

Re: SB 85 AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS

Co-Chair Slap, Co-Chair Serra, Ranking Member Kelly, Ranking Member Wilson, and members of the Aging Committee, thank you for the opportunity to present this testimony. My name is Joe Sculley, I am president of the Motor Transport Association of Connecticut (MTAC). MTAC is a statewide trade association representing small business trucking companies in Connecticut.

MTAC appreciates the inclusion of Section 12, regarding an exemption from inquiring about date of birth or date of graduation on an employment application, which states “(12) For an employer, by the employer or the employer's agent, to request or require a prospective employee's age, date of birth, dates of attendance at or date of graduation from an educational institution on an initial employment application, provided the provisions of this subdivision shall not apply to any employer requesting or requiring such information (A) based on a bona fide occupational qualification or need, or (B) when such information is required to comply with any provision of state or federal law.”

Because of this provision, particularly sentence (B), we have no objection to this bill.

DATE OF BIRTH INQUIRY REQUIRED BY FEDERAL REGULATION

Federal regulation (49 CFR 391.21) requires that employers ask applicants for commercial truck driving jobs about their date of birth. This is because an individual may not drive a commercial motor vehicle which requires a Commercial Driver’s License across state lines until they are 21 years old. Additionally, an individual may not drive a commercial motor vehicle which requires a Commercial Driver’s License within state lines until they are 18 years old.

PERTINENT REGULATION AND FMCSA INTERPRETATIONS

49 CFR §391.21 Application for employment.

(a) Except as provided in subpart G of this part, a person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.

(b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him/her, and must contain the following information:

(1) The name and address of the employing motor carrier;

(2) **The applicant's name, address, date of birth, and social security number;**

Question 1: Is there a maximum age limit for driving in interstate commerce?



Guidance:

The FMCSRs do not specify any maximum age limit for drivers.

Question 2: Does the age requirement in [§391.11\(b\)\(1\)](#) apply to CMV drivers involved entirely in intrastate commerce?

Guidance:

No. Neither the CDL requirements in [part 383](#) nor the FMCSRs in [parts 390-399](#) require drivers engaged purely in intrastate commerce to be 21 years old. The States may set lower age thresholds for intrastate drivers.

Question 3: What effect does the Age Discrimination in Employment Act have on the minimum age requirement for an interstate driver?

Guidance:

None. The Age Discrimination in Employment Act, 29 U.S.C. 621-634, recognizes an exception when age is a bona fide occupational qualification. 29 U.S.C. 623(f)(1).

Thank you for your consideration of this testimony.

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ABOUT CT TRUCKING INDUSTRY:

85.8%: number of Connecticut communities that depend exclusively on trucks to move their goods

94%: percent of manufactured tonnage transported by truck in Connecticut

\$3.2 billion: total trucking industry wages paid in Connecticut (2017)

58,400: trucking industry jobs in Connecticut (2017)

\$53,3500: average annual salary in Connecticut (2017)

\$8,610: average annual CT-imposed highway user fees paid by tractor trailers (as of 4/1/2018)

\$8,906: average annual fed-imposed highway user fees paid by tractor trailers (as of 4/1/2018)