

All Things CDL

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Agenda

- Compliance Calendar
- CDL Permit & Testing Rule
- Reporting of Out-of-State Convictions
- Texting Final Rule
- Restricting use of Cellular Phones
- Medical Certification / Medical Registry
- Entry-Level Driver Training
- Emergency Disqualification for Imminent Hazard
- National Drug & Alcohol Clearinghouse Database
- CDL Passenger Endorsement Requirements Review

Compliance Calendar

Dates	CDL Compliance 2012
January 30, 2012	States must be in compliance with the AAMVA CDLIS State Procedures Manual, Release 5.2.0
January 30, 2012	States must have completed CDLIS modernization and began collecting and posting Med Cert and self-certification data to CDL holders driver records
	2013
September 1, 2013	CDLIS changes to ACD codes and first group of CDLIS 5.3 changes become effective at the Central Site
October 1, 2013	States must "implement a system and practices for the exclusive electronic exchange of driver history record information" on CDLIS (MAP-21, Sec. 32305)
October 28, 2013	States must begin enforcing the texting prohibition final rule
	2014
January 30, 2014	States must have completed the collection and posting of Med Cert and self-certification data to their CDL and CLP holders' driver records
May 21, 2014	Drivers may now only use medical examiners who are on the National Medical Registry for obtaining a Medical Examiner's Certificate

Compliance Calendar

	2015
January 3, 2015	States must begin enforcing the cell phone prohibition/restrictions final rule
January 30, 2015	States must begin enforcing the regulation that paper copies of the Medical Examiner's Certificate are only valid for the first 15 days after their issuance
July 8, 2015	State must begin enforcing all provisions of the CDL Testing and CLP Standards final rule
July 8, 2015	States must have implemented CDLIS 5.3 into production no later than this date
July 8, 2015	CDLIS Central Site begins to enforce first set of CDLIS 5.3 message editing rules
September 30, 2015	All States must be in compliance with all CDL requirements (MAP-21, Section 32305)
	2016
March 14, 2016	States must be in compliance with the Transportation of Agricultural Commodities final rule as it relates to CDL requirements.

Regulations and Rulemakings



CDL Permit & Testing Rulemaking

- Effective Date of Final Rule – July 8, 2011
- Amended Final Rule Issued March 25, 2013
- Issued to address 7 of the 34 petitions for reconsideration submitted after the original Final Rule was published
- New Compliance Date – July 8, 2015

Check for Legal Presence

- States must check for legal presence and domicile before issuance of CLP and CDL
- Exception: Only done once on or after July 8, 2011, if notation made on driver record
- Covers initial CDL issuance, transfer of CDL, renewal of CDL, upgrade of CDL and issuance of CLP

Prohibiting Training Schools from Administering Skills Tests –cont'd

- Allows training schools that are also third party testers to skills test their student applicants; provided an individual examiner does not administer the skills test to students that he/she skills trained

Skills Test Reciprocity

- CLP holder may take driver training in any State
- Take skills test in State of training
- State of training sends skills test to State of domicile – process still to be determined
- State of Domicile is required to accept out-of-state skills test scores

Bonding Requirements

- Requires 3rd party skills testers to maintain a bond sufficient to pay for the re-testing of drivers in the event fraud is detected in the conducting of skills tests. 3rd party testers who are government entities are not required to maintain a bond.

Requiring Annual Background Checks for All Test Examiners

- Final Rule requires nationwide criminal background checks to be completed on all State and 3rd party examiners at the time of hiring.
- Jurisdictions must also complete nationwide criminal background checks of any State or 3rd party examiner who has not had a check done prior to being hired.

Requiring Annual Background Checks for All Test Examiners

- Requires decertification of examiners with *any* conviction for fraud
- Requires decertification of examiners with *any* felony conviction within the past 10 years

Requiring Two Employees to Verify Documents

- State must require at least 2 persons within the SDLA to participate substantially in processing and verifying documents
- Document verification must include:
 - Proof of legal presence and domicile
 - Application form
 - Knowledge and skills test scores

Prohibiting States from Using Photo on the CLP

Old Requirement

- Prohibits States from placing a photo on CLP

Petition

- Prohibition would have an economic impact to States; and require system modifications and would make the CLP less secure

Decision

- A CLP may contain a digital color image or black and white laser engraved photo

CDL Permit & Testing Final Rule Other Important Issues

- Jurisdictions required to use an FMCSA pre-approved State Testing System that comparable to the AAMVA 2005 CDL Test System (July 2010 version) which FMCSA approved in the Final Rule.
- Prohibits use of interpreters for knowledge and skills tests
- English only for skills tests – Prohibits all Examiners from conversing with an applicant in any language but English during a skills test

CDL Permit & Testing Final Rule Other Important Issues

- Initial validity/renewal periods for CLP
 - Initial validity up to 180 days
 - Renewal for additional 180 days without retesting for knowledge
- Initial CLP must be issued for 14 days before skills test
- CLP issued only by State of Domicile and is recognized by all States

CDL Permit & Testing Final Rule Other Important Issues

- States must disqualify a CDL holder if the holder has been convicted of fraud related to the CDL application or testing process
- Requires covert monitoring of State and 3rd party skills examiners

CDL Permit & Testing Final Rule Other Important Issues

- Requires State knowledge and skills test examiners to successfully complete a formal CDL test examiner training course and examination before certifying them to administer CDL knowledge and skills tests
- Requires 3rd party skills test examiners to successfully complete a formal CDL test examiner training course and examination before certifying them to administer CDL skills tests
- Examiners who do not complete the formal training and pass the certification exam cannot perform CDL tests after July 8, 2015

CDL Permit & Testing Final Rule Other Important Issues

- State and 3rd party CDL test examiners must successfully complete a refresher training course and examination every 4 years
- Third Party Testers and Examiners:
 - Testers – not required to perform a minimum of 50 skills tests/year
 - Examiners – minimum of 10 skills tests/year or either take refresher training or have a State examiner observe the examiner administering a CDL skills test

Reporting of Out-of-State Convictions

- Final Rule released April 26, 2013
- Final Rule Compliance Date – May 28, 2013
- Driver must report out-of-state convictions to State of licensure only if convicting state is not in substantial compliance with FMCSA regulations

Limiting the Use of Wireless Communications Devices (Texting)

- Final Rule Published – September 27, 2010
- Final Rule Effective – October 27, 2010
- State Compliance – October 28, 2013

Drivers of CMVs: Restricting the Use of Cellular Phones

- Final Rule Published – December 2, 2011
- Final Rule Effective – January 3, 2012
- State Compliance – January 3, 2015

Medical Certification Requirements as Part of CDL

- Final Rule Published – December 1, 2008
- Final Rule Effective – January 30, 2009
- State Compliance – January 30, 2012
- CDL Holder Compliance – January 30, 2015
- CLP Holder Compliance – July 8, 2015

Medical Certification

- Why the change?
 - FMCSA is merging the medical certification status and the information on the medical examiner's certificate to the drivers record so the driver will not have to carry a separate medical card.

- What are CDL holders required to do?
 - Determine what type of commerce they operate in
 - Interstate non-excepted
 - Interstate excepted
 - Intrastate non-excepted
 - Intrastate excepted
 - Provide that determination to their SDLA

National Registry of Certified Medical Examiners (NR 1)

- Final Rule Published – April 20, 2012
- Final Rule Effective – May 21, 2012
- Only Medical Examiners on the Medical Registry may conduct physicals – May 21, 2014
- Need 40,000 Medical Examiners; a few thousand currently on Medical Register

Medical Examiner's Certification Integration (NR 2)

- NPRM published on May 10, 2013
- Electronically transmit medical examiner's certificate and medical variance data to SDLAs
- Requires FMCSA to audit State compliance with the Registry process

CMV Operator Training

- MAP-21 requires DOT regulations for:
 - Minimum entry-level training requirements for both the CDL knowledge and skills test
 - Requires that all entry-level commercial drivers successfully complete the mandatory training to be issued a CDL
 - Existing NPRM published December 26, 2007
 - public listening sessions held Jan & Mar 2013
 - FMCSA withdrew the NPRM on September 19, 2013

Emergency Disqualification for Imminent Hazard (IH)

- Incorporates Section 521 in Imminent Hazard (IH) determinations
- The Secretary (DOT) may disqualify anyone who poses an Imminent Hazard to safety
 - “Imminent Hazard” means any condition of vehicle, employee, or commercial motor vehicle operations which substantially increases the likelihood of serious injury or death if not discontinued immediately
 - Disqualify driver for up to 30 days prior to hearing
 - Disqualify driver for more than 30 days if it is determined the driver constitutes an Imminent Hazard
- Requires action by SDLA

National Drug and Alcohol Clearinghouse Database

- NPRM published February 20, 2014
- Establishes and sets forth guidelines for creating and maintaining a national clearinghouse of CMV drug & alcohol test results
- Requires the Secretary to develop a secure process for managing information and requires interoperability with existing and new information data systems
- Has impacts similar to National Medical Registry
- Potential connection to CDLIS
- Results will ultimately be tied to the driver's record

CDL Passenger Endorsement (‘P’) Requirements Review

- Requires analysis of the appropriateness of current knowledge and skills testing requirements
- AAMVA Test Maintenance Subcommittee has reviewed the Passenger endorsement knowledge and skills requirements
- TMS recommended that no changes be made until all states have implemented the new tests (July 8, 2015)

Questions?

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