



**TESTIMONY OF
Timothy S. Doyle
ON
L.D. 652, “An Act to Allow the Reinstatement of Certain
Commercial Driver’s Licenses”**

Good afternoon, Senator Chipman, Representative Williams, and members of the Transportation Committee. My name is Tim Doyle and I am the Vice President of Maine Motor Transport Association. The Association is comprised of over 1,700-member companies, whose employees comprise a large portion of the nearly 34,000 people who make their living in the trucking industry in Maine.

I am here today to testify in support of LD 652.

Federal regulations in 49 CFR Part 383.51 (table 1) require that a driver with a CDL or CLP be disqualified from operating commercial vehicles for 1 year, for refusing to take an alcohol test as required under a State or local jurisdiction’s implied consent law, when operating a commercial or non-commercial vehicle. A second or subsequent refusal to test would result in a lifetime disqualification of the CDL.

This type of disqualification is not limited in the federal regulations to refusal to submit to an alcohol test, but to several combinations of

violations in Table 1 (b)(1) through (8), which are considered “major traffic violations” under the regulations.

Part 383.51(a)(6) allows for reinstatement after a lifetime disqualification after 10 years if the person has voluntarily entered and successfully completed an appropriate rehabilitation program approved by the State. Any person who has been reinstated in accordance with this provision and who is subsequently convicted of a disqualifying offense in (b)(1) through (8) of this section must not be reinstated.

Title 29A § 2523 is modeled after 49 CFR Part 383 and includes refusal to test for the presence of a drug or drug metabolite or for alcohol when there is probable cause to believe the operator of the commercial motor vehicle is under the influence of drugs or is .04 or higher bac. The suspensions periods imposed for violations of Title 29A §2523 mirror those in federal regulations.

The federal regulations allow for reinstatement after 10 years when rehabilitation has taken place after appropriate treatment. The Association believes that this pathway gives hope to disqualified drivers to allow for driving commercial motor vehicles again within their lifetime. The key to getting the CDL privilege back would be successfully completing an appropriate rehabilitation process that is approved by the State.

The bill as written allows for disqualified persons to request a hearing under Title 29A §2483 from the Secretary of State. In our opinion, however, that section was not written to accommodate disqualifications for violations of Table 1 violations or of Title 29A 2523.

Should the Committee determine that CDL holders be eligible for reinstatement after for lifetime disqualifications, after 10 years, and with appropriate rehabilitation, we recommend inserting specific language to Title 29A to address these specific disqualifications.

Thank you and I would be happy to answer any questions the committee may have.