**Annex 10**

**FMCSA Updated Definitions for ELDT**

***May 26, 2015***

***Entry-Level Driver*** means a person who must complete the CDL knowledge and/or skills test requirements under 49 CFR 383.71 prior to (1) receiving the initial CDL or having a CDL reinstated, (2) upgrading a Class B or Class C CDL, or (3) obtaining a hazardous materials, passenger or school bus endorsement. This definition does not include individuals for whom States have the discretion to waive the CDL skills test under 49 CFR 383.

***Entry-Level Driver Training*** means training an entry level driver receives from a provider listed on FMCSA’s Training Provider Registry prior to:

1) Taking the CDL skills test required to receive the initial Class A or Class B CDL;

2) Taking the CDL skills test required to upgrade a Class B or Class C CDL; or

3) Taking the CDL knowledge and skills test required to obtain a passenger or school bus endorsement, or the CDL knowledge test required to obtain a hazardous materials endorsement.

**Applicability.**

(a) The rules in this subpart apply to all entry-level drivers who intend to drive CMVs as defined in §383.5 in interstate and/or intrastate commerce, except:

1. Drivers excluded from the CDL requirements under § 383.3 (c), (d) and (h) of this subchapter;
2. Drivers applying for a restricted CDL under § 383.3(e) through (g) of this subchapter; and
3. Veterans with military CMV experience who meet all the requirements and conditions of § 383.77 of this subchapter.

(b) Drivers who holds a valid CLP or CDL issued before *[compliance date of final rule]* are not required to comply with this subpart except as otherwise specifically provided.

(c) Except as provided under subparagraph (d) below, a person who has received a certificate of training qualifying him or her to apply for a CDL for the first time is not required to obtain such certification again before reapplying for a CDL or endorsement, if fewer than 4 years have elapsed since the date on the certificate of training.

(d) A person whose CDL was revoked, canceled, suspended or disqualified by the State of issuance *four years or more* prior to the date of reapplication or whose CDL has expired *four years or more* prior to the date of reapplication must complete the refresher training requirements of this subpart.

***Explanation***

ELDTAC requested regulatory text on two provisions. The first involved the definition of an Entry-Level Driver.

This proposal applies only to those who currently are required to hold a CDL and does not otherwise amend substantive CDL requirements. This is emphasized in both the definition of an *Entry-Level Driver* as a person who must complete the CDL skills or knowledge test requirements under 49 CFR 383.71, and the Applicability Section, which focuses only on drivers “who intend to drive CMVs as defined in §383.5 in interstate and/or intrastate commerce,.” And that section specifically excludes from its scope drivers excepted under § 383.3 (c), (d) and (h), and those drivers applying for a restricted CDL under § 383.3(e) through (g). These *exceptions* cover many entities, including: military driver, farmers, and firefighters. Those categories of restricted CDLs include, but are not limited to, drivers from Alaska, farm-related service industries, and the pyrotechnics industry.

Once an Entry Level driver receives a certificate of training qualifying him or her to apply for a CDL for the first time, the person is not required to obtain such certification again before reapplying for a CDL or endorsement, even if the CDL was revoked, canceled, suspended or disqualified by the State of issuance less than four years prior to the date of reapplication or the CDL expired *less than four* years prior to the date of reapplication. A person whose CDL was revoked, canceled, suspended or disqualified by the State of issuance *four years or more* prior to the date of reapplication or if the CDL has expired *four years or more* prior to the date of reapplication must only take a refresher training from a provider on the Training Provider Registry (described in the paragraph below), which is less rigorous compared to the initial training.

FMCSA also introduces the concept of a Training Provider Registry (TPR) where approved providers, including those for refresher training, must be listed. The criteria for these providers would be determined through the negotiated rulemaking process and the Agency would require that these programs be listed on the TPR as a means of having publicly accessible source for information about the programs. Also, the programs would submit the training certificates to FMCSA electronically and the Agency would then transmit the training certificates to the State Driver Licensing Agencies (SDLAs) to keep to a minimum the burden on the States and prevent falsification of training certificates.

The second provision of concern to ELDTAC was Veteran drivers. Based on the ELDTAC discussions, the definitions/applicability would exclude veterans who possess equivalent training and certification from their military commercial vehicle driving experience especially if the State waives the skills test, though they may need to take the written test. Therefore the preliminary regulatory definitions above focuses on the first issuance of the CDL, upgrade in the CDL class, and obtaining the passenger, school bus or HM endorsement.

In summary, the preliminary regulatory definitions above focuses on the first issuance of the CDL, upgrade in the CDL class, and obtaining the passenger, school bus, or hazardous material endorsement. It also addresses refresher training.