

later than 90 days before the date of expiration of the endorsement. An individual who does not successfully complete the Transportation Security Administration security screening process referenced in paragraph (b) of this section may not be issued a hazardous materials endorsement.

(d) *Hazardous materials endorsement renewal cycle.* Each State must require that hazardous materials endorsements be renewed every 5 years or less so that individuals are subject to a Transportation Security Administration security screening requirement referenced in paragraph (b) of this section at least every 5 years.

[68 FR 24850, May 5, 2003, as amended at 68 FR 63033, Nov. 7, 2003; 69 FR 51393, Aug. 19, 2004]

### Subpart J—Commercial Driver's License Document

SOURCE: 53 FR 27657, July 21, 1988, unless otherwise noted.

#### § 383.151 General.

The CDL shall be a document that is easy to recognize as a CDL. At a minimum, the document shall contain information specified in § 383.153.

#### § 383.153 Information on the document and application.

(a) All CDLs shall contain the following information:

(1) The prominent statement that the license is a "Commercial Driver's License" or "CDL," except as specified in § 383.153(b).

(2) The full name, signature, and mailing address of the person to whom such license is issued;

(3) Physical and other information to identify and describe such person including date of birth (month, day, and year), sex, and height;

(4) Color photograph of the driver;

(5) The driver's State license number;

(6) The name of the State which issued the license;

(7) The date of issuance and the date of expiration of the license;

(8) The group or groups of commercial motor vehicle(s) that the driver is authorized to operate, indicated as follows:

(i) A for Combination Vehicle;

(ii) B for Heavy Straight Vehicle; and  
(iii) C for Small Vehicle.

(9) The endorsement(s) for which the driver has qualified, if any, indicated as follows:

(i) T for double/triple trailers;

(ii) P for passenger;

(iii) N for tank vehicle;

(iv) H for hazardous materials;

(v) X for a combination of tank vehicle and hazardous materials endorsements;

(vi) S for school bus; and

(vii) At the discretion of the State, additional codes for additional groupings of endorsements, as long as each such discretionary code is fully explained on the front or back of the CDL document.

(b) If the CDL is a Nonresident CDL, it shall contain the prominent statement that the license is a "Nonresident Commercial Driver's License" or "Nonresident CDL." The word "Nonresident" must be conspicuously and unmistakably displayed, but may be noncontiguous with the words "Commercial Driver's License" or "CDL."

(c) If the State has issued the applicant an air brake restriction as specified in § 383.95, that restriction must be indicated on the license.

(d) Except in the case of a Nonresident CDL:

(1) A driver applicant must provide his/her Social Security Number on the application of a CDL; and

(2) The State must provide the Social Security Number to the CDLIS.

[53 FR 27657, July 21, 1988, as amended at 67 FR 49760, July 31, 2002]

#### § 383.155 Tamperproofing requirements.

States shall make the CDL tamperproof to the maximum extent practicable. At a minimum, a State shall use the same tamperproof method used for noncommercial drivers' licenses.

## PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

### Subpart A—General

Sec.

384.101 Purpose and scope.

## § 384.101

- 384.103 Applicability.
- 384.105 Definitions.
- 384.107 Matter incorporated by reference.

### Subpart B—Minimum Standards for Substantial Compliance by States

- 384.201 Testing program.
- 384.202 Test standards.
- 384.203 Driving while under the influence.
- 384.204 CDL issuance and information.
- 384.205 CDLIS information.
- 384.206 State record checks.
- 384.207 Notification of licensing.
- 384.208 Notification of disqualification.
- 384.209 Notification of traffic violations.
- 384.210 Limitation on licensing.
- 384.211 Return of old licenses.
- 384.212 Domicile requirement.
- 384.213 Penalties for driving without a proper CDL.
- 384.214 Reciprocity.
- 384.215 First offenses.
- 384.216 Second offenses.
- 384.217 Drug offenses.
- 384.218 Second serious traffic violation.
- 384.219 Third serious traffic violation.
- 384.220 National Driver Register information.
- 384.221 Out-of-service regulations (intoxicating beverage).
- 384.222 Violation of out-of-service orders.
- 384.223 Railroad-highway grade crossing violation.
- 384.224 Noncommercial motor vehicle violations.
- 384.225 Record of violations.
- 384.226 Prohibition on masking convictions.
- 384.227–384.230 [Reserved]
- 384.231 Satisfaction of State disqualification requirement.
- 384.232 Required timing of record checks.
- 384.233 Background records checks.

### Subpart C—Procedures for Determining State Compliance

- 384.301 Substantial compliance—general requirement.
- 384.303 [Reserved]
- 384.305 State certifications for Federal fiscal years after FY 1994.
- 384.307 FMCSA program reviews of State compliance.
- 384.309 Results of compliance determination.

### Subpart D—Consequences of State Noncompliance

- 384.401 Withholding of funds based on noncompliance.
- 384.403 Period of availability; effect of compliance and noncompliance.
- 384.405 Decertification of State CDL program.
- 384.407 Emergency CDL grants.

## 49 CFR Ch. III (10–1–04 Edition)

AUTHORITY: 49 U.S.C. 31136, 31301 *et seq.*, 31502; Sec. 103 of Pub. L. 106–159, 113 Stat. 1753; and 49 CFR 1.73.

SOURCE: 59 FR 26039, May 18, 1994, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 384 appear at 66 FR 49872, Oct. 1, 2001.

### Subpart A—General

#### § 384.101 Purpose and scope.

(a) *Purpose.* The purpose of this part is to ensure that the States comply with the provisions of section 12009(a) of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. 31311(a)).

(b) *Scope.* This part:

(1) Includes the minimum standards for the actions States must take to be in substantial compliance with each of the 22 requirements of 49 U.S.C. 31311(a);

(2) Establishes procedures for determinations to be made of such compliance by States; and

(3) Specifies the consequences of State noncompliance.

[62 FR 37152, July 11, 1997]

#### § 384.103 Applicability.

The rules in this part apply to all States.

#### § 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:

*Issue* and *issuance* mean initial licensure, 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.