

STATEMENT OF PURPOSE

RS18230C3

The purpose of this legislation is to codify into Idaho statutes, new CDL (commercial drivers license) and employer penalties for violating out-of-service order as required by regulations of the Federal Motor Carrier Safety Administration, implementing provisions of SAFETEA-LU (the Safe, Accountable Flexible, Efficient Transportation Equity Act).

- Increases the minimum civil penalty assessments applicable to commercial vehicle drivers convicted of an out of service (OOS) violation. Under previous 49 USC 31310(i)(2)(A) and (B), such violations carried a minimum civil penalty of \$1,000 for both a first and second conviction. The new federal minimum penalty amounts for the first and second convictions are two thousand five hundred (\$2,500) and five thousand (\$5,000).
- Increases maximum civil penalty assessments on employers who knowingly allow or require operation of a commercial motor vehicle in violation of an out-of-service order. Such violations carried a maximum civil penalty of eleven thousand dollars (\$11,000), now increasing to twenty five thousand dollars (\$25,000).
- Minimum disqualification times are increased for CMV drivers violating an out of service order while transporting non-hazardous materials from ninety (90) days to one hundred eighty (180) days for the first conviction; and from one (1) year to two (2) years for a second conviction arising from separate incidents during any ten (10) year period.

FISCAL NOTE

Fiscal Impact if Bill Passes:

Minor system programming is required that can be accomplished by staff programmers within existing budget constraints.

Fiscal Impact if Bill Fails:

Withholding of Federal-Aid Highway Funds Based on State Noncompliance With the Commercial Drivers License Program: Sec. 4124(c) of SAFETEA-LU (119 Stat. 1730) amended 49 U.S.C. 31314(a) and (b) to provide that the Secretary shall withhold from a State, based on noncompliance with the Commercial Drivers License (CDL) Program, up to a specified percentage (5 percent and 10 percent for the first and subsequent years, respectively) of Federal-aid highway funds apportioned to the State under 23 U.S.C. 104(b)(1), (3), and (4). As the Federal-aid withholding amounts previously were fixed at the above noted percentages, this provision allows FMCSA a certain amount of discretion in determining the amount of Federal aid highway funds to be withheld from a given State.

The sanction would be on apportioned Interstate Maintenance (IM), National Highway System (NHS) and Surface Transportation Program (STP) federal-aid funds. Since FY2010 is beyond the end of SAFETEA-LU, there are no official apportionments for that year so the FY2009 apportionments were used as an estimate. Idaho's approximate amount of apportionments for those three funding categories in FY09 is \$130.0 million. Therefore the sanction in FY10 would be 5% of that amount or \$6.5 million. In FY11 and thereafter the sanction would be 10% of the total or approximately \$13.0 million.

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