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DC CODE § 50-402

Chapter 4. Uniform Classification and Commercial Driver's License.

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Division VIII. General Laws.

Title 50. Motor and Non-Motor Vehicles and Traffic.

Subtitle I. Commercial and Government Vehicles.

➔ Chapter 4. Uniform Classification and Commercial Driver's License.

§ 50-408. Fees.

The Mayor shall set and collect fees to help pay the cost for implementation of the uniform classification and commercial driver's license program set forth in § 50-402. The money generated from the fees shall be placed in the General Fund of the District of Columbia and used to offset the cost of the uniform classification and commercial driver's license program.

§ 50-401. Definitions.

For the purposes of this chapter, the term:

- (1) "Commercial driver's license" means a license issued pursuant to this chapter that authorizes an individual to operate a class of commercial motor vehicle.
- (2) "Commercial driver's license information system" means the informational system established pursuant to the Commercial Motor Vehicle Safety Act of 1986, approved October 27, 1986 (100 Stat. 3207; 49 U.S.C. sec. 2701 et seq.) ("Commercial Motor Vehicle Safety Act"), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
- (3) "Commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property:
 - (A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;
 - (B) If the vehicle is designed to transport more than 15 passengers, including the driver; or
 - (C) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with Chapter 14 of Title 8, or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. sec. 1801 et seq.).
- (4) "Disqualify" means to withdraw the privilege to drive a commercial motor vehicle.
- (5) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to Federal Motor Vehicle Safety Regulations, 49 C.F.R. § 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North American Uniform Out-of-Service Criteria.

§ 50-402. Uniform classification and commercial driver's license requirements.

The Mayor shall:

- (1) Adopt and administer a program to test and ensure the fitness of a person to operate a commercial motor vehicle in accordance with rules issued pursuant to § 50-409 that comply with the minimum federal standards

established under § 12005(a) of the Commercial Motor Vehicle Safety Act (49 U.S.C. § 2704(a));

- (2) Issue a commercial driver's license to a person if the person passes a written and driving test for the operation of a commercial vehicle that complies with the minimum standards required by paragraph (1) of this section;
- (3) Issue a commercial driver's license only to a person who operates a commercial motor vehicle and is domiciled in the District of Columbia ("District");
- (4) Authorize a person to operate a commercial motor vehicle only by issuance of a commercial driver's license that contains the following information:
 - (A) The name and address of the person to whom the license is issued and a physical description of the person;
 - (B) A randomly generated number or other information to identify the person. The Mayor shall not print the social security number of the person on the license, unless the person requests that their social security number be used as the identification number of the license. The Mayor shall require an applicant for a commercial driver's license to provide a social security number on the application, for the purposes of administering and enforcing the laws of the District of Columbia. Notwithstanding any other law, the social security number shall not be a matter of public record. The social security number shall be kept on file with the issuing agency and the applicant shall be so advised.
 - (C) The class or type of commercial motor vehicle that the person is authorized to operate under the license; and
 - (D) The duration for which the license is valid;
- (5) Not issue a commercial driver's license to a person during a period in which the person is disqualified from the operation of a commercial motor vehicle or the driver's license of the person is suspended, revoked, or cancelled;
- (6) Not issue or renew a commercial driver's license to a person who has a commercial driver's license issued by another state unless the person first surrenders the driver's license issued by the other state;
- (6A) Not issue a commercial driver's license to a person who is less than 21 years of age, except that a commercial driver's license may be issued to a person who is at least 18 years of age and has at least 2 years driving experience; provided, that a commercial driver's license issued to a person who is less than 21 years of age shall not be valid for:
 - (A) Operation of a school bus;
 - (B) Operation of a vehicle designed to transport 16 or more people, including the driver;
 - (C) Operation of a vehicle that is more than 26,001 pounds;
 - (D) The transportation of hazardous material; or
 - (E) Commercial interstate operation in accordance with the minimum federal standards.
- (7) Participate in a national commercial driver's license information system established pursuant to section 12007 of the Commercial Motor Vehicle Safety Act (49 U.S.C. § 2706) to enable the District to have access to information regarding any person who:
 - (A) Applies for or is issued a commercial driver's license;
 - (B) Is licensed to drive a commercial motor vehicle in the District;
 - (C) Is not qualified to drive a commercial motor vehicle in the District; or
 - (D) Has been convicted in another jurisdiction of a moving traffic violation while driving a commercial motor vehicle; and
- (8) Comply with any other requirement mandated by section 12009 of the Commercial Motor Vehicle Safety Act (49 U.S.C. § 2708).

§ 50-403. Commercial motor vehicle driver responsibility.

(a) Any person who operates a commercial motor vehicle and is domiciled in the District shall have a commercial driver's license, and all necessary endorsements thereto required by the Mayor for the particular class of vehicle being operated, issued by the Mayor.

(b) Any person who is issued a commercial motor vehicle driver's license by the Mayor shall surrender any commercial driver's license issued by another state at the time the District commercial driver's license is issued.

(c) Any person who has a driver's license suspended, revoked, or cancelled by the Mayor, who loses the right to operate a commercial motor vehicle, or who is disqualified from the operation of a commercial motor vehicle for any period shall notify his or her employer of the suspension, revocation, cancellation, lost right, or disqualification.

(d) Any person who operates a commercial motor vehicle and applies for employment as an operator of a commercial motor vehicle with an employer shall notify the employer, at the time of application, of his or her previous employment as an operator of a commercial motor vehicle.

§ 50-404. Employer responsibility.

(a) An employer shall require an employee who operates a commercial vehicle to have a commercial driver's license.

(b) An employer shall not knowingly allow an employee to operate a commercial motor vehicle during any period in which the employee has:

- (1) A driver's license suspended, revoked, or cancelled;
- (2) Lost the right to operate or been disqualified from operating a commercial motor vehicle; or
- (3) More than one commercial motor vehicle license.

§ 50-405. Penalties.

(a) If the Mayor has reason to believe that a person has violated any of the requirements in § 50-403 or § 50-404, the alleged violation shall be enforced in accordance with Chapter 23 of this title, and rules issued by the Mayor pursuant to § 50-409. Any person who is determined by the Mayor, after notice and opportunity to be heard, to have violated § 50-403 or § 50-404, shall be liable to the District for a civil fine of not less than \$100 nor more than \$1000 for the first violation, of not less than \$500 nor more than \$2000 for the second violation, or of not less than \$1000 nor more than \$5000 for the third or a subsequent violation.

(b)(1) As an alternative sanction, any person who knowingly or willfully violates § 50-403 or § 50-404 shall be guilty of an offense and, upon conviction, may be:

- (A) Fined not less than \$100 nor more than \$1000, imprisoned for not more than 6 months, or both, for the first violation;
- (B) Fined not less than \$500 nor more than \$2000, imprisoned not less than 6 months nor more than 9 months, or both, for the second violation; or
- (C) Fined not less than \$1000 nor more than \$5000, imprisoned for not less than 9 months nor more than 1 year, or both, for the third or a subsequent violation.

(2) Prosecutions for violations of this subsection shall be brought by the Corporation Counsel.

§ 50-405.01. Commercial motor vehicle operation; additional requirements, violation, adjudication.

(a) No person while operating a commercial motor vehicle shall:

- (1) Fail to slow down and stop before reaching a railroad crossing to check that railroad tracks are clear of an approaching train;

- (2) Fail to leave sufficient space to drive through a railroad crossing without stopping;
 - (3) Fail to obey a traffic control device or the directions of an enforcement official at a railroad crossing;
 - (4) Fail to negotiate a railroad crossing because of insufficient undercarriage clearance;
 - (5) Violate an out-of-service order, or
 - (6) Have an alcohol concentration of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (b) Any person found in violation of any provision of subsection (a) of this section shall be fined \$300 for each offense, but no traffic points shall be assessed.
- (c) Violations of subsection (a) of this section shall be adjudicated as moving violations pursuant to Chapter 23 of this title.

§ 50-406. Disqualification.

(a) Consistent with subchapter I of Chapter 5 of Title 2, and Chapter 23 of this title, the Mayor shall disqualify from the operation of a commercial motor vehicle any person who is found to have committed any of the following:

- (1) Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance. For the purposes of this section, the phrase "while under the influence of alcohol" means an alcohol concentration of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. The phrase "controlled substance" means a drug, substance, or immediate precursor, as set forth in Chapter 9 of Title 48;
- (2) Leaving the scene of an accident that involves a commercial motor vehicle operated by the person;
- (3) Using a commercial vehicle in the commission of a felony;
- (4) Commission of 2 or more serious traffic violations that involve a commercial motor vehicle operated by the person within a 3-year period; or
- (5) Operation of a motor vehicle where the driver, the motor vehicle or motor vehicle operation owning the vehicle has been issued an out-of-service order and that order has not been cancelled or withdrawn.

(b)(1) A person who is found to have committed any violation of paragraphs (1) through (4) of subsection (a) of this section may have his or her commercial driver's license suspended for one year for the first violation, from 10 years to life for the second violation, and for life for the third violation.

(2) A person who is found to have committed any violation set forth in subsection (a)(5) of this section may have his or her commercial driver's license suspended for 90 days to one year for the first violation, from one to 5 years for the second violation in any 10-year period, and from 3 to 5 years for the third violation in any 10-year period.

(c) Notwithstanding the periods of disqualification set forth in subsection (b) of this section, if a person who uses a commercial vehicle in connection with a felony is transporting a hazardous material, the Mayor shall disqualify the person for a period of not less than 3 years. If a person uses a commercial vehicle in the commission of a felony that involves the manufacturing, distributing, or dispensing of a controlled substance, the Mayor shall disqualify the person from operating the vehicle for life.

§ 50-407. Medical.

The Bureau of Motor Vehicle Services, Office of Medical Review, may establish medical standards for all commercial and District government drivers.

§ 50-409. Rules.

(a) Within 90 days after September 20, 1990, the Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to implement the provisions of this chapter.

(b) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved.

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