)~~(G) As used in this section, "skills test" means a test of 195
an applicant's ability to drive the type of commercial motor 196
vehicle for which the applicant seeks a commercial driver's 197
license by having the applicant drive such a motor vehicle while 198
under the supervision of an authorized state driver's license 199
examiner or tester. 200

Section 2. That existing section 4506.09 of the Revised Code 201
is hereby repealed. 202