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**National Registry of Training Providers**

**§ 3XX.101 Scope.**

 The rules in this subpart establish the qualifications for approving and listing of ELDT providers in FMCSA's National Registry of Training Providers (NRTP). The NRTP is designed to improve highway safety and operator knowledge by requiring providers to meet FMCSA requirements under part 3XX of this chapter.

**§ 3XX.102 Definitions.**

Training Provider means the following:

An entity that meets applicable Federal and State laws and regulations to provide commercial motor vehicle driver training. Providers may include the following: private schools or training institutions; universities, colleges, community colleges, and their subdivisions; learning providers associated with trucking or motorcoach businesses; or individuals.

**§ 3XX.105 Requirements for Initial Placement on the National Registry of Training Providers.**

1. To be listed on the National Registry of Training Providers, a training provider must:
2. Have a curriculum that meets the criteria set forth in § 3XX.XXX;
3. Have driver training instructors that meet the criteria set forth in §3XX.XXX;
4. Provide vehicles that are:

(i) In safe mechanical condition and comply with applicable federal/State/provincial safety requirements.

(ii) In the same class (A, B, or C) and type (bus/truck) as those that the individual will be operating for their CDL skills test.

(4) Have a designated facility or range that has some means of controlling public access to ensure driver trainees can safely complete the required behind-the-wheel range training.

1. **[**Submit registration form MCSA-X stating the provider’s information and attest that the training provider meets all the requirements of this section to obtain a unique National Registry of Training Providers number**]**. If a training provider has more than one campus or training location, the training provider must submit a registration form MCSA-X for each campus or training location to obtain a unique National Registry of Training Providers number.

(6) Create and maintain student records of enrollment and completion and/or withdrawal, in accordance with applicable State and Federal requirements.

(7) Allow FMCSA or its authorized representative to audit the training provider to ensure that the provider meets the criteria set forth in this section.

**§ 3XX.107 Approved Driver Training provider.**

When a provider meets the requirements of § 3XX.105, FMCSA will issue the provider a unique National Registry of Training Providers (NRTP) number and will add the provider's name and other provider related information to the NRTP website.

**§ 3XX.109 Issuance of the certificate to Student.**

When a student completes training successfully at a provider on the National Registry of Training Providers (NRTP), that provider must issue a certificate indicating completion of the class of training or the module that meets ordinary business practices. The certificate must include the following:

(a) Driver name, CDL/CLP number, and State of licensure;

(b) Class or Endorsement training the trainee received;

(c) All applicable CDL Class and endorsement modules successfully completed;

(d) Name of the training provider and its unique NRTP identification number;

(e) Name of Certifying Official of the training provider; and

(f) Date of completion of the training provider.

**§ 3XX.111 Requirements for continued listing on the National Registry of Training Providers of ELDT.**

(a) To continue to be listed on the National Registry of Training Providers, a provider must:

(1) Continue to meet the requirements of this subpart and the applicable requirements of part 3XX of this chapter.

(2) Report to FMCSA changes to key information submitted under § 3XX.XXX within 30 days of the change.

(i) Key information includes training provider name, location, phone number, levels of training offered.

(ii) Changes must be reported by submitting an updated MCSA-X to FMCSA.

(3) Continue to be licensed, certified, registered, or authorized to provide training in accordance with the applicable laws and regulations of each State where training is provided.

(4) Maintain documentation of State licensure, registration, or certification verifying the provider is authorized to provide training in that State.

(5) Allow the completion of an audit or investigation of the training provider by an authorized representative of FMCSA.

(6) The provider must make all required documentation available on request to an authorized representative of FMCSA or an authorized representative of Federal, State, or local government. The provider must provide this documentation within 48 hours of the request.

**§ 3XX.113 Reasons for removal from the National Registry of Training Providers**

FMCSA may remove a provider from the National Registry of Training Providers (NRTP) when a provider fails to meet or maintain the qualifications established by this subpart, the requirements of other regulations applicable to the provider, or otherwise does not meet the requirements of 49 U.S.C. XXXX. If FMCSA removes a provider from the National Registry of Training Providers, all training certificates issued after the removal date will be considered invalid.

(a) The reasons for removal may include but are not limited to the following:

(1) The provider fails to comply with the requirements for continued listing on the NRTP, as described in § 3XX.XXX.

(2) The provider denies FMCSA or its authorized representative the opportunity to conduct an audit or investigation of its provider.

(3) The provider fails an audit conducted by FMCSA or its authorized representative.

(4) The provider falsely claims to be licensed, certified, registered, or authorized to provide training in accordance with the applicable laws and regulations in each State where training is provided.

(5) Less 70% of the provider’s graduates successfully obtain a CDL or endorsement for which they received training.

(b) In instances of fraud or other criminal behavior, FMCSA reserves the right to retroactively deem invalid training certificates that were issued by training providers removed from the National Registry of Training Providers.

**§ 3XX.115 Procedure for removal from the National Registry of Training Providers**

(a) Voluntary removal. To be removed voluntarily from the National Registry of Training Providers, a provider must submit a request to the FMCSA Director, Office of Carrier, Driver, and Vehicle Safety Standards (“Director”). Except as provided in subsection (b) of this section, the Director will accept the request and the removal will become effective immediately. On and after the date of issuance of a notice of proposed removal from the National Registry of Training Providers, as described in paragraph (b) of this section, however, the Director will not approve the provider’s request for voluntary removal from the National Registry of Training Providers.

(b) Notice of proposed removal. Except as provided by paragraphs (a) and (e) of this section, FMCSA initiates the process for removal of a provider from the National Registry of Training Providers by issuing a written notice of proposed removal to the provider, stating the reasons that removal is proposed under § 3XX.XXX and any corrective actions necessary for the provider to remain listed on the NRTP. If a notice of proposed removal is issued, the provider must notify current trainees and trainees scheduled for future training of the proposed removal.. In addition, no new training sessions may commence until FMCSA withdraws the proposed removal.

(c) Response to notice of proposed removal and corrective action. A provider that has received a notice of proposed removal from the National Registry of Training Providers must submit any written response to the Director, Office of Carrier, Driver, and Vehicle Safety Standards no later than 30 days after the date of issuance of the notice of proposed removal. The response must indicate either that the provider believes FMCSA has relied on erroneous information in proposing removal, as described in paragraph (c)(1) of this section, or that the provider will comply with FMCSA’s request and take any corrective action specified in the notice of proposed removal, as described in paragraph (c)(2) of this section.

(1) Opposing a notice of proposed removal. If the provider believes FMCSA has relied on erroneous information in proposing removal from the National Registry of Training Providers, the provider must explain the basis for that belief and provide supporting documentation. The Director, Office of Carrier, Driver, and Vehicle Safety Standards will review the explanation.

(i) If the Director, Office of Carrier, Driver, and Vehicle Safety Standards finds that FMCSA has relied on erroneous information to propose removal of a training provider from the NRTP, the Director, Office of Carrier, Driver, and Vehicle Safety Standards will withdraw the notice of proposed removal and notify the provider of the determination in writing. No later than 60 days after the date the Director, Office of Carrier, Driver, and Vehicle Safety Standards modifies a notice of proposed removal, the provider must comply with this subpart and correct any identified deficiencies as described in paragraph (c)(2) of this section.

(ii) If the Director, Office of Carrier, Driver, and Vehicle Safety Standards finds FMCSA has not relied on erroneous information in proposing removal, the Director, Office of Carrier, Driver, and Vehicle Safety Standards will affirm the notice of proposed removal and notify the provider in writing of the determination. No later than 60 days after the date the Director affirms the notice of proposed removal, the provider must comply with this subpart and correct the deficiencies identified in the notice of proposed removal as described in paragraph (c)(2) of this section.

(iii) If the provider does not submit a written response within 30 days of the date of issuance of a notice of proposed removal, the removal becomes effective and the provider will be removed from the National Registry of Training Providers.

(2) Compliance and corrective action.

(i) The provider must comply with this subpart and complete the corrective actions specified in the notice of proposed removal no later than 60 days after either the date of issuance of the notice of proposed removal or the date the Director, Office of Carrier, Driver, and Vehicle Safety Standards affirms or modifies the notice of proposed removal, whichever is later. The provider must provide documentation of compliance and completion of the corrective actions to the Director, Office of Carrier, Driver, and Vehicle Safety Standards. The Director, Office of Carrier, Driver, and Vehicle Safety Standards may conduct any investigations and request any documentation necessary to verify that the provider has complied with this subpart and completed the required corrective action(s). The Director, Office of Carrier, Driver, and Vehicle Safety Standards will notify the provider in writing whether it has met the requirements to continue to be listed on the National Registry of Training Providers.

(ii) If the provider fails to complete the proposed corrective action(s) within the 60-day period, the provider will be removed from the National Registry of Training Providers. The Director, Office of Carrier, Driver, and Vehicle Safety Standards will notify the provider in writing of the removal.

(3) At any time before a notice of proposed removal from the National Registry of Training Providers becomes final, the recipient of the notice of proposed removal and the Director, Office of Carrier, Driver, and Vehicle Safety Standards may resolve the matter by mutual agreement.

(d) Request for administrative review. If a provider has been removed from the National Registry of Training Providers under paragraph (c)(1)(iii), (c)(2)(ii), or (e) of this section, the provider may request an administrative review no later than 30 days after the effective date of the removal. The request must be submitted in writing to the FMCSA Associate Administrator for Policy. The request must explain the error(s) committed in removing the provider from the National Registry of Training Providers, and include a list of all factual, legal, and procedural issues in dispute, as well as any supporting documentation.

(1) Additional procedures for administrative review. The Associate Administrator may ask the provider to submit additional data or attend a conference to discuss the removal. If the provider does not provide the information requested, or does not attend the scheduled conference, the Associate Administrator may dismiss the request for administrative review.

(2) Decision on administrative review. The Associate Administrator will complete the administrative review and notify the provider in writing of the decision. The decision constitutes final Agency action. If the Associate Administrator deems the removal to be invalid, FMCSA will reinstate the provider on the National Registry of Training Providers.

(e) Emergency removal. In cases of either willful disregard of the regulations in this subpart or in which public health, interest, or safety requires, the provisions of paragraph (b) of this section are not applicable and the Director, Office of Carrier, Driver and Vehicle Safety Standards may immediately remove a provider from the National Registry of Training Providers and invalidate the certification issued under § 3XX.XX. A provider who has been removed under the provisions of this paragraph may request an administrative review of that decision as described under paragraph (d) of this section.

(f) Reinstatement on the National Registry of Training Providers. No sooner than 30 days after the date of removal from the National Registry of Training Providers, a provider who has been voluntarily or involuntarily removed may apply to the Director, Office of Carrier, Driver, and Vehicle Safety Standards to be reinstated.

(5) [stet] In the case of a provider that has been involuntarily removed, provide documentation showing completion of any corrective actions required in the notice of proposed removal.

(g) Effect of final decision by FMCSA. If a provider is removed from National Registry of Training Providers under paragraph (c) or (e), the approval issued under § 3XX.XX is no longer valid. However, the removed provider’s information remains publicly available for 3 years, with an indication that the provider is no longer listed on the National Registry as of the date of removal.