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AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Secretary of Transportation to promulgate regulations relating to commercial motor vehicle drivers under the age of 21.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 2016

To authorize elements of the Department of Transportation, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. YOUNG (for himself, Mr. TESTER, Ms. SINEMA, Mrs. BLACKBURN, Mr. BLUNT, Mrs. CAPITO, Mr. CRUZ, Mr. MORAN, and Mr. SCOTT of Florida) *and Lummis*

Viz:

1 At the appropriate place, insert the following:

2 **SEC. _____. APPRENTICESHIP PROGRAM FOR COMMERCIAL DRIVERS UNDER THE AGE OF 21.**

3 (a) DEFINITIONS.—In this section:

4 (1) APPRENTICE.—The term “apprentice”
5 means an employee under the age of 21 who holds
6 a commercial driver’s license required to operate a
7 class of vehicles described in part 383 of title 49,
8 Code of Federal Regulations (as in effect on the
9 date of enactment of this Act).
10

1 (2) COMMERCIAL DRIVER'S LICENSE.—The
2 term “commercial driver's license” has the meaning
3 given the term in section 31301 of title 49, United
4 States Code.

5 (3) COMMERCIAL MOTOR VEHICLE.—The term
6 “commercial motor vehicle” means a commercial
7 motor vehicle that meets the definition under para-
8 graph (1) or (4) of the definition of the term “com-
9 mercial motor vehicle” contained in section 390.5 of
10 title 49, Code of Federal Regulations (as in effect on
11 the date of enactment of this Act).

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

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

19 (6) EMPLOYER.—The term “employer” has the
20 meaning given the term in section 31132 of title 49,
21 United States Code.

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

24 (A) is not younger than 21 years of age;

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

4 (C) as of the date on which the individual
5 serves as an experienced driver for purposes of
6 subsection (c)(3)(B)—

7 (i) has held a commercial driver's li-
8 cense for each of the 2 preceding calendar
9 years; and

10 (ii) for the preceding calendar year,
11 has had no—

12 (I) preventable accidents report-
13 able to the Department; or

14 (II) pointed moving violations.

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

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

24 (b) APPRENTICES.—An apprentice may—

1 (1) drive a commercial motor vehicle in inter-
2 state commerce while participating in the 120-hour
3 probationary period under subsection (c)(1) or the
4 280-hour probationary period under subsection
5 (c)(2), pursuant to an apprenticeship program estab-
6 lished by an employer in accordance with this sec-
7 tion; and

8 (2) drive a commercial motor vehicle in inter-
9 state commerce after the apprentice completes an
10 apprenticeship program described in subsection (c).

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

14 (1) 120-HOUR PROBATIONARY PERIOD.—

15 (A) IN GENERAL.—An apprentice shall
16 complete 120 hours of on-duty time, of which
17 not fewer than 80 hours shall be driving time
18 in a commercial motor vehicle.

19 (B) PERFORMANCE BENCHMARKS.—To
20 complete the 120-hour probationary period
21 under subparagraph (A), the employer of an ap-
22 prentice shall determine that the apprentice is
23 competent in each of the following areas:

24 (i) Interstate, city traffic, rural 2-
25 lane, and evening driving.

- 1 (ii) Safety awareness.
- 2 (iii) Speed and space management.
- 3 (iv) Lane control.
- 4 (v) Mirror scanning.
- 5 (vi) Right and left turns.
- 6 (vii) Logging and complying with
- 7 rules relating to hours of service.

8 (2) 280-HOUR PROBATIONARY PERIOD.—

9 (A) IN GENERAL.—After completing the
10 120-hour probationary period under paragraph
11 (1), an apprentice shall complete 280 hours of
12 on-duty time, of which not fewer than 160
13 hours shall be driving time in a commercial
14 motor vehicle.

15 (B) PERFORMANCE BENCHMARKS.—To
16 complete the 280-hour probationary period
17 under subparagraph (A), the employer of an ap-
18 prentice shall determine that the apprentice is
19 competent in each of the following areas:

- 20 (i) Backing and maneuvering in close
21 quarters.
- 22 (ii) Pretrip inspections.
- 23 (iii) Fueling procedures.
- 24 (iv) Weighing loads, weight distribu-
25 tion, and sliding tandems.

1 (v) Coupling and uncoupling proce-
2 dures.

3 (vi) Trip planning, truck routes, map
4 reading, navigation, and permits.

5 (3) RESTRICTIONS.—During each probationary
6 period under paragraphs (1) and (2)—

7 (A) an apprentice may only drive a com-
8 mercial motor vehicle that has—

9 (i) an automatic manual or automatic
10 transmission;

11 (ii) an active braking collision mitiga-
12 tion system;

13 (iii) forward-facing video event cap-
14 ture; and

15 (iv) a governed speed of 65 miles per
16 hour—

17 (I) at the pedal; and

18 (II) under adaptive cruise con-
19 trol; and

20 (B) an apprentice shall be accompanied in
21 the cab of the commercial motor vehicle by an
22 experienced driver.

23 (4) RECORDS RETENTION.—An employer shall
24 maintain records, in a manner required by the Sec-
25 retary, relating to the satisfaction of the perform-

1 ance benchmarks described in paragraphs (1)(B)
2 and (2)(B) by each apprentice of the employer.

3 (5) REPORTABLE INCIDENTS.—If an apprentice
4 is involved in a preventable accident reportable to
5 the Department or a pointed moving violation while
6 driving a commercial motor vehicle as part of an ap-
7 prenticeship program described in this subsection,
8 the apprentice shall undergo remediation and addi-
9 tional training until the apprentice can demonstrate,
10 to the satisfaction of the employer, competence in
11 each of the performance benchmarks described in
12 paragraphs (1)(B) and (2)(B).

13 (6) COMPLETION OF PROGRAM.—An apprentice
14 shall be considered to have completed an apprentice-
15 ship program on the date on which the apprentice
16 completes the 280-hour probationary period under
17 paragraph (2).

18 (7) MINIMUM REQUIREMENTS.—

19 (A) IN GENERAL.—Nothing in this section
20 prevents an employer from imposing any addi-
21 tional requirement on an apprentice partici-
22 pating in an apprenticeship program under this
23 section.

24 (B) TECHNOLOGIES.—Nothing in this sec-
25 tion prevents an employer from requiring or in-

1 stalling a technology in a commercial motor ve-
2 hicle in addition to the technologies described in
3 paragraph (3)(A).

4 (d) REGULATIONS.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary shall promul-
6 gate regulations to implement this section.

7 (e) NO EFFECT ON LICENSE REQUIREMENT.—Noth-
8 ing in this section exempts an apprentice from any re-
9 quirement to hold a commercial driver's license in order
10 to operate a commercial motor vehicle.

11 (f) EMPLOYER RESPONSIBILITY.—An employer shall
12 not knowingly allow, require, permit, or authorize a driver
13 under the age of 21 to operate a commercial motor vehicle
14 in interstate commerce, unless the driver is participating
15 in, or has completed, an apprenticeship program that
16 meets the requirements of subsection (e).