***Entry-Level Driver*** means a person who must complete the CDL 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 passenger or school bus endorsement. This definition does not include individuals that 49 CFR 383 provides States the discretion to waive the CDL skills test.

***Entry-Level Hazardous Materials*** ***Driver*** means a person who holds a CDL and must complete the hazardous materials knowledge test requirement under 49 CFR 383.71 prior to obtaining a hazardous materials endorsement.

***Entry-Level Driver Training*** means training an applicant for a commercial driver’s license, or passenger, school bus or hazardous materials endorsement 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 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, as defined in this subpart,

 who intend to drive in interstate and intrastate commerce and are subject to the commercial driver’s license (CDL) requirements of part 383 of this subchapter, except:

(1) Drivers excepted under § 383.3 (c), (d) and (h), and those drivers applying for a restricted CDL under § 383.3(e) through (g) of this subchapter.

(2) Veterans with military CMV experience as defined in § 383.77.

(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) Once a person 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to obtain such certification again before reapplying for a CDL or endorsement, even after his or her CDL or endorsement was revoked by the State of issuance (or expired more than 4 years prior to the date of reapplication?). **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 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.