



May 16, 2016

Docket Management Facility (M-30)  
U.S. Department of Transportation  
West Building, Ground Floor  
Room W12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

**RE: Commercial Driver's License Requirements of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act and the Military Commercial Driver's License Act of 2012; FMCSA-2016-0051 [RIN 2126-AB68]**

The American Association of Motor Vehicle Administrators (AAMVA) welcomes the opportunity to comment on the Commercial Driver's License (CDL) requirements of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act and the Military Commercial Driver's License Act of 2012. AAMVA shares FMCSA's dedication to serving our men and women in uniform and providing them with every opportunity to transition successfully and seamlessly into the civilian sector. AAMVA provides the following comments in response to this FMCSA Notice of Proposed Rulemaking (NPRM):

**§383.77 Substitute for driving skills tests for drivers with military CMV experience**

This section would extend the time in which former military personnel are allowed to apply for a skills test waiver from the 90 days currently allowed to a full year. AAMVA strongly supports this change by FMCSA, and notes that it corresponds directly with a petition for extension that AAMVA had filed with FMCSA on March 21, 2016 requesting that this change be made permanent.

**§383.79 Testing out-of-state applicants and military personnel**

This section would provide increased flexibility for military personnel in terms of the location in which they submit their application and are administered their knowledge and skills tests outside of their state of domicile. While impacts on the administration of the tests could be minimal, AAMVA notes that in areas of large active military populations, especially in those areas where heavy commercial vehicle transport is associated with base activity, the NPRM does carry the potential to increase testing wait times in those locations.

Though most states are already accommodating the transmittal of skills tests results for out-of-state applicants, this NPRM would require the transmittal and reception of two additional requirements - the electronic transmittal of the knowledge test results and the application itself. The new NPRM requirements would mandate modifications to existing system and/or process protocols to ensure the data accompanying the individual application are relative to only that individual and transmitted securely. AAMVA notes that there is a cost associated with such modifications.

AAMVA also notes that there may be slight differences in the data that accompanies a state CLP/CDL application between jurisdictions. AAMVA requests FMCSA clarification on which common data elements of an application must be transmitted and received in interstate communications to ensure that each jurisdiction is ensured of having the information they need for a complete record.

**Document Issuance**

No mechanism is indicated for delivery of the license to another state. While many AAMVA central issuance jurisdictions mail their licenses to applicants, there are still some that are not fully central issuance jurisdictions.

**Multiple Document Retention**

The most significant concern of AAMVA in satisfying this NPRM is that the proposed rule has the potential to run contrary to the long-standing driver's licensing tenant of providing one driver with only one driver's license. States have invested tremendous resources to comply with federally-imposed minimum standards for driver's licenses and identification cards through P.L. 109-13.

Under the proposal as submitted, the following situation could occur:

A military member already holds a valid military CDL. That individual goes to Jurisdiction B (station) to fill out their application and take the knowledge test. Jurisdiction B (station) takes the knowledge test information and sends it back to Jurisdiction A (domicile), who then issues a CLP to the individual. The service member then takes and passes their skills test at a later date in Jurisdiction B (station). Jurisdiction B (station) sends the skills test information to Jurisdiction A (domicile) who then issues the individual a CDL in accordance with this NPRM. This means that the applying individual now holds the following credentials simultaneously:

- Original military CDL
- Jurisdiction interim/temporary license
- Jurisdiction A (domicile) CLP
- Jurisdiction A (domicile) CDL

This NPRM does not address the surrender of previous credentials as a newly-issued CDL is provided to a qualified applicant. Since the jurisdiction in which the applicant is stationed is only collecting an application and/or knowledge test and/or skills test, a complete CDL package would only ultimately be collected by the jurisdiction of issuance. This gap in record along with the applicant only interacting with the testing jurisdiction, makes reclamation of the prior driving documents by either jurisdiction a challenge. This potentially violates the tenants of each driver having only one credential at a time.

A process for ensuring a complete CDL application is completed by the applicant and then transmitted to the state of domicile and that the permanent CDL issued by that state is the only document possessed by the applicant should be developed and in place prior the the enactment of this rule.

**Photograph Requirements**

In the instance where one jurisdiction will be processing the application and one jurisdiction will be issuing the CDL, AAMVA requests clarification on which jurisdiction should take the identity photo and may be held accountable for data retention requirements. The Real ID final rule requires that compliant states include a digital photograph of the person on the driver's license. 6 CFR 37.11 requires a state to retain a phototgraph for five years for persons who are denied a Real ID card, regardless of the reason that the state denies issuance of a Real ID card. DHS also requires Real-ID compliant States to retain the photo for two years after expiration of the card.

AAMVA requests FMCSA clarification on whether the photograph will be a required element of the CDL application and whether the photograph must be transferred between state of application and state of issuance. 6 CFR 37.11 states that "the state must subject each person applying for a Real ID driver's license or identification card to a mandatory facial image capture, and shall maintain photographs of individuals even if no card is issued." If the mandatory facial image capture takes place in the jurisdiction of application, but not in the jurisdiction of issuance, this NPRM may necessitate the transfer of images,

but does not account for them. Further the transmission of photograph data as part of an application could carry additional unaccounted cost.

**Station**

If a military member passes two of the three written tests for a Class A CLP in a state and then gets stationed in another, it is not specified if the two written tests apply toward the issuance of a CLP/CDL or how the new state will administer only one written test.

AAMVA requests FMCSA clarification on whether or not proof of active duty station would be required to accompany testing out-of-state military personnel. If documentation is required, AAMVA requests FMCSA provide guidance on acceptable documentation.