**FMCSA Updated Definitions for ELDT**

***4/08/15 Version:***

***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, tank vehicle, 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 program listed on FMCSA’s National Registry of Driver Training Programs 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 or tank vehicle 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) A driver who holds a valid CDL issued before *[date 3 years after effective date of final rule]* is not required to comply with this subpart except as otherwise specifically provided.

(c) 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.

**NOTE TO ELDTAC** **– The Agency seeks recommendations from the Committee on how best to address the issue of reinstatements of CDLs.**

***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 test requirements under 49 CFR 383.71, and the Applicability Section focuses only on drivers “subject to the commercial driver’s license (CDL) requirements.” 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.

The intent was the definition of an Entry-Level Driver would make it clear that a graduate of a certified ELDT program would not have to take the training a second time unless the individual was applying for an upgrade for the class of CDL, or the State required the individual to take a CDL skills test to have the CDL reinstated after a suspension or revocation.

FMCSA also introduces the concept of a National Registry of Driver Training Programs where approved programs must be listed. The criteria for these programs would be determined through the negotiated rulemaking process and the Agency would require that these programs be listed on the registry 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 reduce the regulatory burden for 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. Specifically, such drivers would still need to meet the requirements of 49 CFR §383.77, including the requirement to not have a license that is suspended, revoked, or cancelled; no conviction for any crimes; and applicable certifications, etc.

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, tank vehicle or hazardous materialendorsement.