

AMENDMENT

OFFERED BY MR. BALDERSON OF OHIO

At the end of subtitle C of title IV of division B of the bill, add the following:

1 **SEC. ____ . APPRENTICESHIP FOR COMMERCIAL DRIVERS**

2 **UNDER THE AGE OF 21.**

3 (a) DEFINITIONS.—In this section:

4 (1) APPRENTICE.—The term “apprentice”
5 means an individual under the age of 21 who holds
6 a commercial driver’s license required to operate a
7 class of vehicles described in part 282 of title 49,
8 Code of Federal Regulations.

9 (2) COMMERCIAL DRIVER’S LICENSE.—The
10 term “commercial driver’s license” has the meaning
11 given the term in section 31301 of title 49, United
12 States Code.

13 (3) COMMERCIAL MOTOR VEHICLE.—The term
14 “commercial motor vehicle” means a commercial
15 motor vehicle that meets the definition under para-
16 graph (1) or (4) of the definition of the term “com-
17 mercial motor vehicle” in section 390.5 of title 49,
18 Code of Federal Regulations (as in effect on the
19 date of enactment of this Act).

1 (4) DRIVING TIME.—The term “driving time”
2 has the meaning given the term in section 395.2 of
3 title 49, Code of Federal Regulations (as in effect on
4 the date of enactment of this Act).

5 (5) EMPLOYEE.—The term “employee” has the
6 meaning given such term in section 31132 of title
7 49, United States Code.

8 (6) EMPLOYER.—The term “employer” has the
9 meaning given such term in section 31132 of title
10 49, United States Code.

11 (7) EXPERIENCED DRIVER.—The term “experi-
12 enced driver” means an individual who—

13 (A) is not less than 21 years of age;

14 (B) has held a commercial driver’s license
15 for the 2-year period ending on the date on
16 which the individual serves as an experienced
17 driver under subsection (c)(3)(B);

18 (C) has had no preventable accidents re-
19 portable to the Department of Transportation
20 or pointed moving violations during the 1-year
21 period ending on the date on which the indi-
22 vidual serves as an experienced driver under
23 subsection (c)(3)(B); and

1 (D) has a minimum of 2 years of experi-
2 ence driving a commercial motor vehicle in
3 interstate commerce.

4 (8) ON-DUTY TIME.—The term “on-duty time”
5 has the meaning given the term in section 395.2 of
6 title 49, Code of Federal Regulations (as in effect on
7 the date of enactment of this Act).

8 (9) POINTED MOVING VIOLATION.—The term
9 “pointed moving violation” means a violation that
10 results in points being added to the license of a driv-
11 er, or a similar comparable violation, as determined
12 by the Secretary.

13 (10) SECRETARY.—The term “Secretary”
14 means the Secretary of Transportation.

15 (b) APPRENTICE.—An apprentice may—

16 (1) drive a commercial motor vehicle in inter-
17 state commerce while taking part in the 120-hour
18 probationary period under subsection (c)(1) or the
19 280-hour probationary period under subsection
20 (c)(2), pursuant to an apprenticeship program estab-
21 lished by an employer in accordance with this sec-
22 tion; and

23 (2) drive a commercial motor vehicle in inter-
24 state commerce after the apprentice completes an
25 apprenticeship program described in paragraph (1).

1 (c) APPRENTICESHIP PROGRAM.—An apprenticeship
2 program referred to in subsection (b) is a program that
3 consists of the following requirements:

4 (1) 120-HOUR PROBATIONARY PERIOD.—

5 (A) IN GENERAL.—The apprentice shall
6 complete 120 hours of on-duty time, of which
7 not less than 80 hours are driving time in a
8 commercial motor vehicle.

9 (B) PERFORMANCE BENCHMARKS.—In
10 order to complete the 120-hour probationary
11 period under subparagraph (A), an employer
12 shall determine that the apprentice is com-
13 petent in each of the following areas:

14 (i) Interstate, city traffic, rural 2-
15 lane, and evening driving.

16 (ii) Safety awareness.

17 (iii) Speed and space management.

18 (iv) Lane control.

19 (v) Mirror scanning.

20 (vi) Right and left turns.

21 (vii) Logging and complying with
22 rules relating to hours of service.

23 (2) 280-HOUR PROBATIONARY PERIOD.—

24 (A) IN GENERAL.—After completing the
25 120-hour probationary period under paragraph

1 (1), the apprentice shall complete 280 hours of
2 on-duty time, of which not less than 160 hours
3 are driving time in a commercial motor vehicle.

4 (B) PERFORMANCE BENCHMARKS.—In
5 order to complete the 280-hour probationary
6 period under subparagraph (A), an employer
7 shall determine that the apprentice is com-
8 petent in each of the following areas:

9 (i) Backing and maneuvering in close
10 quarters.

11 (ii) Pre-trip inspections.

12 (iii) Fueling procedures.

13 (iv) Weighing loads, weight distribu-
14 tion, and sliding tandems.

15 (v) Coupling and uncoupling proce-
16 dures.

17 (vi) Trip planning, truck routes, map
18 reading, navigation, and permits.

19 (3) RESTRICTIONS FOR 120-HOUR AND 280-
20 HOUR PROBATIONARY PERIODS.—During the 120-
21 hour probationary period under paragraph (1) and
22 the 280-hour probationary period under paragraph
23 (2)—

24 (A) the apprentice may only drive a com-
25 mercial motor vehicle that has—

1 (i) automatic manual or automatic
2 transmissions;

3 (ii) active braking collision mitigation
4 systems;

5 (iii) forward-facing video event cap-
6 ture; and

7 (iv) governed speeds of 65 miles per
8 hour at the pedal and 65 miles per hour
9 under adaptive cruise control; and

10 (B) the apprentice shall be accompanied in
11 the cab of the commercial motor vehicle by an
12 experienced driver.

13 (4) RECORDS RETENTION.—The employer shall
14 maintain records, in a manner required by the Sec-
15 retary, relating to the satisfaction of the require-
16 ments of paragraphs (1)(B) and (2)(B) by the ap-
17 prentice.

18 (5) REPORTABLE INCIDENTS.—If the appren-
19 tice is involved in a preventable accident reportable
20 to the Department of Transportation or a pointed
21 moving violation while driving a commercial motor
22 vehicle as part of an apprenticeship program de-
23 scribed in this subsection, the apprentice shall un-
24 dergo remediation and additional training until the
25 apprentice can demonstrate, to the satisfaction of

1 the employer, competence in each of the performance
2 benchmarks described in paragraphs (1)(B) and
3 (2)(B).

4 (6) COMPLETION OF PROGRAM.—The appren-
5 tice shall be considered to have completed the ap-
6 prenticeship program on the date on which the ap-
7 prentice completes the 280-hour probationary period
8 under paragraph (2).

9 (7) MINIMUM REQUIREMENTS.—

10 (A) IN GENERAL.—Nothing in this Act
11 prevents an employer from imposing additional
12 requirements on an apprentice taking part in
13 an apprenticeship program established pursuant
14 to this section.

15 (B) TECHNOLOGIES.—Nothing in this Act
16 prevents an employer from requiring or install-
17 ing additional technologies in a commercial
18 motor vehicle in addition to the technologies de-
19 scribed in paragraph (3)(A).

20 (d) REGULATIONS.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary shall promul-
22 gate regulations to implement this Act.

23 (e) NO EFFECT ON LICENSE REQUIREMENT.—Noth-
24 ing in this Act exempts an apprentice from any require-

1 ment to hold a commercial driver's license in order to op-
2 erate a commercial motor vehicle.

3 (f) EMPLOYER RESPONSIBILITY.—An employer shall
4 not knowingly allow, require, or permit, or authorize a
5 driver under the age of 21 to operate a commercial motor
6 vehicle in interstate commerce unless the driver is partici-
7 pating in or has completed an apprenticeship program
8 that meets the requirements of subsection (e).

