

FMCSA Frequently Asked Questions Relating to the Waiver of Certain Pre-trip Vehicle Inspection Skills Test Requirements for Certain School Bus Drivers

The Federal Motor Carrier Safety Administration's (FMCSA) waiver, effective January 3, 2022, permits States to waive the engine compartment component of the pre-trip vehicle inspection skills testing requirement in 49 CFR § 383.113(a)(1)(i), known informally as the "under-the-hood" component, for commercial driver's license (CDL) applicants seeking the school bus (S) and passenger (P) endorsements and the intrastate only (K) restriction. Drivers issued a CDL pursuant to this waiver are restricted to intrastate operation of school buses only.

Additionally, FMCSA waives the requirement in 49 CFR § 383.133(c)(1) that States administer this portion of the pre-trip vehicle inspection test in accordance with an FMCSA pre-approved examiner information manual. The FMCSA issued this waiver in response to multiple requests that the Agency provide regulatory relief to address the growing shortage of school bus drivers, which has been exacerbated by the Coronavirus 2019 public health emergency. This waiver is intended for individuals who will operate school buses in intrastate commerce exclusively.

This FAQ document will be updated as additional questions are received.

Question 1: What is the purpose of the waiver?

Answer 1: The purpose of the waiver is to increase the number of school bus drivers by allowing persons to obtain a CDL to operate school buses only in intrastate commerce. An individual licensed under this waiver is not allowed to operate in interstate commerce or operate any commercial motor vehicle other than a school bus.

Question 2: Should drivers who currently hold a CDL be tested in accordance with this waiver?

Answer 2: No. This waiver is intended for individuals who do not currently hold a CDL and are seeking to operate school buses only in intrastate commerce. Individuals who currently hold a CDL and are looking to add a school bus endorsement to an existing CDL are not covered by this waiver and should be tested with the "under the hood" components.

Question 3: Does the waiver require the CDL license to have the K restriction?

Answer 3: Yes. Drivers issued a CDL pursuant to this waiver must be restricted to the intrastate operation of school buses only. The K restriction is the way to identify this limitation on the CDL.

Question 4: If a State decides to adopt the waiver, how does it affect the process for issuing the P endorsement and the S endorsement?

Answer 4: If the individual is seeking to operate a school bus in intrastate commerce only, the State can offer the applicant the skills test without the “under the hood” component, as described in the waiver. In these cases, the issued credential must have a K restriction and a school bus only restriction.

If the individual is seeking a CDL with the S and P endorsements with no restrictions, the State is required to test the applicant in accordance with current testing procedures.

The State should explain these two options to applicants, so they understand the implication of choosing the restricted license.

Question 5: Is a driver with an existing P endorsement allowed to test for the S endorsement under this waiver?

Answer 5: No. If a driver currently holds a CDL with a P endorsement, a State should not test the individual under the terms of this waiver. The State would test the CDL holder in accordance with current testing procedures for the S endorsement.

Question 6: If a driver already has a Class A or Class B CDL and decides to pursue a school bus and passenger endorsement under this waiver, do the K and school bus-only restrictions only apply to the driver’s school bus operations? Could the driver still operate a Group A property-carrying vehicle in interstate commerce?

Answer 6: No. This waiver is intended for individuals who do not currently hold a CDL and are seeking only to operate school buses in intrastate commerce. Individuals who currently hold a CDL and are looking to operate a school bus or commercial passenger vehicle are not covered by this waiver.

Question 7: How should States score skills tests administered pursuant to this waiver?

Answer 7: If a State issues CDLs under this waiver, the State can decide how to score the items that have been waived to achieve the goals of the waiver, including giving applicants credit for the engine compartment portion of the skills test. The waiver waives 49 CFR 383.133(c), which requires that States administer and score the CDL skills test based solely on the standards contained in the FMCSA pre-approved examiner information manual that conforms to the AAMVA Test Model (49 CFR 383.131(b)). States acting under this waiver may deviate from the skills tests scoring standards set forth in the AAMVA Test Model.

Question 8: Does a State have the option to present only the Form B test for the pre-trip portion of the skills test to school bus applicants subject to the waiver?

Answer 8: No. The State may not present only the Form B test to school bus applicants subject to this waiver. The State may continue to follow its current form selection procedure for the vehicle inspection portion of the CDL skills test.

Question 9: For States that do not have a “school bus only” restriction code, will FMCSA allow flexibility in labeling restricted CDLs issued under this waiver? For example, could a State mark (with a stamp, punch, or label) documents and noted on the license record as “school bus only.”

Answer 9: Yes. A State acting under this waiver is responsible for ensuring that the issued credential clearly states that the driver is restricted to operating a school bus only (in addition to the K restriction) and note that restriction on the CDLIS driver record in accordance with current regulations. If a State does not have a “school bus only” restriction code, the State can physically mark the CDL credential, as long as the mark clearly indicates that the driver is restricted to intrastate operations for school buses only. A punch will not satisfy this requirement unless roadside enforcement officers can easily distinguish that the CDL is valid only for the intrastate operation of school buses.

Question 10: Will FMCSA reimburse States that have incurred additional costs due to making system modifications to their IT system(s) as a result of implementing this waiver?

Answer 10: At this time, FMCSA does not intend to reimburse States for costs incurred as a result of this waiver under the terms of an existing Commercial Driver’s License Program Implementation (CDLPI) grant. If a State needs to modify IT systems as a result of this waiver, the State may submit the project under the Agency’s FY 2022 CDLPI Notice of Funding Opportunity. Applications will be considered under the existing CDLPI grant review process.

Question 11: How will drivers who are issued CDLs under this waiver get the ‘school bus only’ and ‘K’ restrictions removed?

Answer 11: If a State issues CDLs under the waiver, the State can develop its own procedures for removing the school bus only restriction in the future. For example, the SDLA may require the driver to retake the full CDL skills test in the future or simply require that the driver be tested only on the engine compartment

component of the pre-trip vehicle inspection portion of the skills test. States would rely on their current procedures for removing the K restriction.

Question 12: How do States treat reciprocities (license transfers) for individuals obtaining a CDL under this waiver?

Answer 12: A CDL issued under the waiver is valid only within the State that initially issued the CDL. Example: Pursuant to the waiver, State A issues a K-restricted school bus only CDL to an individual who later moves to State B. What happens next depends on whether State B has chosen to issue CDLs pursuant to the waiver. If so, State B would issue the restricted CDL in accordance with the procedures it established to implement the waiver. If State B chose not to issue CDLs pursuant to the waiver, the K-restricted school bus only CDL is not an option for the individual who has moved to State B. In order to obtain a CDL with the S and P endorsements, the individual would be required to follow State B's regular procedures.

Question 13: How does this waiver impact a driver who would also like to drive charter motorcoaches?

Answer 13: Restricted CDLs issued under this waiver do not permit the holder to operate a charter motorcoach or any commercial motor vehicle other than a school bus in intrastate commerce. Drivers seeking to operate a motorcoach in intrastate or interstate commerce, in addition to a school bus, will be required to obtain a CDL with the S and P endorsements with no restrictions in accordance with current requirements.