

AAMVA Legislative/Regulatory Alert

To: Chief Driver's License Officials
Commercial Driver's License Coordinator Contacts

FR: Ian Grossman, Vice President of Member Services and Public Affairs

Date: June 2, 2011

RE: Petitions for Reconsideration on FMCSA's Final Rule Regarding Commercial Driver's License Permit and Testing Standards

On May 9th, the Federal Motor Carrier Safety Administration (FMCSA) issued their final rule for commercial driver's license testing and commercial learner's permit standards (Docket Number FMCSA-2007-27659, RIN 2126-AB02). This final rule provided an opportunity for petitions for reconsideration to be filed with the agency by **June 8th**. AAMVA would like to call jurisdictional attention to certain aspects of the final rule that may be worth jurisdictional petition, namely:

- §383.75(a)(7) Third Party Testing – A skills tester that is also a driver training school is *prohibited* from administering a skills test to an applicant who was trained by that training school. *Exception:* When the nearest alternative third party tester or State skills testing facility is over 50 miles from the training school, the SDLA may allow the training school to skills test the applicant it trained provided the individual skills test examiner did not train the applicant
- Amending §383.153(b)(1) to prohibit the use of a photograph of the driver on the commercial learner's permit

Besides submitting the petition directly to the docket, AAMVA would welcome jurisdictional feedback on these, or any additional, issues to help formalize their own comments. AAMVA recognizes the potential benefits and hazards that weigh on both sides of the issues; especially in regards to the prohibition of third party testers from also administering the skills test and the administrative and financial burdens placed both on the state and on the applicant by requiring them to travel 50 miles to the nearest available testing facility. AAMVA further understands that the training requirements placed on agency employees in order to properly administer the tests under the auspices of the rule could also present difficulties in resource allocation for state agencies. Your input will help AAMVA file its own petition that accurately reflects the position of our member jurisdictions.

Please send a copy of your comments, whether informal or formal, by close of business **June 6th** to AAMVA's Manager of Government Affairs, Cian Cashin at ccashin@aamva.org. AAMVA thanks you in advance for your consideration and input on such a short time frame.