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GRS ALERT

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FMCSA Seeks CDL/Learner's Permit Upgrades...

The Federal Motor Carrier Safety Administration (FMCSA) has published a Notice of Proposed Rulemaking (NPRM) to revise the commercial driver's license (CDL) knowledge and skills testing standards, and to require new minimum standards for state issuance of commercial learner's permits.

The NPRM, published in the April 9, 2008 Federal Register, proposes the following new federal requirements:

- Successful completion of the CDL knowledge test before a learner's permit may be issued;
- Required use by the states of the American Association of Motor Vehicle Administrator's Model Test for knowledge and skills;
- A requirement that a CDL applicant obtain and hold a learner's permit for 30 days before applying for a CDL;
- Background checks and formal training for all driving test examiners and establishment of "oversight systems" for all examiners and testers (including third-party);
- Disallowing the use of language interpreters for the knowledge and skills tests;
- Minimum age of 18 for issuance of learner's permit;
- Commercial learner's permit holders held to the same disqualification standards as a CDL holder.

The NPRM would also impose new standards on document security and recordkeeping and require states to verify the applicant's Social Security Number with the Social Security Administration.

The proposed rules would limit the initial and renewal periods for both commercial learner's permits and CDLs, clarify under what circumstances an applicant must surrender a commercial driver's license or CDL and require all states to use standardized CDL endorsement and restriction codes.

The proposed rule also seeks to address the problem of applicants who attend a driver training program in a state other than the state of domicile by requiring states to recognize learner's permits issued by other states for training purposes.

Finally, the NPRM would specifically prohibit a motor carrier from using a driver who does not hold a commercial learner's permit or CDL in compliance with the rules.

The preamble to the NPRM notes that some of the document security and identity verification issues are also addressed in the Department of Homeland Security's rules under the REAL ID Act, which are intended to make driver licensing (commercial and non-commercial) more secure from tampering and fraud. FMCSA "recognize(s) that certain REAL ID requirements exceed those proposed in this rule and that a State in compliance with the former would automatically comply with the latter." The Agency suggests that an alternative to the proposals contained in the NPRM would be to "adopt the REAL ID requirements, either verbatim or by reference, into the FMCSRs." In any event, "FMCSA recognizes that further harmonization with the REAL ID rule may be needed before adopting a final rule."

For additional information concerning this and other transportation issues, contact Earl Eisenhart at (202) 898-1050 or eeisenhart@grservices.com

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