

117TH CONGRESS
2D SESSION

S. 4861

To amend title 49, United States Code, to exempt employees in certain farm-related service industries and employees of State, local, and Tribal governments from entry-level driver training requirements for operating a commercial motor vehicle and allow States to issue restricted commercial driver's licenses to owners and employees of certain small businesses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2022

Mr. ROUNDS (for himself, Mr. HOEVEN, Mr. MARSHALL, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to exempt employees in certain farm-related service industries and employees of State, local, and Tribal governments from entry-level driver training requirements for operating a commercial motor vehicle and allow States to issue restricted commercial driver's licenses to owners and employees of certain small businesses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Trucking Regulations
3 Unduly Constricting Known Service-providers Act of
4 2022” or the “TRUCKS Act of 2022”.

5 **SEC. 2. ENTRY-LEVEL DRIVER TRAINING.**

6 (a) IN GENERAL.—Section 31305 of title 49, United
7 States Code, is amended—

8 (1) in subsection (a), in the matter preceding
9 paragraph (1), in the first sentence, by inserting
10 “(referred to in this section as the ‘Secretary’)”
11 after “Secretary of Transportation”; and

12 (2) by adding at the end the following:

13 “(e) EXEMPTION FROM ENTRY-LEVEL TRAINING
14 REQUIREMENTS.—

15 “(1) DEFINITION OF TRIBAL GOVERNMENT.—

16 In this subsection, the term ‘Tribal government’
17 means the governing body of an Indian Tribe (as de-
18 fined in section 4 of the Indian Self-Determination
19 and Education Assistance Act (25 U.S.C. 5304)).

20 “(2) EXEMPTION.—A State may exempt from
21 all entry-level training requirements established
22 under subsection (c) any individual who is—

23 “(A) an employee of—

24 “(i) an agri-chemical business;

25 “(ii) a custom harvester;

26 “(iii) a farm retail outlet or supplier;

1 “(iv) a livestock feeder; or

2 “(v) any other farm-related service in-
3 dustry that the Secretary, by regulation,
4 determines to be appropriate; or

5 “(B) an employee of—

6 “(i) the State;

7 “(ii) any unit of local government in
8 the State, including a county (or equiva-
9 lent jurisdiction); or

10 “(iii) a Tribal government.

11 “(3) APPLICATION.—An exemption under this
12 subsection may be applied with respect to—

13 “(A) obtaining or upgrading a commercial
14 driver’s license with respect to any commercial
15 motor vehicle group described in section
16 383.91(a) of title 49, Code of Federal Regula-
17 tions (or a successor regulation); and

18 “(B) obtaining an endorsement to operate
19 any type of commercial motor vehicle described
20 in section 383.93(b) of that title (or a successor
21 regulation).

22 “(f) RESTRICTED CDLS FOR SMALL BUSINESSES.—

23 “(1) DEFINITIONS.—In this subsection:

24 “(A) ENDORSEMENT.—The term ‘endorse-
25 ment’ has the meaning given the term in sec-

tion 383.5 of title 49, Code of Federal Regulations (or a successor regulation).

“(B) GOOD DRIVING RECORD.—

“(i) IN GENERAL.—The term ‘good driving record’, with respect to a driver, means that, for the applicable period described in clause (ii), the driver—

“(I) subject to clause (iii), has not held more than 1 driver’s license;

“(II) has not had a driver’s license suspended, revoked, or canceled;

“(III) has not been convicted of any disqualifying offense described in section 383.51(b) of title 49, Code of Federal Regulations (or a successor regulation), with respect to any type of motor vehicle described in that section;

“(IV) has not been convicted of any serious traffic violation with respect to any type of motor vehicle;

“(V) has not been convicted of any violation of a State or local law relating to motor vehicle traffic control (other than a parking violation)

1 arising in connection with any traffic
2 accident; and

3 “(VI) has no record of an acci-
4 dent with respect to which the driver
5 was at fault.

6 “(ii) PERIOD DESCRIBED.—The pe-
7 riod referred to in clause (i) is—

8 “(I) for a driver with not less
9 than 1 year, and not more than 2
10 years, of driving experience, the pe-
11 riod constituting the entire driving
12 history of the driver; and

13 “(II) for a driver with more than
14 2 years of driving experience, the 2-
15 year period ending on, as applicable—

16 “(aa) the date on which the
17 driver is issued a restricted driv-
18 er’s license under this subsection;
19 or

20 “(bb) the date on which the
21 applicable restricted driver’s li-
22 cense issued under this sub-
23 section is renewed.

24 “(iii) NUMBER OF DRIVER’S LI-
25 CENSES.—Subject to any applicable regula-

tions promulgated or guidance issued by the Secretary, a State may consider certain combinations of driver's or operator's licenses, such as a regular license and a school bus license or a regular license and a restricted commercial driver's license issued pursuant to this subsection, to be a single license for purposes of clause (i)(I), as the State determines to be appropriate.

“(C) QUALIFIED APPLICANT.—The term ‘qualified applicant’ means an applicant for a restricted commercial driver's license who—

“(i) is an owner or employee of a business that employs not more than 9 employees who hold a commercial driver's license as of the date on which the restricted commercial driver's license is issued, regardless of the total number of employees employed by the business;

“(ii) has held a driver's license for at least 1 year as of the date on which the restricted commercial driver's license is issued; and

“(iii) has a good driving record.

1 “(D) RESTRICTED COMMERCIAL DRIVER’S
 2 LICENSE.—The term ‘restricted commercial
 3 driver’s license’ means a commercial driver’s li-
 4 cense that complies with, and is issued in com-
 5 pliance with, this subsection.

6 “(2) ISSUANCE OF RESTRICTED CDL.—

7 “(A) IN GENERAL.—A State may issue a
 8 restricted commercial driver’s license pursuant
 9 to this subsection only to a qualified applicant.

10 “(B) COMMERCIAL MOTOR VEHICLE
 11 GROUPS.—A State may issue a restricted com-
 12 mercial driver’s license pursuant to this sub-
 13 section with respect to any commercial motor
 14 vehicle group, or any combination of commer-
 15 cial motor vehicle groups, described in section
 16 383.91(a) of title 49, Code of Federal Regula-
 17 tions (or a successor regulation), as the State
 18 determines to be appropriate.

19 “(C) WAIVER OF ENTRY-LEVEL TRAINING
 20 REQUIREMENTS.—With respect to the issuance
 21 of a restricted commercial driver’s license to a
 22 qualified applicant pursuant to this subsection,
 23 a State may waive all entry-level training re-
 24 quirements established under subsection (c).

25 “(3) REQUIREMENT.—

“(A) IN GENERAL.—Except as otherwise provided in this subsection, a restricted commercial driver’s license issued pursuant to this subsection, and the issuance of that restricted commercial driver’s license by a State, shall comply with all applicable requirements of—

“(i) this chapter; and

“(ii) part 383 of title 49, Code of Federal Regulations (or successor regulations).

“(B) NONAPPLICATION OF CERTAIN REGULATIONS.—Sections 383.131, 383.133, and 383.135 of title 49, Code of Federal Regulations (or successor regulations), shall not apply with respect to a restricted commercial driver’s license, or the issuance of a restricted commercial driver’s license, pursuant to this subsection.

“(4) ENDORSEMENTS AND PRIVILEGES.—

“(A) IN GENERAL.—A restricted commercial driver’s license issued pursuant to this subsection shall not be issued with any endorsements on the license document.

“(B) TANK VEHICLES AND HAZARDOUS MATERIALS PRIVILEGES.—Notwithstanding any other provision of law (including regulations), a

1 State may provide that the holder of a re-
2 stricted commercial driver's license issued pur-
3 suant to this subsection may drive vehicles car-
4 rying placarded quantities of hazardous mate-
5 rials of the type and in the quantities described
6 in section 383.3(f)(3)(v) of title 49, Code of
7 Federal Regulations (or a successor regulation),
8 or in such lesser quantities as the State deter-
9 mines to be appropriate.

10 “(5) RENEWAL.—

11 “(A) RENEWAL CYCLE.—A restricted com-
12 mercial driver's license issued pursuant to this
13 subsection shall have the same renewal cycle as
14 an unrestricted commercial driver's license
15 issued by the same State.

16 “(B) GOOD DRIVING RECORD.—Prior to
17 renewal of a restricted commercial driver's li-
18 cense issued under this subsection, the State
19 issuing the restricted commercial driver's li-
20 cense shall confirm that the holder of the re-
21 stricted commercial driver's license has a good
22 driving record.

23 “(6) RECIPROCITY.—A restricted commercial
24 driver's license issued pursuant to this subsection
25 shall be accorded the same reciprocity as a commer-

1 cial driver’s license meeting all of the requirements
2 of part 383 of title 49, Code of Federal Regulations
3 (or successor regulations).

4 “(7) LIMITATION ON ADDITIONAL RESTRIC-
5 TIONS.—Any restrictions imposed on a restricted
6 commercial driver’s license issued pursuant to this
7 subsection, the holder of such a license, or the
8 issuance of such a license by a State shall not—

9 “(A) limit the use by the holder of the re-
10 restricted commercial driver’s license in a motor
11 vehicle that is not a commercial motor vehicle;
12 or

13 “(B) affect the power of a State to admin-
14 ister the driver licensing program of the State
15 for operators of vehicles that are not commer-
16 cial motor vehicles.

17 “(8) PROHIBITION.—An individual may not
18 hold a restricted commercial driver’s license issued
19 pursuant to this subsection and an unrestricted com-
20 mercial driver’s license at the same time.”.

21 (b) COMMERCIAL DRIVER’S LICENSE UNIFORM
22 STANDARDS.—Section 31308(1) of title 49, United States
23 Code, is amended, in the matter preceding subparagraph
24 (A), by inserting “except as otherwise provided in sub-
25 sections (d) through (f) of section 31305 or any other pro-

- 1 vision of Federal law (including regulations),” before “an
- 2 individual issued”.

