



North Dakota Department of Transportation

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247150

June 24, 2003

Docket Management Facility
United States Department of Transportation
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Thank you for the opportunity to comment on the interim final rule issued May 5, 2003, by the Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation. This interim rule specifically concerns "limitations on the issuance of commercial driver's licenses with a hazardous materials endorsement."

Although there are many issues and questions on this interim final rule, as well as a companion one issued by the Transportation Security Administration, (TSA) Department of Homeland Security, we will focus on only one issue here. Other issues and questions will be addressed through, and in collaboration with, the American Association of Motor Vehicle Administrators.

Section 383.23(c)(3) has been added to specify that someone with a state learner's permit may not operate a commercial motor vehicle transporting hazardous materials. With this restriction, how will new employees of companies that transport hazardous materials gain commercial driving experience and take the skill and road tests if they are not allowed to operate these types of vehicles on a learner's permit? If the applicant passes the background check and the jurisdiction receives a "no security threat" response from the TSA, the jurisdiction should be allowed to place the hazardous material endorsement on the learner's permit upon successful completion of the knowledge test for hazardous materials.

If this is not changed, those with a learner's permit will have to possibly gain their experience driving empty vehicles, particularly where the employing company only transports hazardous materials. This would be a tremendous waste of resources for those employers.

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If you have any questions, or need further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Keith C. Magnusson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Keith C. Magnusson
Deputy Director for Driver and Vehicle Services

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