



September 27, 2019

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

**safe drivers
safe vehicles
secure identities
saving lives!**

RE: Removing Regulatory Barriers for Vehicles with Automated Driving Systems [Docket No. FMCSA-2018-0332]

The American Association of Motor Vehicle Administrators (AAMVA) welcomes the opportunity to provide comments on the FMCSA proposal regarding out-of-state knowledge tests.

On October 13, 2016, FMCSA published “Commercial Driver’s License Requirements of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Military Commercial Driver’s License Act of 2012” (2016 Final Rule) (81 FR 70634). The 2016 Final Rule allows, but does not require, a State to accept applications from active duty military personnel who are stationed in that State, as well as administer the knowledge and skills tests for a CLP or CDL, including, as applicable, specialized knowledge tests for endorsements. States that choose to accept such applications were required to transmit the test results electronically to the State of domicile of the individual. The State of domicile may then issue the CLP or CDL on the basis of those test results.

AAMVA and its members were open to the exploration of interstate transmission of knowledge test results for a limited number of personnel, under specific qualifying circumstances, and on a voluntary basis. The program also provided a very specific benefit to a qualified class of military personnel with experience driving a commercial vehicle.

FMCSA published additional guidance regarding “Commercial Driver’s License Standards: Regulatory Guidance Concerning the Issuance of Commercial Learner’s Permits” on August 3, 2017 (August 2017 Guidance) (82 FR 36101). This guidance was predicated on the existence of an agreement between the testing State and State of domicile *prior* to the general knowledge test being administered by the testing State. This guidance also emphasized that the responsibility for compliance with all requirements of 49 CFR 383.71 and 383.73 remains with the State of domicile. AAMVA notes that through its own comment, FMCSA realizes that in order to successfully implement a multi-state program whereby two distinct CDL authorities are administering separate aspects of the federal CDL testing program, two conditions must be met - the

existence of an agreement and the ability to protect and transmit knowledge test results between jurisdictions. The first comes with appropriate state consent, the second comes with appropriate (and existent) information technology capabilities.

Through this same issuance, FMCSA also stated that the guidance should not be construed to allow a State to issue a CLP or CDL to an individual who is not domiciled in that State. Should FMCSA choose to promulgate this rule, this guidance and the intent of prior regulatory action would shift dramatically, potentially with significant impact to certain jurisdictions.

Through this action, FMCSA has also indicated that not a single state has yet opted to act pursuant to the August 2017 Guidance. AAMVA members correctly cite that in order to accomplish the goals of the guidance, many would need additional authorizing/enabling legislation by individual State legislatures.

Additionally, AAMVA notes that the guidance, and this proposed rule, carries additional information technology costs and resources during a time licensing agencies have significant demand for compliance with other federal requirements (such as the Department of Homeland Security's Real ID Act (PL 109-13)). Mandating state involvement in the implementation of this rule could require state commitments of significant resources during a time of extreme administrative duress. Given that the rule provides, "the State of Domicile of a CLP applicant or CDL holder must accept the results of knowledge tests administered to the applicant by any other state," every member jurisdiction would be required to modify their systems accordingly in order to accommodate this change and network their systems to exchange additional data.

AAMVA has concerns that the process described by FMCSA may have additional considerations not intended by the simple acceptance of out-of-state knowledge test results. For instance, AAMVA has concerns that the state of domicile would need to establish a process for delivering a physical CLP, or upgraded CDL, to a driver applicant in a state other than the state of domicile. The state of domicile would then be responsible for methods of document review and delivery that would allow the applicant to securely receive the credential. In-person requirements established by other federal mandates (like Real ID) could put states in a difficult situation regarding compliance with conflicting programs.

AAMVA members have noted that while all states use the same standard testing model for both the written and skills testing, each SDLA has enacted various state-specific licensing requirements for standard and commercial licenses that are not entirely governed by federal regulations and may require additional legislative alignments.

AAMVA thanks FMCSA for the opportunity to comment on the proposed rule and looks forward to continued collaboration with its federal safety partners as continued consideration progresses.

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