§ 384.105 Definitions.
(a) The definitions in part 383 of this title apply to this part, except where otherwise specifically noted.

(b) As used in this part:

CDLIS motor vehicle record (CDLIS MVR) means a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by States to users authorized in § 384.225(e)(3) and (4), subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. 2721–2725.

Issue and issuance mean initial license, license transfers, license renewals, license upgrades, and nonresident commercial driver’s licenses (CDLs), as described in § 383.73 of this title.

Licensing entity means the agency of State government that is authorized to issue drivers’ licenses.

Year of noncompliance means any Federal fiscal year during which—

1. A State fails to submit timely certification as prescribed in subpart C of this part; or

2. The State does not meet one or more of the standards of subpart B of this part, based on a final determination by the FMCSA under § 384.307(c) of this part.

(a) Incorporation by reference. This part includes references to certain matter or materials. The text of the materials is not included in the regulations contained in this part. The materials are hereby made a part of the regulations in this part. The Director of the Office of the Federal Register has approved the materials incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For materials subject to change, only the specific version approved by the Director of the Office of the Federal Register and specified in the regulation are incorporated. Material is incorporated as it exists on the date of the approval and a notice of any change in these materials will be published in the FEDERAL REGISTER.


(c) Addresses. (1) All of the materials incorporated by reference are available for inspection at:

i. The Department of Transportation Library, 1200 New Jersey Ave., SE., Washington, DC 20590–0001; telephone is (202) 366–0746. These documents are also available for inspection and copying as provided in 49 CFR part 7.


(2) Information and copies of all of the materials incorporated by reference may be obtained by writing to: American Association of Motor Vehicle Administrators, Inc., 4301 Wilson Blvd, Suite 400, Arlington, VA 22203; Web site is http://www.aamva.org.


Subpart B—Minimum Standards for Substantial Compliance by States

§ 384.201 Testing program.

The State shall adopt and administer a program for testing and ensuring the fitness of persons to operate commercial motor vehicles (CMVs) in accordance with the minimum Federal standards contained in part 383 of this title.

§ 384.202 Test standards.

No State shall authorize a person to operate a CMV unless such person passes a knowledge and driving skills test for the operation of a CMV in accordance with part 383 of this title.

§ 384.203 Driving while under the influence.

(a) The State must have in effect and enforce through licensing sanctions the
disqualifications prescribed in §383.51(b) of this subchapter for driving a CMV with a 0.04 alcohol concentration.

(b) Nothing in this section shall be construed to require a State to apply its criminal or other sanctions for driving under the influence to a person found to have operated a CMV with an alcohol concentration of 0.04, except licensing sanctions including suspension, revocation, or cancellation.

c) A State that enacts and enforces through licensing sanctions the disqualifications prescribed in §383.51(b) of this subchapter for driving a CMV with a 0.04 alcohol concentration and gives full faith and credit to the disqualification of CMV drivers by other States shall be deemed in substantial compliance with section 12009(a)(3) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 31311(a)(3)).

[67 FR 49761, July 31, 2002]

§ 384.204 CDL issuance and information.

(a) General rule. The State shall authorize a person to operate a CMV only by issuance of a CDL, unless a waiver under the provisions of §383.7 applies, which contains, at a minimum, the information specified in part 383, subpart J, of this title.

(b) Exceptions—(1) Training. The State may authorize a person, who does not hold a CDL valid in the type of vehicle in which training occurs, to undergo behind-the-wheel training in a CMV only by means of a learner's permit issued and used in accordance with §383.23(c) of this title.

(2) Confiscation of CDL pending enforcement. A State may allow a CDL holder whose CDL is held in trust by that State or any other State in the course of enforcement of the motor vehicle traffic code, but who has not been convicted of a disqualifying offense under §383.51 based on such enforcement, to drive a CMV while holding a dated receipt for such CDL.

§ 384.205 CDLIS information.

Before issuing a CDL to any person, the State shall, within the period of time specified in §384.232, perform the check of the Commercial Driver's License Information System (CDLIS) in accordance with §383.73(a)(3)(i) of this title, and, based on that information, shall issue the license, or, in the case of adverse information, promptly implement the disqualifications, licensing limitations, denials, and/or penalties that are called for in any applicable section(s) of this subpart.

§ 384.206 State record checks.

(a) Required checks—(1) Issuing State's records. Before issuing, renewing, upgrading, or transferring a CDL to any person, the driver's State of record must, within the period of time specified in §384.232, check its own records as follows:

(i) The driver record of the person in accordance with §383.73(a)(3)(i) of this chapter; and

(ii) For a driver who certifies that his or her type of driving is not excepted, interstate commerce according to §383.71(a)(1)(ii)(A) of this chapter, the medical certification status information on the person's CDLIS driver record.

(2) Other States' records. Before the initial or transfer issuance of a CDL to a person, and before renewing a CDL held by any person, the issuing State must:

(i) Require the applicant to provide the names of all States where the applicant has previously been licensed to operate any type of motor vehicle.

(ii) Within the time period specified in §384.232, request the complete driver record from all States where the applicant was licensed within the previous 10 years to operate any type of motor vehicle.

(iii) States receiving a request for the driver record of a person currently or previously licensed by the State must provide the information within 30 days.

(b) Required action. Based on the findings of the State record checks prescribed in this section, the State of record must do one of the following as appropriate:

(1) Issue, renew, upgrade or transfer the applicant’s CDL;

(2) In the event a State obtains adverse information regarding the applicant, promptly implement the disqualifications, licensing limitations, denials, or penalties that are called for in