



American Association of Motor Vehicle Administrators

MEMO

To: AAMVA Board of Directors, Chief Administrators, Chief Law Enforcement Officials and Driver's License Contact and CDL Coordinators

From: Neil D. Schuster, President and CEO

Date: April 16, 2008

Subject: FMCSA NPRM on CDL Testing and Commercial Learner's Permit Standards

The Federal Motor Carrier Safety Administration (FMCSA) published a Notice of Proposed Rulemaking (NPRM) on April 9th in the *Federal Register* that revises the Commercial Driver's License (CDL) knowledge and skills testing standards and requires new federal minimum standards for states to issue commercial learner's permits (CLPs).

FMCSA is proposing that a CLP holder meet the same requirements as those for a CDL holder. This means that a driver holding a CLP would be subject to the same driver disqualification offenses as apply to a CDL holder. The NPRM address many areas in the current CDL testing standards and minimum standards for the CLP. We have attached a matrix to assist you in evaluating the rules.

Comments regarding this NPRM are due by June 9, 2008. Please email Karen Morton (kmorton@aamva.org) or Pam Walker (pwalker@aamva.org) by May 23, 2008, a copy of your jurisdiction's comments for the record so AAMVA can use the jurisdiction comments as the basis for the Association comments for the docket.

As a reminder, states can still submit comments for FMCSA NPRM on Minimum Training Requirements for Entry-level Commercial Motor Vehicle (CMV) Operators. FMCSA extended the comment period until May 23, 2008. Please send copies of your comments to Kevin Lewis (kewis@aamva.org) or Pam Walker (pwalker@aamva.org). More details are available in the March 24 [Federal Register notice](#).

An International Safety Association of Motor Vehicle and Law Enforcement Administrators

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**Commercial Driver's License Testing and Commercial Learner's Permit Standards; Proposed Rule
Published in Federal Register: April 9, 2008**

Provisions	Notice of Proposed Rule Making	Notes
<p><i>Strengthen Legal Presence Requirement</i></p> <ul style="list-style-type: none"> ◆ Issue CLP/CDL only to: <ul style="list-style-type: none"> - US Citizen - Lawful permanent resident of US ◆ Issue non-resident CLP/CDL to persons with: <ul style="list-style-type: none"> - Temporary legal presence - Indefinite legal presence ◆ Proof of citizenship or legal presence is required. ◆ Proof of domicile in State is required 	<p>383.71 Driver Application Procedures & 383.73 State Procedures</p> <p>383.71 (f)(1); 383.73 (f); 383.73 (f)(2)(i)(ii); 383.73 (f)(3)</p> <p>383.71 (a)(5), 383.71 (b)(9) 383.73 (b)(6), 383.73 (b)(5)</p> <p>383.71 (a)(6), 383.71 (b)(10) 383.73 (a)(6), 383.73(b)(5)</p>	
<p><i>SSN Verification before issuing CLP or CDL</i></p> <ul style="list-style-type: none"> ◆ State is required to verify Name, DOB & SSN ◆ CLP/CDL issuance is prohibited without SSN verification ◆ Electronic verification required (individual/batch) <ul style="list-style-type: none"> - If batch is used, CLP/CDL cannot be issued until verification has been received ◆ Exception: verification is only required for initial issuance of CLP, transfer of CDL from O/S; or for renewals whose SSN has not previously been verified, provided a notation is made on the record confirming the verification was made and the date it was done.. 	<p>383.73 (g)</p> <p>383.73 (g)</p> <p>383.73 (g)</p> <p>383.73 (g)(2)</p>	

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<i>Surrender of CLP, CDL and Non-CDL Document</i>	383.71 (b)(6), 383.71 (c)(4); 383.73 (h)(i); 383.25	Audit requirement - 384.211 Regulatory guidance for 383.73 question 11 and 384.211 question 1 on stewardship requirements for surrendered CDLs and applies to any transaction where the CLP is being upgraded or a CDL is being initially issued, upgraded or transferred.
<i>CDL Testing Requirements for Out-of-State Driver Training School Students</i> <ul style="list-style-type: none"> ◆ CLP can only be issued by state of domicile ◆ Driver training may be taken in any state ◆ Skills test must be taken in the state in which training occurred ◆ State that conducted training must electronically transmit skills test results to State of domicile ◆ State of domicile must accept the skills test results and issue the CDL 	New 383.79 - Skills Testing Out of State Students 383.23 (a)(2) and 384.212 383.79 (a) 383.79 (b)	Audit requirement- 384.212
<i>State Reciprocity for CLPs</i> <ul style="list-style-type: none"> ◆ CLP can only be issued by state of domicile ◆ CLP/Nonresident CLP recognized for training purposes by all States 	383.73	

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<p><i>Minimum Uniform Standards for Issuing a CLP</i></p> <ul style="list-style-type: none"> ◆ Must Pass the General Knowledge Test To obtain a CLP ◆ CLP must be a Separate Document From the CDL or Non-CDL <ul style="list-style-type: none"> - Must contain same info as CDL/non-CDL document - Must contain a statement indicating that without the underlying state CDL or non-CDL the CLP is invalid - License # of underlying CDL or non-CDL must be displayed on CLP - The term “Commercial Learners Permit” or “CLP” must be prominently displayed on the CLP. ◆ CLP Document Should Be Tamperproof ◆ CLP must be recorded into CDLIS <ul style="list-style-type: none"> - CLP is subject to same record keeping requirements as a CDL 	<p>New 383.25 383.71, 383.73, 383.151, 383.153, 383.155,</p> <p>383.151 (b)</p> <p>383.151 (c), 383.153 (b)</p> <p>383.153 (b)(1)</p> <p>383.153 (b)(1)</p> <p>383.155 383.73 (h)(2)</p>	<p>Audit requirements 384.205, 384.206, 384.207 & 384.225</p>

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<p><i>Maximum Initial Validity and Renewal Periods for CLP and CDL</i></p> <ul style="list-style-type: none"> ◆ Initial Validity and Renewal Periods for CLP <ul style="list-style-type: none"> - Cannot be valid for more than 180 days from date of issuance - May be renewed for an additional 90 days without retesting for knowledge - Initial CLP must be mailed to the address on the application ◆ Initial Validity and Renewal Periods for a CDL <ul style="list-style-type: none"> - CDL may not be valid for more than 8 years from date of issuance 	<p>New 383.25</p> <p>383.25 (c)</p> <p>383.25 (c)</p> <p>383.73 (h)(1)</p> <p>383.73 (b)(8)</p>	
<p><i>Establish a Minimum Age for CLP</i></p> <ul style="list-style-type: none"> ◆ Minimum age for CLP is 18 years <ul style="list-style-type: none"> - Not eligible to operate CMV in Intrastate commerce before 18 (350.341 (f)) - Mot eligible to operate CMV in Interstate commerce before age 21 (391.11 (b)(1)) with some exceptions 	<p>383.25 (a)(4); 383.71 (a)(1); 383.71 (a)(9)*</p>	<p>*A person who operates or expects to operate in interstate commerce, or is otherwise subject to part 391 of this subchapter, must certify that he/she meets the qualification requirements contained in part 391 of this subchapter. A person who operates or expects to operate in interstate commerce, but is not subject to part 391 due to an exception under § 390.3(f) or an exemption under § 391.2, must certify that he/she is not subject to part 391. A person who operates or expects to operate entirely in intrastate commerce and is not subject to part 391, is subject to State driver qualification requirements and must certify that he/she is not subject to part 391.</p>

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<p><i>Preconditions to take CDL Skills Test</i></p> <ul style="list-style-type: none"> ◆ Applicants are required to complete behind the wheel training and practice ◆ CLP holder is not eligible to take the Skills Test in the first 30 days after initial issuance of the CLP 	<p align="center">*</p> <p>383.25 (d)</p>	<p>*Entry level training rule (NPRM) comment period extended to May 23, 2008. (Published in Federal Register on December 26, 2007)</p>
<p><i>Limit Endorsements on CLP to Passenger (P) Only</i></p> <ul style="list-style-type: none"> ◆ The only endorsement allowed on a CLP is a Passenger endorsement ◆ A CLP holder with a P endorsement is prohibited from operating a CMV with passengers ◆ The P endorsement is class specific ◆ All other endorsements are prohibited on a CLP 	<p>383.25; 383.71(e); 383.73(e); 383.153(a)(8)</p> <p>383.93 (a)(2)</p> <p>383.25 (a)(5)</p> <p>383.25 (a)(5)</p> <p>383.25 (a)(5)</p>	<p>S endorsement is only needed when actually transporting students. It is not needed to learn to operate a school bus</p>
<p><i>Methods of Administering CDL Tests</i></p> <ul style="list-style-type: none"> ◆ AAMVA’s 2005 CDL Testing Model is the mandated test ◆ The Pre-trip inspection is now required to be performed as part of the Skills Test ◆ The use of interpreters for knowledge and skills tests is prohibited ◆ Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner 	<p>383.133 – Test Methods</p> <p>383.133 (c); 383.113(a)</p> <p>383.133 (b)(3); 383.133 (c)(5)</p> <p>383.133 (c)(5)</p>	

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<p><i>Update Federal Knowledge and Skills Test Standards</i></p> <ul style="list-style-type: none"> ◆ AAMVA's 2005 CDL Test System has been incorporated by reference for subpart H ◆ Banking of skills test scores is prohibited ◆ Substitute for skills test abolished ◆ Examiner training and record ◆ Annual unannounced on-site inspections of 3rd party testers and examiners records ◆ Annual covert and overt monitoring of examinations performed by state and 3rd party CDL testers ◆ Establish and maintain a database to track pass/fail rates of applicants tested by each state and 3rd party CDL skills test examiner ◆ Establish and maintain a database of all third party testers and examiners that tracks the dates and results of audits and monitoring actions, dates 3rd party testers were certified by the state and name/id # of each 3rd party tester ◆ Establish and maintain a database that tracks skills tests administered by each state & each 3rd party CDL skills test examiner's name & id # 	<p>383 subparts G & H</p> <p>383.9 (b)</p> <p>383.133 (c)(6)</p> <p>383.77</p> <p>384.228</p> <p>384.229</p> <p>384.229</p> <p>384.229</p> <p>384.229</p> <p>384.229</p> <p>384.229</p>	<p>Audit requirements – 384.229</p>

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<p><i>Motor Carrier Prohibitions</i></p> <ul style="list-style-type: none"> ◆ Carriers are prohibited from allowing drivers to operate CMV with no CLP or CDL; or a CDL without proper class/endorsements 	<p>383.37 and Appendix B to Part 385</p>	
<p><i>Incorporate CLP-Related Regulatory Guidance Into Regulatory Text</i></p> <ul style="list-style-type: none"> ◆ Codified regulatory guidance related to CLP and testing into regulatory text. ◆ Eliminate obsolete CLP and Testing regulatory guidance 		
<p><i>Incorporate SAFE Port Act Provisions</i></p> <ul style="list-style-type: none"> ◆ Establish legal presence requirement for CDL ◆ Fraud prevention/detection: state out of compliance if it fails to impose adequate internal controls; and/or fails to take adequate corrective action ◆ Impose sanctions against state for noncompliance 	<p>Part 384 – State Compliance with Commercial Driver's License Program</p>	<p>Audit Requirements</p>