All Things CDL

Kevin Lewis
Director, AAMVA Driver Programs
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
<table>
<thead>
<tr>
<th>Dates</th>
<th>CDL Compliance 2012</th>
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<tbody>
<tr>
<td>January 30, 2012</td>
<td>States must be in compliance with the AAMVA CDLIS State Procedures Manual, Release 5.2.0</td>
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<tr>
<td>January 30, 2012</td>
<td>States must have completed CDLIS modernization and began collecting and posting Med Cert and self-certification data to CDL holders’ driver records</td>
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<tr>
<td>September 1, 2013</td>
<td>CDLIS changes to ACD codes and first group of CDLIS 5.3 changes become effective at the Central Site</td>
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<tr>
<td>October 1, 2013</td>
<td>States must “implement a system and practices for the exclusive electronic exchange of driver history record information” on CDLIS (MAP-21, Sec. 32305)</td>
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<td>October 28, 2013</td>
<td>States must begin enforcing the texting prohibition final rule</td>
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<tr>
<td>January 30, 2014</td>
<td>States must have completed the collection and posting of Med Cert and self-certification data to their CDL and CLP holders’ driver records</td>
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<tr>
<td>May 21, 2014</td>
<td>Drivers may now only use medical examiners who are on the National Medical Registry for obtaining a Medical Examiner’s Certificate</td>
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<tr>
<td>Date</td>
<td>Compliance Requirement</td>
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<tr>
<td>January 3, 2015</td>
<td>States must begin enforcing the cell phone prohibition/restrictions final rule</td>
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<td>January 30, 2015</td>
<td>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</td>
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<tr>
<td>July 8, 2015</td>
<td>State must begin enforcing all provisions of the CDL Testing and CLP Standards final rule</td>
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<td>July 8, 2015</td>
<td>States must have implemented CDLIS 5.3 into production no later than this date</td>
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<td>July 8, 2015</td>
<td>CDLIS Central Site begins to enforce first set of CDLIS 5.3 message editing rules</td>
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<tr>
<td>September 30, 2015</td>
<td>All States must be in compliance with all CDL requirements (MAP-21, Section 32305)</td>
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<tr>
<td>March 14, 2016</td>
<td>States must be in compliance with the Transportation of Agricultural Commodities final rule as it relates to CDL requirements.</td>
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Regulations
and Rulemakings

FMCSA
• 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
• 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
• Requires 3\textsuperscript{rd} 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. 3\textsuperscript{rd} party testers who are government entities are not required to maintain a bond.
• 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
• 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
• 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
• 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
• 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
• 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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