

112TH CONGRESS
1ST SESSION

S. 1288

To exempt certain class A CDL drivers from the requirement to obtain a hazardous material endorsement while operating a service vehicle with a fuel tank containing 3,785 liters (1,000 gallons) or less of diesel fuel.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2011

Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, Mr. MORAN, and Mr. JOHANNIS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To exempt certain class A CDL drivers from the requirement to obtain a hazardous material endorsement while operating a service vehicle with a fuel tank containing 3,785 liters (1,000 gallons) or less of diesel fuel.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. HAZARDOUS MATERIAL ENDORSEMENT EX-**
4 **EMPTION.**

5 (a) EXCLUSION.—Section 5117(d)(1) of title 49,
6 United States Code, is amended—

1 (1) in subparagraph (B), by striking “and” at
2 the end;

3 (2) in subparagraph (C), by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(D) a service vehicle carrying diesel fuel
7 in quantities of 3,785 liters (1,000 gallons) or
8 less that is—

9 “(i) driven by a class A commercial
10 driver’s license holder who is a custom har-
11 vester, an agricultural retailer, an agricul-
12 tural business employee, an agricultural
13 cooperative employee, or an agricultural
14 producer; and

15 “(ii) clearly marked with a placard
16 reading ‘Diesel Fuel.’”.

17 (b) EXEMPTION.—Section 31315(b) of title 49,
18 United States Code, is amended by adding at the end the
19 following:

20 “(8) HAZARDOUS MATERIALS ENDORSEMENT
21 EXEMPTION.—The Secretary shall exempt all class A
22 commercial driver’s license holders who are custom
23 harvesters, agricultural retailers, agricultural busi-
24 ness employees, agricultural cooperative employees,
25 or agricultural producers from the requirement to

1 obtain a hazardous material endorsement under part
2 383 of title 49, Code of Federal Regulations, while
3 operating a service vehicle carrying diesel fuel in
4 quantities of 3,785 liters (1,000 gallons) or less if
5 the tank containing such fuel is clearly marked with
6 a placard reading ‘Diesel Fuel’.”

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