

The Vermont Statutes Online

Title 23: Motor Vehicles

Chapter 39: COMMERCIAL DRIVER LICENSE ACT

23 V.S.A. § 4103. Definitions

§ 4103. Definitions

As used in this chapter:

(1) "Commercial driver license" means a license issued in accordance with the requirements of this chapter to an individual which authorizes the individual to drive a class of commercial motor vehicle.

(2) "Commercial driver license information system" means the information system established pursuant to federal law to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(3) "Commercial driver instruction permit" means a permit issued pursuant to subsection 4108(e) of this title.

(4) "Commercial motor vehicle" means: a motor vehicle designed or used to transport passengers or property:

(A) a motor vehicle designed or used to transport passengers or property:

(i) if the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating as determined by federal regulation;

(ii) if the vehicle is designed to transport more than 15 passengers, including the driver;

(iii) if the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, subpart F.

(B) the term shall not include:

(i) authorized emergency vehicles as defined in section 4 of this title;

(ii) motor homes as defined in subdivision 8902(11) of Title 32 and trailer coaches as defined in subdivision 4(41) of this title; however, this exemption shall only apply to vehicles used strictly for recreational, noncommercial purposes;

(iii) equipment owned or operated by the United States Department of Defense, including the National Guard, and operated by noncivilian personnel or by National Guard military technicians (civilians who are required to wear military uniforms) and active duty U.S. Coast Guard

personnel;

(iv) farm vehicles, which are vehicles:

(I) controlled and operated by a farmer;

(II) used to transport either agricultural products, farm machinery, farm supplies or both to or from a farm;

(III) not used in the operations of a common or contract motor carrier; and

(IV) used within 150 miles of the farm.

(v) [Repealed.]

(5) "Disqualification" means:

(A) The suspension, revocation, cancellation, or withdrawal by a state of a person's privilege to operate a commercial motor vehicle;

(B) a determination by the Federal Motor Carrier Safety Administration, under the rules of practice for motor carrier safety contained in 49 C.F.R. part 386, that a person is no longer qualified to operate commercial motor vehicles under 49 C.F.R. part 391; or

(C) the loss of qualification which automatically follows a testing refusal or conviction of an offense listed in 49 C.F.R. part 383.51.

(6) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle on a public highway or who is required to hold a commercial driver license.

(7) "Employer" means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

(8) "Foreign jurisdiction" means any jurisdiction other than a state of the United States.

(9) "Gross vehicle weight rating" means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units.

(10) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73.

(11) "Nonresident CDL" means a commercial driver license issued by a state to an individual who resides in a foreign jurisdiction.

(12) [Deleted.]

(13) "State" means a state, territory or possession of the United States, the District of Columbia, the Republic of Mexico and any Canadian province.

(14) "United States" means the 50 states and the District of Columbia.

(15) "Conviction" means an unvacated adjudication of guilt, or a determination by a judge or hearing officer that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. Conviction shall also mean a plea of guilty or nolo contendere which has been accepted by the court.

(16) "Serious traffic violation" means conviction, when operating a commercial motor vehicle or when operating a noncommercial motor vehicle when the conviction results in the revocation, cancellation, or suspension of the operator's license or operating privilege of:

(A) excessive speeding, involving a single charge of any speed 15 miles per hour or more, above the posted speed limit.

(B) negligent or reckless driving, as defined in section 1091 of this title.

(C) improper traffic lane changes, as defined in sections 1033, 1034, 1035, 1036, or 1038 of this title.

(D) following the vehicle ahead too closely, as defined in section 1039 of this title.

(E) a violation of any state law or local ordinance relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person.

(F) operating a commercial motor vehicle without obtaining a commercial driver license.

(G) operating a commercial motor vehicle without a commercial driver license in the driver's possession. However, no person may be found to have committed this violation if he or she provides proof to the enforcement officer who issued the traffic complaint that the individual held a commercial driver license valid on the date the complaint was issued.

(H) operating a commercial motor vehicle without the proper class of commercial driver license or endorsements, or both.

(17) "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. part 171. However, they do not include portable tanks having a rated capacity under 1,000 gallons.

(18) "Out-of-service order" means a declaration by the Federal Motor Carrier Safety Administration or an authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian, Mexican, or local jurisdiction, that a driver, or a commercial motor vehicle, or a school bus, or a motor carrier operation, is out of service.

(19) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment. (Added 1989, No. 239 (Adj. Sess.), § 1; amended 1991, No. 88, § 4; No. 88, §§ 5, 7, eff. June 26, 1991; No. 88, §§ 6, 8, eff. April 1, 1992; 1995, No. 84 (Adj. Sess.), §§ 1, 2, eff. Oct. 1, 1996; 1997, No.

32, § 6; 2005, No. 37, §§ 2, 3; 2005, No. 166 (Adj. Sess.), § 1; 2009, No. 152 (Adj. Sess.), § 1.)
