**Part 380 – Entry Level Driver Training**

**Guidance Q&A**

**Question 27: How do FMCSA’s ELDT regulations affect State-based training requirements?**

**Guidance:**To comply with the ELDT regulations, which take effect on February 7, 2022, drivers seeking a Class A or Class B CDL, a P endorsement, or an S endorsement, must successfully complete applicable ELDT (theory and behind-the-wheel (BTW) instruction) from a training provider listed on FMCSA’s training provider registry (TPR) before taking the State-administered skills test(s). A driver seeking the H endorsement must successfully complete ELDT (theory only) prior to taking the State-administered knowledge test. On or after February 7, 2022, the State must not administer the test(s) until verifying that the applicant has completed the required ELDT. The ELDT regulations also impose minimum qualification standards for training providers and instructors conducting ELDT.

As discussed in the preamble to the final rule establishing ELDT requirements (81 FR 88732 (Dec. 5, 2016)), FMCSA’s ELDT regulations establish *minimum* training standards for entry-level drivers. The CDL regulations do not directly preempt State law. Accordingly, the Federal ELDT requirements generally do not replace or otherwise supersede State-based ELDT requirements that exceed the minimum Federal standards for entry-level drivers. A State may also impose more stringent qualification requirements for training providers and training instructors conducting ELDT in that State. FMCSA noted in the preamble to the 2016 final rule that questions would likely arise concerning the relationship between Federal and State ELDT requirements and the Agency would provide post-rule guidance as necessary. Answers to frequently asked questions are set forth below.

**Q27.1. Can a CDL applicant domiciled in State A receive ELDT (BTW range and public road) and pass the skills test in State B?**

A27.1. Yes. In accordance with 49 CFR 383.79(a), if a driver domiciled in State A obtains training in State B and passes the skills test administered by State B, State A must accept the skills test results from State B in fulfillment of the driver’s skills testing requirement and of State A’s skills testing administration requirement.

**Q27.2. An applicant for a Class B CDL with school bus (S) and passenger (P) endorsements, domiciled in State A, obtains ELDT (BTW range and public road) for Class B and S and P endorsements and passes the skills test in State B. Can State A require the applicant to meet additional standards to obtain the S endorsement?**

A27.2. Yes. For example, some States require drivers seeking the S endorsement to obtain a State-issued certification related to the operation of school buses, which may include, for example, requirements for completion of a CPR or first aid course, a minimum number of BTW training hours in a school bus, a minimum number of classroom training hours, or specified training topics that exceed the ELDT curricula requirements.

Even if the driver obtained skills training in another State (the training State) and passed the S endorsement skills test in that State, nothing in the ELDT regulations prohibits the State of domicile from requiring the driver to obtain a State-based certification for school bus drivers as a condition of receiving a CDL with the S endorsement, or meeting other requirements as a condition of receiving a CDL. In accordance with 49 CFR 383.79(a), the State of domicile cannot require the driver to re-take skills tests successfully completed in the training State.

**Q27.3. An applicant, domiciled in State A, completes BTW training and passes the skills test in State B. State A accepts the skills test results from State B, but has a State law requiring applicants to complete a minimum number of BTW training hours in order to obtain a CDL (the ELDT regulations do not impose a required minimum number of BTW hours). Can State A impose additional BTW requirements as a condition of receiving a CDL in that State?**

A27.3. Yes. The State of domicile may require the applicant to meet State-based requirements, such as a minimum number of BTW training hours, prior to receiving a CDL or a P, S, or H endorsement, even if the applicant obtained ELDT in another State and passed the skills test in that State. In accordance with 49 CFR 383.79(a), the State of domicile cannot require the driver to re-take skills tests successfully completed in the training State.

**Q27.4. The ELDT regulations require BTW instructors to meet certain qualification requirements, such as having at least 2 years of experience driving a CMV for which ELDT is to be provided or 2 years of experience as a BTW training instructor. Can a State require ELDT instructors to have more than 2 years of relevant experience or more than 2 years of training experience?**

A27.4. Yes. The ELDT qualification requirements for instructors are minimum standards. As set forth in the definitions of “theory instructor” and “behind-the-wheel (BTW) instructor” in 49 CFR 380.605, instructors must comply with State-based instructor qualification requirements. A State may therefore impose more stringent qualification requirements on instructors who provide ELDT in that State, except for online theory instructors; this exception is set forth in the definition of “theory instructor” in 49 CFR 380.605.

**Q27.5. The ELDT regulations require training providers to follow a curriculum meeting the applicable criteria set forth in 49 CFR part 380, Appendices A-E. Can a State require a training provider to offer additional training topics or impose other additional requirements on the provider?**

A27.5. Yes. As provided in 49 CFR 380.703(a)(5)(i), training providers must comply with additional requirements imposed by a State in which the provider offers ELDT.

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