

# National CDL Program Training

## Course Overview

The goal of the National Commercial Driver's License (CDL) Program is to reduce the number and severity of commercial motor vehicle (CMV) crashes in the United States by ensuring that only qualified drivers are eligible to receive and retain a CDL. For every **one CDL driver**, there should be **one record** and **one licensing document**.

As a CDL Coordinator, or someone in a similar position, you play an essential role in the National CDL Program, and your efforts are vital to supporting road safety. Navigate through the following **16 eLearning modules** at your own pace in order to gain insight into the background, tools, systems, and processes that provide the backbone for ensuring that only qualified drivers are operating on our Nation's roads.

All links and materials have been updated as of **August 2022**.

## Module 1: Introduction to the CDL Program

### 1.1 Welcome

Welcome to the National Commercial Driver's License (CDL) Program interactive training. The goal of this training is to support you as a CDL Coordinator (or State personnel with similar responsibilities) and provide a detailed overview of the safety goals, regulatory requirements, and standards of compliance of the National CDL Program that are essential to helping keep our roads safe. The training focuses on two pieces of the regulation that are specific to the National CDL Program: 49 CFR [Part 383](#) and 49 CFR [Part 384](#).

In this module, we will provide an overview of the National CDL Program, including:

1. The role of the Federal Motor Carrier Safety Administration (FMCSA) within the U. S. Department of Transportation (USDOT)
2. The evolution and essential role of FMCSA's Commercial Driver's License (CDL) Program in supporting safety on our Nation's roads
3. The function of the Federal Motor Carrier Safety Regulations (FMCSRs), including how to read and access the Electronic Code of Federal Regulations (eCFR)
4. Federal grant opportunities that support compliance with FMCSA regulations

### 1.2 What is the Federal Motor Carrier Safety Administration (FMCSA)?

This training introduces you to the regulations and associated standards of compliance required by the [Federal Motor Carrier Safety Administration \(FMCSA\)](#), one of 11 operating administrations within the U.S. Department of Transportation. As the lead

organization responsible for regulating and providing safety oversight of commercial motor vehicles (CMVs), FMCSA's mission is to **reduce crashes, injuries, and fatalities involving large trucks and buses**.

Pursuing this safety mission is impossible without **collaboration**. FMCSA partners with industry, safety advocates, and State and local governments to improve CMV safety across the nation through regulation, education, enforcement, research, technology, and other activities and initiatives.

### ***1.3 CDL Legislative Timeline***

Let's take a moment and review how the National CDL Program has evolved over the years.

1. Commercial Motor Vehicle Safety Act (CMVSA) of 1986
  - Establishes the CDL Program
  - Implements minimum Commercial Driver's Licensing standards
  - Prohibits any person who operates a CMV from having more than one driver's license, establishing the backbone of the CDL Program: One Driver, One License, One Record
  - Improves highway safety by requiring drivers of large trucks and buses to take Knowledge and Skills Tests before an SDLA can issue a license
  - Removes unsafe drivers from the highways by establishing a process for disqualification
  - Link to the CMVSA of 1986: <https://www.congress.gov/bill/99th-congress/house-bill/5568>
2. Motor Carrier Safety Improvement Act (MCSIA) of 1999
  - Establishes FMCSA within the U.S. Department of Transportation (USDOT)
  - Disqualifies CMV drivers from operating with a revoked, suspended, or canceled CDL
  - Disqualifies for life CMV drivers who have received more than one violation for driving with a revoked, suspended, or canceled CDL
  - Disqualifies CDL holders convicted of committing certain violations while operating a non-CMV
  - Link to MCSIA: <https://www.congress.gov/bill/106th-congress/house-bill/3419>
3. Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012
  - Requires States to implement a system and processes for the exclusive electronic exchange of driver history record (DHR) information, including convictions and disqualifications
  - Requires States to request drug and alcohol information pertaining to a CDL applicant before renewing or issuing that individual a CDL

- Establishes a deadline for the establishment of a National Registry of Medical Examiners and the electronic filing of Medical Examination Certificates
  - Establishes a deadline for the issuance of minimum entry-level training requirements for an individual operating a CMV
  - Establishes a deadline for developing a program to assist veterans in acquiring CDLs
  - Link to MAP-21: <https://www.congress.gov/bill/112th-congress/house-bill/4348/text>
4. Fixing America's Surface Transportation (FAST) Act of 2015
- Extends the exemption allowing qualified military personnel one year to transition to civilian driver status absent the completion of the skills tests
  - Allows a State to permit active duty military personnel with a CDL even if it is not their State of domicile
  - Initiates a rulemaking to allow physicians within the Department of Veterans Affairs to perform FMCSA medical examinations and issue medical certificates to veteran CMV drivers
  - Initiates a rulemaking to permit hair testing as an acceptable alternative to urine testing for certain drug tests, following guidelines passed by the Department of Health and Human Services
  - Link to the FAST Act: <https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf>

### ***1.4 Federal Motor Carrier Safety Regulations (FMCSRs)***

FMCSA implements and enforces its safety legislation through the Federal Motor Carrier Safety Regulations (FMCSRs). The FMCSRs provide the building blocks for FMCSA's authority and regulatory programs, allowing the Administration to clarify and enforce the data-driven policies that support motor carrier safety.

All FMCSRs are published in the **Federal Register**, a daily journal of the Federal Government that includes Federal Agency regulations, proposed rules and notices of interest to the public, Executive Orders, proclamations, and other presidential documents.

You can easily access and review the FMCSRs via the [Electronic Code of Federal Regulations \(e-CFR\)](#). The USDOT's regulations are published and compiled under [Title 49, Code of Federal Regulations](#) (CFR).

### ***1.5 Reading an FMCSR***

At first, reading and referencing a Federal regulation might seem overwhelming. Each regulation contains multiple identifiers to help you navigate to the most specific information. Once you understand each piece of the code, it becomes easier to decipher.

Let's review the basic components of reading a Federal regulation:

- **Title:** The Title of an FMCSR refers to the topic that will be discussed within the regulations in that section. You can find all USDOT regulations in Title 49 of the CFR. When you reference an FMCSR within the USDOT, you generally don't need to clarify that it is within Title 49.
- **Parts and Sections:** Title 49 is broken into Parts. Each Part is broken down further into Sections that lay out the regulations. The Parts and Sections include detailed information on exceptions, exemptions, and questions related to interpretations.
- **CDL Regulations:** You can find regulations unique to FMCSA in Parts 300-399. This training focuses on the two pieces of regulation specific to the National CDL Program: 49 CFR Part 383 and 49 CFR Part 384.

Now let's consider an example. Broken down, you can read FMCSR **§ 383.77(a)(2)(ii)** as Part 383, Section 77, Subsection a, and subparagraph 2ii. Knowing this, you can locate the exact reference point for § 383.77(a)(2)(ii) in the eCFR.

## ***1.6 CDL Compliance: 49 CFR Parts 383 and 384***

This training focuses on 49 CFR [Part 383](#) and 49 CFR [Part 384](#), the two sections of the Federal regulations responsible for establishing and maintaining the National CDL Program.

The rest of this training will explore these regulations and examine what compliance looks like. It will also provide you with tools and resources to help you achieve compliance and make the roads safer in your State and across the Nation.

## ***1.7 How does FMCSA create new regulations?***

The FMCSRs are subject to the [rulemaking process](#), or the steps through which executive and independent agencies create, establish, and promote regulations. The rulemaking process is dictated by the Administrative Procedure Act of 1946.

Rulemaking begins when Congress grants regulatory authority to an agency, continues within the agency itself, and concludes only after incorporating feedback from the public. On the day a Final Rule is published in the **Federal Register**, the Office of the Federal Register and Government Publishing Office (GPO) prepares the material for codification into the CFR. Rules that are effective immediately are integrated within the [eCFR database](#).

Historically, States have had three years to implement changes to the FMCSRs. Any changes to the timeline for compliance, as well as any other information regarding the implementation of a rule or changes to it, are published in the Federal Register.

## **1.8 Grant Support**

FMCSA knows that it takes time, money, and support to comply with new and existing Federal regulations. The [Commercial Driver's License Program Implementation \(CDLPI\) Grant](#) provides grant funding to support State Driver Licensing Agencies (SDLAs) and other agencies and organizations working to improve the National CDL Program as we all pursue the same goal: safety on our Nation's roads.

You can access FMCSA grant training resources and learn more about CDLPI Grant funding at <https://ai.fmcsa.dot.gov/Grants/GrantManagement.aspx>. These resources will guide you through the grant application process as well as support grant implementation and management throughout your time as a grantee.

## **1.9 Additional Information**

For additional information on the CDL program, military driver program, and resources for State and local partners, visit [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov). You can also find contact information for the [FMCSA Field Offices](#) and your FMCSA CDL contacts—your Division Administrator (DA) and State Program Specialist (SPS).

## **1.10 Congratulations!**

Congratulations. You have finished **Module 1: Introduction to the FMCSA and the Commercial Driver's License (CDL) Program**. You are now ready to dive into the backbone of the National CDL Program starting with **Module 2: CDL Program Requirements Overview**.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

# **Module 2: CDL Program Requirements Overview**

## **2.1 CDL Program Requirements**

The National Commercial Driver's License (CDL) Program requires certain things of drivers, motor carriers, and States in order to work toward the goal of "One Driver, One License, One Record." In this section, we're going to take a high-level look at these requirements before diving into more detail throughout this course.

49 CFR Parts 383 and 384 seek to achieve the same end: to ensure all CDL holders are qualified to operate a commercial motor vehicle (CMV) safely on the roads and that States have the necessary systems and processes in place to remove unsafe drivers. These regulations support the heart of "One Driver, One License, One Record."

The purpose of 49 CFR [Part 383](#) is to help prevent truck and bus crashes, fatalities, and injuries by requiring drivers to have a single CDL and disqualifying drivers who operate

CMVs in an unsafe manner. It sets standards that are applicable to drivers, motor carriers, and States.

The purpose of 49 CFR [Part 384](#) is to ensure that the States comply with Federal Motor Carrier Safety Administration (FMCSA) CDL regulations by establishing procedures to measure State compliance and specifying the consequences of noncompliance.

## **2.2 What is a CDL?**

Let's take a look at the meaning of some key terms we'll be seeing here. For additional definitions and guidance, please view the [Glossary and Acronym Guide](#) or see 49 CFR § [383.5 - Definitions](#).

A **commercial driver's license (CDL)** is a type of driver's license required to operate most large or heavy vehicles. Obtaining a CDL requires a higher level of knowledge, experience, skills, and physical abilities than what is required for a non-commercial license. Thus, CDL holders are held to a higher standard when operating any type of vehicle on public roads.

A **CDL holder** is an individual whose last jurisdiction-issued license was a CDL. This applies even if the driver is disqualified from the use of his or her commercial driving privileges. It also applies if the CDL has expired and no other license has been issued. For a driver to be considered a non-CDL holder, either the driver or the State Driver Licensing Agency (SDLA) must take some explicit action.

We use the term CDL holder throughout the course. Additionally, a **CDL Driver** is defined in 49 CFR § 383.5 as a person holding a CDL or a person required to hold a CDL.

A **commercial learner's permit (CLP)** is a permit issued to an individual by a State or other jurisdiction of domicile. When carried with a valid driver's license issued by the same State or jurisdiction, a CLP authorizes the individual to operate a CMV when accompanied by a holder of a valid CDL for purposes of behind-the-wheel (BTW) training. When issued to an existing CDL holder, a CLP serves as authorization for accompanied BTW training in a configuration of CMV for which the holder's current CDL is not valid.

A **CLP holder** is an individual who holds a valid (unexpired) CLP.

## **2.3 General Applicability and Exceptions**

The CDL regulations apply to three key stakeholders: drivers, their employers, and SDLAs. There are exceptions to the regulations, some of which are mandatory and some that are left to the discretion of the SDLA. Unless otherwise stipulated in the exceptions, CDL standards, requirements, and penalties apply to drivers, employers, and States.

- **Drivers:** Every individual who operates certain CMVs in interstate, foreign, or intrastate commerce, including CDL holders, CLP holders, and drivers operating a vehicle that requires a CDL.
- **Employers:** All employers of such drivers who operate certain CMVs in interstate, foreign, or intrastate commerce.
- **States:** All States administering tests to qualified applicants for CLPs or CDLs.

In Module 3: Applicability, Exceptions, and Restricted CDLs, we explore who CDL standards apply to in more detail, including certain exceptions and cases in which a driver would need a restricted CDL.

## ***2.4 Driver Requirements***

A driver is required to obtain and hold a CDL when they operate in interstate, intrastate, or foreign commerce and drive a vehicle that requires a CDL classification. Obtaining a CDL requires a higher level of knowledge, experience, skills, and physical abilities than what is required for a non-commercial license. Thus, CDL holders are held to a higher standard when operating any type of motor vehicle on public roads. Serious traffic violations committed by a CDL holder can affect their ability to maintain their CDL certification.

### **Classes of License**

The Federal standard requires that States issue a CDL to drivers according to the following license classifications (49 CFR § [383.91](#)):

- A Class A CDL is required for combination vehicles.
- A Class B CDL is required for heavy straight vehicles.
- A Class C CDL is required for small vehicles.

In Module 4: CMV Groups, CDL Endorsements, and Restrictions, we learn more about CMV groups and CDL classes.

### **Driver Tests**

Driving a CMV requires a higher level of knowledge, experience, skills, and physical abilities than that required to drive a non-commercial vehicle. In order to obtain a CDL, an applicant must pass both skills and knowledge testing geared to these higher standards.

A CDL applicant must take one or more knowledge tests, depending on what class of license and what endorsements they will need. CDL knowledge tests include:

1. **General knowledge test:** Taken by all applicants.
2. **Passenger transport test:** Taken by all bus driver applicants.
3. **Air brakes test:** Required if the applicant's vehicle has air brakes, including air over hydraulic brakes.

4. **Combination vehicles test:** Required if an applicant wants to drive combination vehicles.
5. **Hazardous materials test:** Required if an applicant wants to haul hazardous materials (HM). In order to obtain this endorsement, he or she is also required to pass a Transportation Security Administration (TSA) background check.
6. **Tanker test:** Required if an applicant wants to haul a liquid or liquid gas in a permanently mounted cargo tank rated at 119 gallons or more or a portable tank rated at 1,000 gallons or more.
7. **Doubles/triples test:** Required if an applicant wants to pull double or triple trailers.
8. **School bus test:** Required if an applicant wants to drive a school bus.

If an applicant passes the required knowledge test(s) and obtains a CLP, they are then eligible to take the **CDL skills tests**. There are three types of general skills that will be tested: pre-trip inspection, basic vehicle control, and on-road driving. An applicant must take these tests in the same type of vehicle for which they wish to be licensed. CDL skills tests include:

- **Pre-trip Vehicle Inspection:** An applicant will be tested to see if he or she knows whether his or her vehicle is safe to drive. An applicant will be asked to demonstrate how they would conduct a pre-trip inspection of their vehicle and will be required to explain to the examiner what he or she would inspect and why.
- **Basic Vehicle Control:** An applicant will be tested on his or her skill to control the vehicle. An applicant will be asked to move his or her vehicle forward, backward, and turn it within a defined area. These areas may be marked with traffic lanes, cones, barriers, or something similar. The examiner will tell the applicant how each control test is to be done.
- **On-road Test:** An applicant will be tested on his or her skill to safely drive their vehicle in a variety of traffic situations. The situations may include left and right turns, intersections, railroad crossings, curves, up and down grades, single or multi-lane roads, streets, or highways. The examiner will tell the applicant where to drive.
- **Endorsements:** Drivers who want to operate special types of CMVs must pass the skills tests in a vehicle of the same type they want to operate to obtain certain endorsements on their CDL (such as school bus). Note that passenger (P), school bus (S), and tank vehicle (N) are the only endorsements allowed on a CLP.
- **Restrictions:** Drivers who wish to avoid certain restrictions on their CDL must pass the skills test in a vehicle that requires demonstration of certain vehicle configuration skills (airbrakes, manual transmission, and/or fifth wheel).

In Module 4: CMV Groups, CDL Endorsements, and Restrictions, we learn more about CMV groups and CDL classes.



## **2.5 Employer Requirements**

More than 602,000 interstate motor carriers and intrastate HM motor carriers had recent activity operating in the United States as of December 2019 (according to FMCSA's [2020 Pocket Guide to Large Truck and Bus Statistics](#)). These employing motor carriers play an essential role in safety by ensuring that their drivers obtain and maintain a CDL.

Employers are required to check a driver's 10-year employment history during the application process (49 CFR § [383.35\(b\)](#)), and review the driver's motor vehicle record (MVR) at least once a year while the driver is employed (49 CFR § [391.25](#)). No employer shall knowingly allow, permit, or authorize an employee to operate a CMV in the United States during any period in which the employee:

- Does not have a current CLP or CDL
- Does not have the proper class of license or endorsements
- Violates any restrictions on the CLP or CDL
- Has a suspended, revoked, or canceled CLP or CDL
- Has lost the right to operate a CMV in any State
- Has been disqualified from operating a CMV

Employers obtain MVRs from the State because of the yearly employer MVR check, whether directly or through Third Parties. Some States also have Employer Notification Services (ENS) that notify employers when the driving statuses of their employees change. Prompt notification of suspensions and revocations, crashes, and other violations allows motor carriers to ensure drivers do not operate illegally, keeping unsafe drivers off the road. FMCSA has supported the development and implementation of ENS for over 10 years. Through FMCSA grant funding, States have piloted and studied ENS, and the American Association of Motor Vehicle Administrators (AAMVA) has provided ENS design and implementation recommendations to FMCSA.

If your State is considering implementing or updating an ENS, check out the "[FMCSA ENS Best Practices and Recommendations](#)" document.

## **2.6 State Requirements**

The States and FMCSA work in a symbiotic relationship. FMCSA provides minimum federal requirements that must be met, but States determine driver eligibility, administer tests, issue licenses, monitor continued eligibility for the life of the CDL, and take action to disqualify a CDL when necessary.

We'll explore State requirements and processes throughout this course to help you better understand your role in the CDL Program, including CLP and CDL issuance requirements, State records check procedures, medical certification and recordkeeping requirements, and more.

At the end of the course, we'll review the procedures used to measure State compliance with FMCSA CDL regulations in 49 CFR Part 384 (many of which are also described throughout the course) and specify the consequences of noncompliance.

## **2.7 Congratulations**

Congratulations. You have completed **Module 2: Program Requirements Overview**. In this module, you learned about the requirements for drivers, motor carriers, and States in order to work toward the goal of One Driver, One License, One Record. Continue to **Module 3: Applicability, Exceptions, and Restricted CDLs**.

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## **Module 3: Applicability, Exceptions, and Restricted CDLs**

### **3.1 Introduction**

In the "CDL Program Requirements Overview" module, we learned that 49 CFR [Part 383](#) sets standards that are applicable to drivers, motor carriers, and States. In this module, we'll continue to explore who these standards apply to, including certain exceptions and cases in which a driver would need a restricted Commercial Driver's License (CDL).

### **3.2 Applicability**

CDL regulations apply to drivers, their employers, and State Driver Licensing Agencies (SDLAs) administering tests. There are exceptions to this, some of which are mandatory and some that are left to the discretion of the SDLA.

Unless otherwise stipulated in the exceptions, CDL standards, requirements, and penalties apply to:

- **Drivers:** Every individual who operates a commercial motor vehicle (CMV) in interstate, foreign, or intrastate commerce, including CDL holders, Commercial Learner's Permit (CLP) holders, and drivers operating a vehicle that requires a CDL.
- **Employers:** All employers of such drivers who operate a CMV in interstate, foreign, or intrastate commerce.
- **States:** All States administering tests to qualified applicants for CLPs or CDLs.

### **3.3 Exceptions and Exemptions**

There are some cases in which a driver may be exempt from CDL regulations, meaning they can operate a CMV without a CDL. Some of the following exceptions outlined in 49 CFR § [383.3](#) are mandatory, while others are left to the discretion of the SDLA.

## **Military Drivers**

Each State must exempt individuals who operate CMVs for military purposes. This exception refers to vehicles owned or operated by military. Military drivers are not required to be in uniform for the exception to apply.

This exception applies to:

- Active duty military personnel
- Members of the military reserves
- Members of the National Guard on active duty, including personnel on full-time National Guard duty, personnel on part-time National Guard training, and National Guard military technicians (civilians who are required to wear military uniforms)
- Active duty U.S. Coast Guard personnel

This exception does not apply to:

- U.S. Reserve technicians

## **Farmers and Drivers of Covered Farm Vehicles**

**Farmers:** States may, at their discretion, exempt individuals who are operators of a farm vehicle that is controlled and operated by a farmer, including operation by employees or family members if it is:

- Operated within 150 miles of a farmer's farm.
- Transporting agricultural products, farm machinery, farm supplies, or both to or from a farm.
- Not used in the operation of a common or contract motor carrier.

The use of this waiver is limited to the driver's home State unless there is a reciprocity agreement with adjoining States.

**Drivers of covered farm vehicles:** The rules in 49 CFR Part 383 do not apply to drivers of covered farm vehicles as defined in 49 CFR § [390.5](#).

A covered farm vehicle is a straight truck or articulated vehicle that is registered in a State with a license plate or other designation issued by the State of registration that allows law enforcement officials to identify it as a farm vehicle. For example, some jurisdictions have a farm sticker for the plate. (Note: For definitions of "Farmer" and "Farm vehicle driver," see 49 CFR § [390.5](#).)

Covered farm vehicles must:

- Be equipped with a special license plate or other designation by the State in which it is registered to allow for identification.

- Be operated by a farm or ranch owner or operator (includes employees and family members).
- Be used to transport agricultural commodities, livestock, machinery, or supplies to a farm or ranch.

Comparison:

<b>Farmer Exception 49 CFR § 383.3(d)</b>	
<b>Hazardous Materials</b>	Prohibited from transporting placardable amounts of HM
<b>Operating Area</b>	Travel both in intrastate and interstate commerce up to 150 miles of the farm or ranch being served
<b>Reciprocity</b>	State Reciprocity Agreement required

<b>Covered Farm Vehicle Exception 49 CFR § 383.3(h)</b>	
<b>Hazardous Materials</b>	Prohibited from transporting placardable amounts of HM
<b>Operating Area</b>	If 26,001 lbs. or less, may use the exemption anywhere in the U.S. Greater than 26,001 lbs., may use the exemption anywhere within the State the vehicle is registered, or may use the exemption anywhere within 150 miles of the farm or ranch being served
<b>Reciprocity</b>	State Reciprocity Agreement not required

### **Firefighters and Emergency Response Vehicle Drivers**

States may, at their discretion, exempt individuals who are firefighters and other persons who operate CMVs necessary to the preservation of life, property, or the execution of emergency governmental functions.

### **Drivers Removing Snow and Ice**

States may, at their discretion, exempt a driver employed by an eligible unit of local government operating a CMV within the boundaries of that unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting.

Eligible unit of local government means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

This *exemption* applies if:

- The properly licensed employee who ordinarily operates a CMV for these purposes is unable to operate the vehicle.

- The employing governmental entity determines that a snow or ice emergency requiring additional assistance exists.

This exemption shall not preempt State laws and regulations concerning the safe operation of CMVs.

### **Hazardous Materials Endorsement Exemption for Certain Drivers Transporting Diesel**

A State may waive the requirement for a Class A CDL holder to obtain an HM endorsement for certain drivers transporting diesel fuel. The license holder must be acting within the scope of employment and within the State of domicile (or another State with an HME exemption) as an employee of:

- Agri-chemical businesses
- Custom harvesters
- Farm retail outlets and suppliers
- Livestock feeders

The driver must be operating a service vehicle that is transporting 1,000 gallons or less of diesel fuel and is clearly marked with a “flammable” or “combustible” placard.

### **Does the driver need a CDL?**

- A farmer is delivering his own equipment within 150 miles of his farm. No
- An EMT is responding to an emergency. No
- An Army private is transporting a military vehicle from one base to another. No
- A Marine Corps corporal drives a civilian bus transporting the Marine Corp Band. No
- A dealer or manufacturer is delivering farm equipment to a farmer. Yes
- A city employee whose regular duty is to plow snow with a CMV. Yes

### **3.4 Restricted CDLs**

While the exceptions and exemptions covered above require no CDL, the following drivers must obtain a restricted CDL, meaning they may only operate CMVs in a limited capacity or on specified roads.

#### **Drivers in the State of Alaska**

The State of Alaska may, at its discretion, waive certain requirements for certain CDL drivers in its State and issue a CDL to drivers meeting certain conditions.

Alaska may waive:

- The knowledge tests standards for testing procedures and methods but must continue to administer knowledge tests that fulfill the content requirements of Subpart G for all applicants.
- All the skills test requirements.

- The requirement under 49 CFR § [383.153\(a\)\(4\)](#) to have a photograph on the license document.

Drivers must operate exclusively over roads that meet both of the following criteria to be eligible for the exception:

- Roads that are not connected by land, highway, or vehicular way to the land-connected state highway system.
- Roads that are not connected to any highway or vehicular way with an average daily traffic volume greater than 499.

Any CDL issued under these terms is restricted to only roads previously listed and is restricted only to operation within the State of Alaska.

### **Drivers in Farm-Related Service Industries**

States may waive, in accordance with the limitations of the regulations, the required knowledge and skills tests and issue restricted CDLs to employees of certain designated farm-related service industries:

- Agri-chemical businesses
- Custom harvesters
- Farm retail outlets and suppliers
- Livestock feeders

This type of restricted CDL is limited to only CMV groups B and C with no endorsements (which you'll learn more about in Module 4: CMV Groups, Endorsements, and Restrictions). Drivers must have a good driving record for the two most recent years. In addition, this restricted CDL is limited to 150 miles from the place of business or farm being served. Restricted CDL holders may not drive vehicles carrying any placardable quantities of hazardous materials except for 1,000 gallons or less of diesel fuel, 3,000 gallons or less of liquid fertilizers, and solid fertilizers.

Restricted CDLs for seasonal workers are issued for up to 180 days in a calendar year. If a State provides for more than one seasonal period, the restricted CDL is valid only during the currently approved season and must be revalidated for each successive season. The total number of calendar days in any 12-month period for which the restricted CDL is valid cannot exceed 180 days. For example, a State may issue a restricted CDL for two 90 day periods—one in the spring and one in the fall—but the total number of days in a calendar year may not exceed 180 days.

### **Drivers in the Pyrotechnic Industry**

States may, at their discretion, waive the required hazardous materials knowledge tests and issue restricted CDLs to part-time drivers operating CMVs transporting less than 500 pounds of fireworks.

Restrictions are valid only from June 30 through July 6 of any year. The vehicle must have a gross vehicle weight rating (GVWR) of less than 10,001 pounds, and the restrictions must appear on the CDL.

### **Scenarios**

An Alaskan driver is hauling goods from Anchorage to Fairbanks on interstate highway A-1. This driver would not be able to operate with a restricted CDL, as interstate highway A-1 is part of Alaska's land-connected State highway system.

A part-time driver is hauling 200 pounds of fireworks to Boston on July 1. The driver can operate with a restricted CDL if the State issues restricted CDLs to drivers in the pyrotechnics industry. This is discretionary for States.

A seasonal worker is transporting 500 gallons of liquid fertilizers to a neighboring farm 20 miles up the road. The driver can operate with a restricted CDL if the State issues restricted CDLs to drivers in farm related service industries. This is discretionary for States.

### **3.5 Congratulations**

Congratulations. You have completed **Module 3: Applicability, Exceptions, and Restricted CDLs**. In this module, you learned about the requirements for drivers, motor carriers, and States in order to work toward the goal of One Driver, One License, One Record. Continue to **Module 4: CMV Groups, Endorsements, and Restrictions**.

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## **Module 4: CMV Groups, Endorsements, and Restrictions**

### **4.1 CMV Groups**

Commercial motor vehicles (CMVs) are separated into three groups that encompass a class or type of vehicle with certain operating characteristics, as described in 49 CFR § [383.91](#). Each driver applicant must possess and be tested on the required knowledge and skills of the CMV groups for which they desire a Commercial Driver's License (CDL), so it's important to distinguish between each group.

- **Group A (Combination Vehicles)** includes any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more provided the gross vehicle weight rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds.

- **Group B (Heavy Straight Vehicles)** includes any single vehicle with a GVWR or GVW of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR or GVW.
- **Group C (Small Vehicles)** includes any vehicle that is designed to transport 16 or more passengers (including the driver) or a vehicle of any size that is used in the transportation of placardable amounts of hazardous materials.

To obtain a CDL, driver applicants must first obtain a Commercial Learner's Permit (CLP) of the proper class and with any necessary endorsements and must take a skills test in a representative vehicle for the CMV group they want to operate. So, if a driver wants to operate Group A vehicles, they must have a Class A CLP and take a skills test in a Group A vehicle.

If a driver has an existing CDL and wants to operate a different CMV group from the one which their CDL authorizes, they have to retake and pass all related tests, except the following:

- A driver who has passed the knowledge and skills tests for a combination vehicle (Group A) may operate a heavy straight vehicle (Group B) or a small vehicle (Group C), provided that they possess any requisite endorsement(s).
- A driver who has passed the knowledge and skills tests for a heavy straight vehicle (Group B) may operate any small vehicle (Group C), provided they possess any requisite endorsement(s).

## 4.2 Definitions

Learn how the Federal Motor Carrier Safety Administration (FMCSA) defines each of these key terms. For additional definitions and guidance, please view the [Glossary and Acronym Guide](#) or see 49 CFR § [383.5 - Definitions](#).

- **CMV Group:** A CMV group is a class or type of vehicle with certain operating characteristics. For example, a driver with a Class A CDL can operate Group A vehicles.
- **CDL Class:** CDL class indicates which group of CMVs the driver is allowed to operate with that CDL. For example, a driver with a Class A CDL can operate Group A vehicles.
- **Representative Vehicle:** For the purposes of taking the driving test in accordance with 49 CFR § 383.113, a representative vehicle for a given vehicle group contained in 49 CFR § 383.91 is any commercial motor vehicle which meets the definition of that vehicle group.
- **Gross Vehicle Weight Rating (GVWR):** GVWR means the value specified by the manufacturer as the loaded weight of a single vehicle.
- **Gross Vehicle Weight (GVW):** GVW is the actual vehicle weight at the time of weighing. This may be more than the GVWR if the vehicle is overloaded. A safety official may exercise FMCSA jurisdiction based on the GVW or GVWR, whichever



is greater. For example, if a vehicle with a GVWR of 9,500 pounds was loaded to 10,500 pounds GVW, it would be subject to the Federal Motor Carrier Safety Regulations (FMCSRs) if it was operating in interstate commerce.

- Gross Combination Weight Rating (GCWR): GCWR means the value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration, or the sum of the GVWRs or the GVWs of the power unit and the towed unit(s), or any combination thereof, that produces the highest value. Exception: If there is no towed unit, GCWR is not to be used.
- Gross Combination Weight (GCW): GCW is the actual weight of a combination vehicle at the time of weighing. This may be more than the GCWR if the vehicle is overloaded.
- Truck: A truck is any self-propelled CMV except a truck tractor designed and/or used for the transportation of property.
- Truck Tractor: A truck tractor is a self-propelled CMV designed and/or used primarily for drawing other vehicles.
- Full Trailer: Full trailer means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer.
- Semitrailer: Semitrailer means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing motor vehicle.

In this training, we will refer to vehicles by "group" and licenses by "class." However, in common usage "class" may refer to the vehicle or the license.

### ***4.3 Combination Vehicles (Group A)***

A combination vehicle (Group A) is any combination of vehicles with a GCWR of 26,001 pounds (11,794 kilograms) or more provided the GVWR of the vehicle(s) being towed is greater than 10,000 pounds (4,536 kilograms).

This may be any combination fitting this definition that is greater than 26,000 pounds GCWR or GCW (power unit) that includes a towed unit with a GVWR or GVW greater than 10,000 pounds. For example, a combination vehicle with a GCWR of 27,300 pounds, where the GVWR of the towed unit is 11,400 pounds.

Some examples of this are cargo tanks and flatbed trucks. Operation of Group A vehicles requires a Class A CDL.

#### ***4.4 Heavy Straight Vehicles (Group B)***

A heavy straight vehicle (Group B) is any single vehicle with a GVWR or GVW of 26,001 pounds (11,794 kilograms) or more, or any such vehicle towing a vehicle that is not more than 10,000 pounds (4,536 kilograms) GVWR or GVW.

An example of this is a motorcoach. Operation of Group B vehicles requires a Class B CDL, or a Class A CDL provided that the driver possesses the requisite endorsement(s).

#### ***4.5 Small Vehicles (Group C)***

A small vehicle (Group C) is any vehicle or combination of vehicles that doesn't meet the definition of Group A or B and is either:

- Designed to transport 16 or more passengers (including the driver); or
- A vehicle of any size that transports placardable amounts of Hazardous Materials (49 CFR Part 172, Subpart F) or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

An example of this is a small school bus. Operation of Group C vehicles requires a Class C CDL, or a Class A or B CDL provided that the driver possesses the requisite endorsement(s).

#### ***4.6 CMV Group Scenarios***

Based on what you've learned so far about CMV groups, examine the following scenarios to check your understanding.

##### **Modified School Bus**

Question: A school bus with a GVWR of 14,000 pounds was originally designed to transport 17 passengers, including the driver. However, the bus has been converted to use for hauling cargo. The school bus lights, stop arms, and seats have been removed and the vehicle repainted. The bus is now being used to haul cargo. What type of CDL is required to operate this type of vehicle?

Answer: No CDL Required. Regulatory guidance in 49 CFR § 383.5 (Question #1) explains that the class of CDL and endorsement are driven by the original design unless all the seats are removed except the driver's seat. At that point, the vehicle is no longer a passenger vehicle and becomes a cargo vehicle and no P or S endorsement is required. Since the GVWR is less than 26,000 pounds, no CDL is required. If the GVWR of the vehicle was 26,001 pounds or more, a Class B CDL would be required. If more than the driver's seat is added back, the original design is again the determining factor for the endorsements and Class of CDL.

## **GCWR and Multiple Towed Vehicles**

Question: A driver is operating a combination vehicle with a GCWR of more than 26,000 pounds. The tractor is towing both a semitrailer with a GVWR of 6,500 pounds and a full trailer with a GVWR of 4,000 pounds. Is this a Class A combination vehicle?

Answer: Yes, if the total GVWR for the two trailers is at least 10,001 pounds (and in this case, it's 10,500 pounds total) and the tractor's GVWR is sufficient to produce a combined weight of at least 26,001 pounds, the driver needs a Class A CDL with a double/triple trailer endorsement.

## **Bob-Tail Truck Tractor**

Question: May a driver use a bob-tail truck tractor as a representative vehicle for the purposes of completing the skills tests for a Class B CDL?

Answer: Yes, a bob-tail truck tractor meets the specifications of a Group B vehicle, so long as the truck tractor has a GVWR of 26,001 pounds or more.

## **4.7 Endorsements**

In addition to passing knowledge and skills tests, anyone who operates or expects to operate the types of motor vehicles described in CMV Groups must pass specialized tests to obtain each endorsement. Only drivers who successfully complete the tests will be issued the endorsements. The following endorsements are outlined in 49 CFR § [383.93](#).

### **CLP Endorsements**

Only the following endorsements are allowed on a CLP:

- (P) Passenger vehicle – A CMV designed to transport 16 or more passengers including the driver.
- (S) School bus – A CMV used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. This does not include a bus used as a common carrier.
- (N) Tank vehicle – Any CMV that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A CMV transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

### **CDL Endorsements**

Endorsements applied to a driver's CDL include vehicles that are one of the following:

- (T) Double/triple trailers
- (P) Passenger vehicle
- (N) Tank vehicle
- (H) Used to transport hazardous materials – Hazardous materials means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under 49 CFR [Part 172, Subpart F](#) or any quantity of a material listed as a select agent or toxin in 42 CFR [Part 73](#).
- (S) School bus
- (X) Combination of tank vehicle and hazardous materials

A State Driver Licensing Agency (SDLA) has the discretion to add additional codes for additional groupings of endorsements, so long as each discretionary code is fully explained on the front or back of the CDL document.

### Endorsement Testing Requirements

The following tests are required for these endorsements:

Endorsement	Knowledge Test	Skills Test
Double/Triple Trailers	X	
Passenger	X	X
Tank Vehicle	X	
Hazardous Materials	X	
School Bus	X	X

### Hazardous Materials Endorsement (HME)

1. **TSA Check:** A State may not issue, renew, upgrade, or transfer an HME unless the Transportation Security Administration (TSA) has determined that the individual does not pose a security risk warranting denial of the endorsement.
2. **Renewing an HME:** At least 60 days prior to the expiration date of a CDL or HME, the SDLA must notify the HME holder that the driver must pass the TSA security threat assessment process as part of their application to renew their HME. The notice must advise the driver that to speed up the process he or she should file a renewal application as soon as possible but no later than 30 days before the endorsement's expiration date. An individual who does not successfully complete the background check may not be issued an HME.
3. **Renewal Frequency:** The HME must be renewed every five (5) years. Drivers with an HME must complete a TSA security screening at least once every five (5) years.

4. **Learn More:** For more information on hazardous materials, see 49 CFR § [1572.13](#), “State responsibilities for issuance of hazardous materials endorsement.”

## **4.8 Restrictions**

Restrictions, as outlined in 49 CFR § [383.95](#), keep drivers from driving certain vehicles or carrying certain cargo. Note that a State may add additional restriction codes so long as the restriction code is fully explained on the front or back of the CDL document.

### **(L) No air brakes**

If the driver either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes, then they are restricted from operating a CMV equipped with any type of air brakes.

For the purposes of the skills test and the restriction, air brakes include any braking system operating fully or partially on the air brake principle.

### **(Z) No full air brake**

If the driver performs the skills test in a vehicle equipped with air over hydraulic brakes, then they are restricted from operating a CMV equipped with any braking system operating fully on the air brake principle.

For the purposes of the skills test and the restriction, air over hydraulic brakes include any braking system operating partially on the air brake and partially on the hydraulic brake principle.

### **(E) No manual transmission**

If the driver performs the skills test in a vehicle equipped with an automatic transmission, then they are restricted from operating a CMV equipped with a manual transmission.

Manual transmission (also known as a stick shift, stick, straight drive, or standard transmission) means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot.

All other transmissions, whether semi-automatic or automatic, will be considered automatic for the purposes of the standardized restriction code.

### **(O) No tractor-trailer**

If the driver performs the skills test in a combination vehicle for a Group A CDL with the power unit and towed unit connected with a pintle hook or other non-fifth wheel connection, then they are restricted from operating a tractor-trailer combination connected by a fifth wheel that requires a Group A CDL.

For definitions of “truck,” “tractor,” and “trailer,” see the Definitions section at the beginning of this module. We’ll take closer look at this restriction in the next section.

### **(M) No Group A passenger vehicle**

If the driver applying for a passenger endorsement performs the skills test in a passenger vehicle requiring a Group B CDL, then they are restricted from operating a passenger vehicle requiring a Group A CDL. An M restriction is also needed if a Group A vehicle and the towed unit are not designed to carry passengers.

### **(N) No Group A and B passenger vehicle**

If the driver applying for a passenger endorsement performs the skills test in a passenger vehicle requiring a Group C CDL, then they are restricted from operating a passenger vehicle requiring a Group A or B CDL.

### **(K) Intrastate only**

This restriction can be based on age, medical conditions, or other specified conditions.

### **(V) Medical variance restrictions**

If the State is notified that the driver has been issued a medical variance, the State must indicate this on the CDLIS driver record and the CDL document. The medical waiver/exemption or Skill Performance (SPE) must also be added to the CDLIS driver record as well as the V restriction code.

In accordance with the agreement between Canada and the United States (see footnote to 49 CFR § 391.41), drivers with a medical variance restriction code on their CDL are restricted from operating a CMV in the other country.

### **Digging Deeper: No Tractor-Trailer (O) Restriction**

A truck is any self-propelled CMV except a truck tractor, designed and/or used for the transportation of property. A truck tractor is a self-propelled CMV designed and/or used primarily for drawing other vehicles.

A fifth wheel is a device mounted on a truck tractor or similar towing vehicle (e.g., converter dolly) that interfaces with and couples to the upper coupler assembly of a semitrailer (49 CFR § 390.5). For more information on fifth wheel assemblies, see 49 CFR § 393.70.

SDLAs should never place an O restriction on a CDL simply because the applicant tested in a “pickup truck.” If the vehicle configuration meets the criteria in this flow chart and the fifth-wheel connection meets the definition in 49 CFR § 393.70 (noting that attachment of a fifth-wheel coupling device permanently mounted to the frame of the

vehicle allows the truck to meet the definition of truck tractor as used in the FMCSRs), then O restriction must not be placed on the CDL.

#### **4.9 Restriction Scenarios**

Now that we've covered a bit about each type of restriction, let's take a look at some specific scenarios you may encounter.

##### **Scenario One**

Question: A driver tests in a Group B vehicle with air brakes. Later, the driver decides to upgrade to a Group A vehicle but takes the skills test in a vehicle without air brakes. Is the driver required to have an air brake restriction on their CDL?

Answer: In this case, the driver is not Federally required to have an air brake restriction on the upgrade because the air brakes on both vehicles are similar. Note that States may use their discretion to exceed the Federal standard and add the air brake restriction without retesting in a representative vehicle.

##### **Scenario Two**

Question: An applicant has a Class B CDL with an air brakes restriction. If the driver is testing in a tractor/trailer to remove this restriction, do both the tractor and the trailer need to have air brakes?

Answer: No, if the tractor has a full air brake system, the air brake restriction can be removed even if the trailer does not have air brakes.

##### **Scenario Three**

Question: A driver performs a skills test in a Class B dump truck with a manual transmission. Later, the same driver upgrades to a Class A tractor/trailer combination with an automatic transmission. Will this driver need a restriction from operating vehicles with a manual transmission?

Answer: In this case, the Class A does not need the restriction from operating vehicles with a manual transmission because they used a manual transmission Class B vehicle to skills test on the Class B issuance.

While there may be more gears to go through in a Class A vehicle, the manual transmission on both vehicles are similar.

Testing must have been completed after July 8, 2015, or whenever the State adopted the CLP rule, or the State can document the type of vehicle previously used in testing.

Note that States may use their discretion to exceed the Federal standard and add the automatic transmission restriction without retesting in a representative vehicle.

## Scenario Four

Question: A driver is domiciled in Ohio with an OH CLP with an intrastate (K) restriction. However, the driver goes to Missouri for truck driver training school. Is the driver allowed to drive in Missouri?

Answer: No, the driver would not be allowed to attend truck driver training school or drive in Missouri (or any State other than Ohio). A State can only except a driver from medical requirements within their State only.

### ***4.11 Special Cases: Passenger (P) Endorsement***

Now that we know more about certain endorsements and restrictions, let's take a closer look at some specific vehicles that would require a Passenger (P) endorsement and related restrictions.

#### **Group A Passenger Vehicle**

A Group A passenger vehicle (or "Group A bus") is a vehicle where the trailer is in excess of 10,000 pounds and is designed to haul people regardless of whether the towing vehicle is a tractor-trailer or a straight truck, bus, or motorcoach hauling the trailer. This may be a bus-bodied semitrailer pulled by a conventional tractor unit in the same way as a conventional tractor semitrailer. Note that most States prohibit Group A passenger vehicles.

- Vehicle Group: Group A
- CDL: Class A
- Endorsements: Passenger (P)
- Restrictions: Some restrictions may be required (Note that the "No Group A Passenger Vehicle" (M) and "No Tractor Trailer" (O) restrictions are not applicable)

#### **Modified Motorcoach**

There have been numerous instances (usually in the entertainment industry) where seats are removed from motorcoach buses and the interiors repurposed. Often the seating capacity is reduced to less than 16 passengers including the driver. To resolve this issue, FMCSA issued regulatory guidance.

FMCSA determined that the requirements under 49 CFR § [383.91](#) require CDL-holders to have a Passenger (P) endorsement when operating a vehicle that exceeds the 26,000-pound threshold and is designed to transport passengers rather than property, even if it has been repurposed. FMCSA therefore included the following as Guidance to 49 CFR § 383.93:



Commercial Driver's License Standards, Endorsements; [Regulatory Guidance for 49 CFR § 383.93](#):

Question 15: Is a person who operates a custom motor coach in commerce with a gross vehicle weight rating or gross vehicle weight greater than 26,001 pounds required to have a passenger endorsement for his or her CDL if the vehicle is designed or used to transport less than 16 passengers, including the driver?

Guidance: Yes. The motor coach is a Heavy Straight Vehicle (Group B) under 49 CFR § 383.91 that is designed to transport passengers in commerce. Therefore, the driver is required by 49 CFR § 383.93(b)(2) to have a passenger endorsement.

### **4.12 Congratulations**

Congratulations. You have completed **Module 4: CMV Groups, Endorsements, and Restrictions**. In this module, you learned about the three CMV groups, CLP and State-issued endorsements, and various restrictions. Continue to **Module 5: Legal Presence, Domicile, and Reciprocity**.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## **Module 5: Legal Presence, Domicile, and Reciprocity**

### **5.1 Introduction**

As you learned earlier in this course, the collective mission of the Federal Motor Carrier Administration (FMCSA), the American Association of Motor Vehicle Administrators (AAMVA), and State Driver Licensing Agencies (SDLAs) is to save lives by reducing crashes, injuries, and fatalities involving commercial motor vehicles (CMVs) through education, innovation, regulation, enforcement, financial assistance, partnership, and full accountability. The National Commercial Driver's License (CDL) Program interactive training intends to support you, a CDL Coordinator (or State personnel with similar responsibilities), and help you understand the **safety goal, regulatory requirements, and standards of compliance** essential to keeping our roads safe. By working together, we can ensure that only qualified drivers are operating CMVs on our Nation's roadways, improving safety across the country.

In the previous modules, you learned about the National CDL Program, overall requirements and who they apply to, exceptions and restricted CDLs, and CMV groups, endorsements, and restrictions. In this module, we will explore legal presence, domicile, and reciprocity, including:

1. The role of legal presence, domicile, and reciprocity in the CDL Program
2. Standards for foreign commercial learner's permit (CLP)/CDL holders
3. State compliance procedures
4. Common State problems

## **5.2 Definition: REAL ID**

Before we examine the role of legal presence, domicile, and reciprocity, let's discuss the meaning of some key terms in the CLP and CDL issuance process. For additional definitions and guidance, please view the [Glossary and Acronym Guide](#) or see 49 CFR § [383.5 - Definitions](#).

A REAL ID driver's license or identification card is a driver's license or identification card that has been issued by a State that has been certified by the U.S. Department of Homeland Security (DHS) to be in compliance with the requirements of the REAL ID Act, and which meets the standards of 6 CFR [Part 37, Subparts A–D](#), including temporary or limited-term driver's licenses or identification cards issued under 6 CFR § [37.21](#).

## **5.3 Definitions: Legal Presence, State of Domicile, and Reciprocity**

### **Legal Presence**

While not formally defined in 49 CFR [Part 383](#), legal presence means that an individual is legally authorized to live in the United States. Drivers with legal presence may obtain a CDL.

### **State of Domicile**

As defined in 49 CFR § [383.5](#), State of domicile (SOD) means that State where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has the intention of returning whenever he or she is absent.

### **Reciprocity**

Any individual is allowed to operate a CMV, as defined in 49 CFR § [383.5](#), in any State provided that:

- He or she holds a CLP or CDL\* issued to him or her by his or her State or jurisdiction of domicile
- He or she is not disqualified from operating a CMV
- His or her CLP or CDL is valid for the type of vehicle being driven

\*This also applies to a non-domiciled CLP or CDL issued by a State of record (SOR) to a qualifying individual who is not a citizen or lawful permanent resident.

While synonymous with lawful permanent residency in 49 CFR [Part 383](#), the term legal presence has no actual meaning per the DHS. For this training, we are going to exclusively use the term lawful permanent resident when discussing privileges.

#### ***5.4 Definition: Lawful Status***

The DHS uses the term lawful status to describe an individual who meets one of the following criteria:

- Is a citizen or national of the United States
- Is an alien who is lawfully admitted for permanent or temporary residence in the United States
- Has conditional permanent resident status in the United States
- Has an approved application for asylum in the United States or has entered into the United States in refugee status
- Has a valid immigrant status in the United States
- Has a pending application for asylum in the United States
- Has a pending or approved application for temporary protected status (TPS) in the United States
- Has approved deferred action status
- Has a pending application for lawful permanent residence or conditional permanent resident status

This definition does not affect other definitions or requirements that may be contained in the Immigration and Nationality Act or other laws. Lawful status is not the same as being a lawful permanent resident and having lawful status does not mean that a person is eligible for a CDL or non-domiciled CDL, as it also includes foreign nationals who have been allowed to enter the U.S. on a temporary basis.

#### ***5.5 Issuance Requirements: REAL ID Driver's License vs. Commercial Driver's License***

Secure driver's licenses play a vital role in the safety of our Nation's roadways. The REAL ID Act, passed by Congress in 2005, established minimum security standards for license issuance and production. On or after October 1, 2021, Federal agencies shall not accept a driver's license or identification card for official purposes from any individual unless such license or card is a REAL ID-compliant driver's license or identification card issued by a State that has been determined by DHS to be in full compliance. A non-US citizen with a U.S. Citizenship and Immigration Services (USCIS) Notice of Action, Form I-797, may be issued a temporary REAL ID driver's license or identification card for the duration of the processing time indicated in the notice up to a maximum of 18 months.

The requirements to obtain a REAL ID driver's license differ from those necessary to obtain a CDL. Certain individuals may be eligible to acquire a REAL ID driver's license but do not qualify for a CDL (e.g., someone seeking asylum, a student visa holder).

Applicants who are not considered U.S. citizens or lawful permanent residents may be eligible to obtain a temporary or limited-term REAL ID driver's license. In this case, the REAL ID driver's license will expire at the end of the individual's approved duration of stay in the United States.

Though not regulated by FMCSA, REAL ID driver's licenses are mandated by the U.S. Department of Homeland Security (DHS) and are included in this training for eligibility comparison purposes.

Let's compare the qualifying standards for each type of license.

<b>Real ID Driver's License</b>
Provide proof of lawful status
Provide documentation showing proof of identity including the individual's photo <sup>1</sup> , name, and date of birth
Provide documentation showing the individual's address of principal residence
Provide proof of the individual's social security number (SSN) or verification that he or she is not eligible for one
Pass a general knowledge test <sup>2</sup>
Pass a road skills test <sup>2</sup>

<b>Commercial Driver's License</b>
Provide proof of citizenship or lawful permanent residency <sup>3</sup> , as specified in <a href="#">Table 1 to 49 CFR § 383.71</a>
Self-certify the type of anticipated commerce (excepted interstate, non-excepted interstate, excepted intrastate, non-excepted intrastate)
Provide proof that the State to which application is made is his/her State of domicile, as the term is defined in 49 CFR § <a href="#">383.5</a>
Provide the State the information required to be included on the CDL, as specified in 49 CFR <a href="#">Part 383, Subpart J</a>
Pass the CDL general knowledge test

Commercial Driver's License
Pass a driving skills test <sup>4</sup> in accordance with the standards in 49 CFR <a href="#">Part 383, Subparts F–H</a>
Certify that the motor vehicle in which the individual takes the driving skills test is representative of the type of motor vehicle that he or she operates or expects to operate
Certify that he or she is not subject to any disqualification under 49 CFR § <a href="#">383.51</a> , or any license disqualification under State law, and that he or she does not have a driver's license from more than one State or jurisdiction
Surrender any non-CDL driver's licenses and CLP to the State
Provide the names of all States where he or she has previously been licensed to drive any type of motor vehicle during the previous 10 years
If applying for a hazardous materials endorsement, the individual must comply with Transportation Security Administration (TSA) requirements codified in 49 CFR <a href="#">Part 1572</a> <sup>5</sup>
Speak and read English at a sufficient level, per 49 CFR § <a href="#">391.11</a>

#### **Additional Information:**

<sup>1</sup> A non-photo identity document is acceptable provided it includes both the applicant's full, legal name and date of birth.

<sup>2</sup> The general knowledge and road skills test and other REAL ID requirements were requirements for a non-commercial license prior to the REAL ID. Primarily the REAL ID strengthened the document requirements.

<sup>3</sup> If an individual cannot provide proof of U.S. citizenship or lawful permanent residency, he or she must obtain a non-domiciled CDL. We'll take a closer look at non-domiciled CDLs later in this module.

<sup>4</sup> As of February 7, 2022, entry-level commercial driver applicants must meet the Entry-Level Driver Training (ELDT) requirements prescribed in 49 CFR [Part 380, Subpart E](#) before taking the skills test for a Class A or B CDL, a passenger (P) or school bus (S) endorsement for the first time or the knowledge test for a hazardous materials (H) endorsement for the first time. Training must be administered by a provider listed on FMCSA's [Training Provider Registry](#).

<sup>5</sup> A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his or her USCIS Alien registration number.

## **5.6 U.S. Citizenship and Lawful Permanent Residency**

Evidence of U.S. citizenship or lawful permanent residency ensures that an individual is legally allowed to reside in the United States. As part of the CLP or CDL issuance process, an individual must provide proof of U.S. citizenship or lawful permanent residency to the State, as specified in [Table 1 to 49 CFR § 383.71](#) or obtain a non-domiciled CLP as specified 49 CFR § [383.71\(f\)](#).

The State must require compliance with the standards for providing acceptable proof of U.S. citizenship or lawful permanent residency, as specified in 49 CFR §§ [383.71\(b\)\(9\)](#) and [383.71\(f\)\(2\)\(i\)](#). This is a preliminary inquiry prior to confirming the individual's State of domicile (SOD).

Now let's examine qualifying documents that are acceptable to prove U.S. citizenship or lawful permanent residency.

### **List of Acceptable Proofs of Citizenship or Lawful Permanent Residency (Table 1 to §383.51)**

Status	Proof of Status
U.S. Citizen	Valid, unexpired U.S. Passport
	Certified copy of a birth certificate <sup>1</sup> filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands <sup>2</sup>
	Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State
	Certificate of Naturalization issued by the U.S. Department of Homeland Security (DHS)
	Certificate of Citizenship issued by DHS
Lawful Permanent Resident	Valid, unexpired Permanent Resident Card <sup>3</sup> , issued by U.S. Citizenship and Immigration Services (USCIS) or U.S. Immigrations and Naturalization Service (INS)

Note that States may have additional guidance on acceptable proofs of citizenship.

### **Additional Information:**

<sup>1</sup>Refers to a copy of the whole or part of a birth certificate registered with the State that the State considers to be the same as the original birth certificate on file.

Applicants may also provide delayed birth certifications, birth certificate cards, birth registration cards, or birth registrations. These are acceptable birth certificate substitutions provided that they supply the following required information:

- Name
- Date and place of birth
- Date original birth record was filed
- Seal/stamp of issuing office

<sup>2</sup>CDLs issued by these territories are not valid for driving CMVs in the U.S.

<sup>3</sup>Visit the [USCIS website](#) for more information about the different versions of a Permanent Resident Card.

An American Indian born in Canada (as defined in 8 CFR § [289.1](#)), who at the time of entry was entitled to the exemption provided for such person by the Act of April 2, 1928 (45 Stat. 401), or section 289 of the Act, and has maintained residence in the United States since his or her entry, shall be regarded as having been lawfully admitted for permanent residence. An individual who does not meet the requirements defined in 8 CFR § 289.1, but who entered the United States prior to December 24, 1952, under the exemption provided by the Act of April 2, 1928, and has maintained his or her residence in the United States since such entry shall also be regarded as having been lawfully admitted for permanent residence.

### ***5.7 Common State Challenges: Lawful Permanent Residency***

Lawful permanent residents (LPRs), also known as “green card” holders, are non-citizens who are lawfully authorized to live permanently within the United States. As proof of that status, U.S. Citizenship and Immigration Services (USCIS) grants an individual a Permanent Resident Card, commonly called a “green card.” The process to obtain lawful permanent residency can sometimes present challenges. Unlike a driver’s license, a green card is not issued on the spot. **The following documents are only temporary evidence of an individual’s lawful permanent residency and cannot be used to obtain a CDL or CLP.**

#### **I-551 Stamp**

An I-551 stamp is temporary evidence of lawful permanent residency. It is issued in an individual’s passport upon arrival in the U.S. and serves as proof that the immigrant has permanent resident status while his or her green card is being generated.

### **I-797, Notice of Action**

USCIS uses numerous types of Form I-797 for various reasons to communicate with applicants/petitioners or convey an immigration benefit. Form I-797 is NOT a form that an applicant can fill out. View the chart below for an overview of the different types of I-797 forms and their functions. Form I-797, Notice of Action is issued when an applicant or petition is approved. In some cases, an individual may be granted lawful permanent residency at a hearing, but there is a delay in the card being prepared and sent to the individual.

<b>Form Number</b>	<b>Description</b>
I-797, Notice of Action	Issued when an application or petition is approved
I-797A, Notice of Action	Issued to an applicant as a replacement Form I-94
I-797B, Notice of Action	Issued for approval of an alien worker petition
I-797C, Notice of Action	Issued to communicate receipt of payments, rejection of applications, transfer of files, fingerprint biometric, interview and re-scheduled appointments, and re-open cases
I-797D, Notice of Action	Accompanies benefit cards
I-797E, Notice of Action	Issued to request evidence
I-797F, Notice of Action	Issued overseas to allow applicants to travel

### ***5.8 Statutory and Regulatory Authority***

The **Security and Accountability For Every Port Act of 2006** (or **SAFE Port Act**, [Pub. L. 109-347](#)) was an Act of Congress in the United States covering port security. Congress passed the conference report on September 30, 2006, and President George W. Bush signed the Act into law on October 13, 2006. [49 USC 31100](#) aims to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, CMV, and driver safety to support a safe and efficient transportation system.

As defined and described in Pub. L. 109–347, title VII, § 703, the Safe Ports Act promotes increased trucking security through:



- Legal Status Verification for Licensed United States Commercial Drivers
- CDL Antifraud Programs
- Verification of CMV Traffic

### ***5.9 State of Domicile***

As you learned earlier in this module, the State of domicile (SOD) refers to the State where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has the intention of returning whenever he or she is absent. An individual applying for a CLP or CDL must provide proof that the State to which the application is made is his or her SOD, as the term is defined in 49 CFR § [383.5](#).

Acceptable proof of domicile is a document with the person's name and residential address within the State, such as a government-issued tax form.

#### **Requirement for CLP/CDL Issuance**

No individual may legally operate a CMV unless the individual possesses a CLP or CDL. Per a Congressional mandate, FMCSA requires that an applicant's CLP or CDL be issued by the applicant's SOD. A State must require any individual holding a CDL issued by another State to apply for a transfer CDL from the former State within 30 days after establishing domicile in the new State, as specified in 49 CFR § [383.71\(c\)](#). A CLP is not transferrable.

Learn about the conditions for non-domiciled CLP and CDL issuance in the next section.

### ***5.10 Standards for Non-Domiciled/Limited-Term CLPs and CDLs***

A State shall issue CLPs or CDLs only to individuals who operate or will operate CMVs and are domiciled in the State, as defined in 49 CFR § [383.5](#). However, the State may issue a non-domiciled CLP or CDL under the conditions specified in 49 CFR §§ [383.23\(b\)](#), [383.71\(f\)](#), and [383.73\(f\)](#). Non-domiciled CLPs and CDLs are documented in the Commercial Driver's License Information System (CDLIS) and may be transferred to other jurisdictions. Note that in CDLIS there is no difference between non-domiciled and regular CLPs and CDLs.

Let's explore acceptable situations where domicile may be waived.

#### **U.S. Citizen or Lawful Permanent Resident**

- The applicant is domiciled in a State that is prohibited from issuing CLPs or CDLs in accordance with 49 CFR § [384.405](#)
- The applicant is an active duty member of the armed forces/reserves who is not domiciled in the State, but whose temporary or permanent duty station is located in the State

Per 49 CFR § [381.71\(f\)](#), a U.S. citizen or lawful permanent resident applicant for a non-domiciled CLP or CDL who meets one of the exceptions above must satisfy both of the following:

- Complete the requirements to obtain a CLP or a CDL contained in 49 CFR § [383.71](#)
- After receipt of the non-domiciled CLP or CDL, and for as long as it is valid, the individual must notify\* the State that issued the non-domiciled CLP or CDL of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his or her driving privileges  
-Such adverse actions include, but are not limited to, license disqualification or disqualification from operating a CMV for convictions described in 49 CFR § [383.51](#)

\*Any notifications must be made within the time periods specified in 49 CFR § [383.33](#).

#### **Applicants Domiciled in a Foreign Jurisdiction**

- This applies to all applicants domiciled in a foreign jurisdiction *other than* Canada or Mexico

Per 49 CFR § [381.71\(f\)](#), an applicant for a non-domiciled CLP or CDL who meets the above exception must satisfy both of the following:

- Provide an unexpired employment authorization document (EAD) issued by USCIS or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States. No proof of domicile is required.
- After receipt of the non-domiciled CLP or CDL, and for as long as it is valid, the individual must notify the State that issued the non-domiciled CLP or CDL of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his or her driving privileges. Such adverse actions include, but are not limited to, license disqualification or disqualification from operating a CMV for the convictions described in 49 CFR § [383.51](#). Any notifications must be made within the time periods specified in 49 CFR § [383.33](#).

The words “non-domiciled (or limited-term) CLP or CDL” must be prominently displayed on the CLP or CDL as required by 49 CFR § [383.153\(c\)](#). However, this is not the case for the active duty military exception.

#### **5.11 Standards for Foreign CLP/CDL Applicants**

A foreign driver who is in this country on a temporary work visa may not obtain a domicile CDL since he or she is not “domiciled” in a U.S. State, as defined in 49 CFR § [383.5 - Definitions](#). Per 49 CFR § [383.23\(b\)](#), a foreign driver applicant in this position

may obtain a non-domiciled CDL if he or she is domiciled in a foreign jurisdiction that tests drivers and issues CDLs under standards equivalent to those in 49 CFR [Part 383](#) ([Subparts F, G](#), and [H](#)). However, a State is not required to issue non-domiciled (limited-term) CLPs or CDLs. **If a State elects to issue a non-domiciled CLP or CDL they must comply with the requirements in 49 CFR Part 383.**

Foreign applicants for a CLP or CDL must provide one of the following pieces of information:

- Unexpired employment authorization (EAD) document
- Unexpired foreign passport with approved I-94 Form (lawful record of admission to the U.S.)

Proof of domicile is not required in this case. Additionally, an applicant for a non-domiciled CLP or CDL is not required to surrender his or her foreign license.

### **Canada and Mexico**

Drivers from Canada and Mexico with temporary work visas are not eligible for non-domiciled CDLs or other State-issued driver licenses because FMCSA has determined that commercial licenses issued by Canadian provinces and territories and the United Mexican States are in accordance with the standards established by our rules. **Mexican and Canadian drivers must have an appropriate license from their home country, as per the negotiated reciprocity agreements between Mexico, Canada, and the United States.**

Effective December 29, 1988, the Administrator determined that CDLs issued by Canadian provinces and territories in conformity with the Canadian National Safety Code are in accordance with the standards of 49 CFR [Part 383](#). Effective November 21, 1991, the Administrator determined that the new Licencias Federales de Conductor issued by the United Mexican States is also in accordance with the standards of this part. Therefore, under the single license provision of 49 CFR § [383.21](#), a driver holding a CDL issued under the Canadian National Safety Code or a new Licencia Federal de Conductor issued by Mexico is prohibited from obtaining a non-domiciled CDL or any other type of driver's license from a State or other jurisdiction in the United States. This helps to maintain the goal of **One Driver, One License, One Record** and ensure that only qualified drivers are operating on our Nation's roadways.

### ***5.12 Common State Problems: State of Domicile***

Whenever there is a breakdown in the system, the State as a whole is held accountable for noncompliance, regardless of the stage in the process that the problem(s) occurred. From local law enforcement officers to the clerk at the SDLA, each person involved in the process plays a vital role when it comes to ensuring safety on our Nation's

roadways. The list below identifies three common problems that States may encounter when verifying an applicant's State of domicile, though this not a comprehensive list of the potential issues a State may experience.

- There is a presumption that an individual in the State for CLP/CDL training is "domiciled" in that State
- It is accepted that a training school address or a student housing address proves that the person is "domiciled" within the State
- A State requires a person to obtain a CLP and CDL in their State because they are attending training school in that State

### **5.13 Scenario**

Based on what you've learned so far about State of domicile requirements for CDL issuance and standards for non-domiciled CDLs, examine the following scenario to check your understanding.

A college student has been denied a CDL, and you have received a letter from your State's governor asking you to explain why. Attached to the governor's letter is a letter from the college president offering the student a job driving the college's mobile library. After researching the student's license file, you learn that the student is in the country on a student visa.

Is this student eligible for a CDL?

Answer: No, the student cannot obtain a CDL, as a student visa does not establish the required lawful permanent residency.

The student returns to a license office and submits a recently issued work permit. Is the student now eligible for a CDL?

Answer: Work permits don't establish lawful permanent residency, but the student can obtain a non-domiciled CDL provided the State issues them and the requirements of 49 CFR §§ [383.23](#) and [383.71\(f\)](#) are met.

### **5.14 Reciprocity**

While some States choose to impose higher licensing standards and requirements for CDL holders domiciled in their State, minimum standards for the licensing of commercial drivers are established and monitored by FMCSA. **Regardless of differences that exceed Federal standards, a State is required to grant reciprocity to CLPs and CDLs issued in any other State.** This means the State must allow any individual to operate a CMV in the State, provided that he or she is not disqualified from operating a CMV and holds a CLP or CDL that:

- Was issued by his or her State or jurisdiction of domicile

- Is valid for the type of vehicle being driven

This permits a CLP holder to train in States other than his or her State of domicile (SOD). FMCSA believes that issuing temporary CLPs to driver trainees domiciled out-of-State would violate the one driver, one license, one record principle.

As you learned earlier in this module, the only foreign CDLs that are accepted in the United States are from the Federal government of Mexico and provinces and territories in Canada. The United States has CDL reciprocity agreements with only these two North American countries. In rare instances, FMCSA may issue temporary waivers (up to 90 days) or exemptions (up to two years) to allow drivers licensed in other countries to operate in the United States. These drivers are required to carry the waiver or exemption document with them.

### **How Reciprocity Applies to CLP/CDL Drivers**

As you learned above, States' requirements for obtaining a CLP or CDL beyond the Federal minimum standards can vary. States may impose additional requirements, but these expanded definitions do not apply to drivers from other States. Some examples include:

- Requiring a driver to have a CDL to operate a 15-passenger vehicle
- Additional training for securing metal coils
- Authorizing the operation of triples (three-trailers attached to one truck)

### **5.15 State Compliance**

Now that we've looked at the role of legal presence, domicile, and reciprocity in the CLP and CDL issuance process, let's look at what it means for a State to maintain compliance.

A State must require compliance with the standards for providing proof of citizenship or lawful permanent residency, as specified in 49 CFR § [383.71](#). This is required only prior to the initial issuance, renewal, transfer, or upgrade of a CLP or CDL, provided a notation is made on the driver's record confirming that the proof of citizenship or legal presence check required has been made and noting the date it was done. However, if this information is not recorded on the State's internal records, the State would need to review the applicable documentation again when the CLP or CDL is renewed, per the required State record check in 49 CFR § [384.206](#).

States must also confirm the applicant's proof of State of domicile, as specified in 49 CFR § [383.71\(a\)\(2\)\(vi\)](#). The State must require at least two individuals within the SDLA to participate substantively in the processing and verification of documents involved in this process, per 49 CFR § [383.73](#). This condition does not require two people to process or verify each document.

Exception: For offices with only one staff member, at least some of the documents must be processed or verified by a supervisor before issuance or, when a supervisor is not available, copies must be made of some of the documents involved in the licensing process and a supervisor must verify them within one business day of issuance of the CLP, non-domiciled CLP, CDL, or non-domiciled CDL.

Per 49 CFR § [383.73\(f\)](#), State procedures for the issuance, transfer, or renewal of a non-domiciled CLP and CDL must at a minimum be identical to those pertaining to any other CLP or CDL, with the following exceptions:

- If the applicant is requesting a transfer of his or her non-domiciled CDL, the State must obtain the non-domiciled CDL currently held by the applicant and issued by another State
- The State must add the word “non-domiciled” or “limited-term” to the face of the CLP or CDL, in accordance with 49 CFR § [383.153\(c\)](#)
- Prior to issuing any non-domiciled CLP or CDL, the State must have established the capability to disqualify the holder of any non-domiciled CLP or CDL as if it were a CLP or CDL issued to a person domiciled in the State

Furthermore, each State must uphold reciprocity and allow any person who is not disqualified from operating a CMV and who holds a CLP or CDL to operate a CMV in that State provided that the CLP or CDL:

- Was issued by his or her State or jurisdiction of domicile in accordance with 49 CFR Part 383
- Is not disqualified
- Is valid for the type of vehicle being driven, per the terms of 49 CFR [Part 383, Subpart F](#)

### ***5.16 Congratulations!***

Congratulations. You have completed **Module 5: Legal Presence, Domicile, and Reciprocity**. In this module, you learned about the role of legal presence, domicile, and reciprocity in the CDL Program, standards for foreign CLP or CDL holders, State compliance procedures, and common State problems. Continue to **Module 6: Medical Certification Requirements**.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## Module 6: Medical Certification Requirements

### 6.1 Introduction

In the previous module, you learned about legal presence, domicile, and reciprocity and the role they play in the commercial learner's permit (CLP) or commercial driver's license (CDL) issuance process. In this module, we will explore medical certification requirements including:

- The role of medical certification requirements in the CDL Program
- Requirements for CLP/CDL holders and employing motor carriers
- Medical examiner's certificate (MEC) and medical exemptions
- State compliance procedures

### 6.2 Definition: Medical Examiner's Certificate

Before we examine the role of medical certification requirements, let's discuss some key terms involved in the process. For additional definitions and guidance, please view the [Glossary and Acronym Guide](#) or see 49 CFR § [383.5 - Definitions](#).

A Medical examiner's certificate (MEC), also known as Form MCSA-5876, is completed by a Medical Examiner and provided to a CLP or CDL holder if the examination results conclude that he or she is physically qualified to drive a commercial motor vehicle (CMV) in accordance with the physical qualification standards. It is commonly referred to as a "medical certificate" or "DOT card."

### 6.3 Definition: Medical Variance

Medical variance means a CDL driver has received one of the following from the Federal Motor Carrier Safety Administration (FMCSA) that allows a Medical Examiner to issue the driver a medical certificate:

1. An exemption letter permitting operation of a CMV pursuant to 49 CFR §§ [381, Subpart C](#) or [391.64](#) (vision\*)
2. A Skill Performance Evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR § [391.49](#)
3. An exemption from the physical qualifications for drivers pursuant to 49 CFR § [391.41](#)

\*Note that the diabetes exemption has been removed due to the update of the Diabetes Standard. You will learn more about the end of the Diabetes Exemption Program in the medical exemptions section of this module.

When a driver operates a CMV in trade, traffic, or transportation:

- From one State to another State or a foreign country
- Between two places within a State, but during part of the trip the CMV crosses into another State or foreign country
- Between two places within a State, but the cargo is part of a trip that began or will end in another State or foreign country

### **Intrastate Commerce**

When a driver operates a CMV and does not meet any of the descriptions for interstate commerce.

### ***6.5 Federal Medical Certification Requirements for CLP/CDL Holders: Self-Certification***

Prior to the initial issuance or renewal of a CLP or CDL (or the receipt of a higher class of CDL or new endorsement) a CLP or CDL holder must first determine what type of commerce he or she operates in and self-certify to this single type of commercial operation on his or her application to the State Driver Licensing Agency (SDLA). The procedure for self-certification varies by State, but all States are required to implement a process to ensure all drivers have self-certified.

In order to self-certify, a CLP or CDL holder must first determine if he or she will operate a CMV in interstate or intrastate commerce. **If a CLP or CDL holder operates in both intrastate commerce and interstate commerce, he or she must choose interstate commerce.**

Once a driver determines if he or she will operate in interstate commerce or intrastate commerce, he or she must decide whether or not he or she operates (or expects to operate) in a non-excepted or excepted status. This decision will determine which of the four types of commerce the driver must self-certify.

### ***6.6 Four Types of Self-Certification***

<b>Excepted Interstate (EI) Commerce</b>
<p>A CLP or CDL holder operates in excepted interstate commerce if he or she drives a CMV in interstate commerce only for certain excepted activities, as described in 49 CFR §§ <u>390.3 (f)</u>, <u>391.2</u>, <u>391.68</u>, and <u>398.3</u>, which does not require a Federal medical examiner's certificate.</p> <p>View the list below for a complete list of excepted activities.</p> <ol style="list-style-type: none"><li>1. Transportation of school children and/or school staff between home and school</li><li>2. Transportation performed by a Federal, State, or local government employee</li></ol>



<b>Excepted Interstate (EI) Commerce</b>
<ol style="list-style-type: none"> <li>3. Occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise</li> <li>4. Transportation of human corpses or sick and injured individuals</li> <li>5. Operation of fire trucks and rescue vehicles during emergency and other related activities</li> <li>6. Operation of CMVs designed or used to transport between nine (9) and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a CMV</li> <li>7. Operation of a CMV primarily for transportation of propane winter heating fuel when responding to an emergency condition requiring immediate response, such as damage to a propane gas system after a storm or flooding</li> <li>8. Operation of a CMV in response to a pipeline emergency condition requiring immediate response, such as a pipeline leak or rupture</li> <li>9. Operation of a farm vehicle that is not considered a combination vehicle (power unit and towed unit) and is used to transport agricultural products, farm machinery, or farm supplies (no placard-able hazardous materials) to and from a farm and within 150 air-miles of the farm</li> <li>10. Operation of a CMV in custom harvesting on a farm or to transport farm machinery and supplies used in the custom harvesting operation to and from a farm</li> <li>11. Transportation of custom harvested crops to storage or market</li> <li>12. Operation of a CMV by a beekeeper in the seasonal transportation of bees</li> <li>13. Private motor carrier of passengers for non-business purposes</li> <li>14. Transportation of migrant workers</li> </ol>
<b>Non-Excepted Interstate (NI) Commerce</b>
<p>A CLP or CDL holder operates in non-excepted interstate commerce if none of the excepted activities, as described in 49 CFR §§ <a href="#">390.3(f)</a>, <a href="#">391.2</a>, <a href="#">391.68</a>, and <a href="#">398.3</a> apply. He or she is required to provide a current MEC, as defined in 49 CFR § <a href="#">391.45</a>, to his or her SDLA. Most CLP or CDL holders who drive CMVs in interstate commerce are non-excepted interstate commerce drivers.</p>
<b>Excepted Intrastate (EA) Commerce</b>
<p>A CLP or CDL holder operates in excepted intrastate commerce when he or she drives a CMV only in intrastate commerce activities that do not require him or her to meet the State's medical certification requirements, as determined by the State of licensure.</p>
<b>Non-Excepted (NA) Intrastate Commerce</b>
<p>A CLP or CDL holder operates in non-excepted intrastate commerce when he or she drives a CMV only in intrastate commerce and is required to meet the State of licensure's medical certification requirements.</p>

If a CLP or CDL holder operates in both excepted interstate commerce and non-excepted interstate commerce, then he or she must choose non-excepted interstate commerce to be qualified to operate in both types of interstate commerce.

If a CLP or CDL holder operates in both excepted intrastate commerce and non-excepted intrastate commerce, he or she must choose non-excepted intrastate commerce to be qualified to operate in both types of intrastate commerce.

A new CLP or CDL applicant who self-certifies that he or she will operate a CMV in non-excepted commerce must provide his or her SDLA with an original or copy of a current MEC to obtain a “certified” medical status as part of his or her driving record. As part of this process, he or she must also supply any medical variance necessary to keep his or her CLP or CDL. Drivers in this position must also submit an exemption letter (vision, seizures, hearing), or a Skill Performance Evaluation (SPE) certificate (missing or impaired limb), if required. Procedures for submitting an MEC vary by State. View [State-by-State instructions](#) for submitting a MEC to an SDLA. CDLs that do not require a MEC vary by State and may include intrastate excepted. We will explore these requirements later in this module.

SDLAs are required to add a driver’s medical certification status and the information provided in the MEC to the driver’s Commercial Driver’s License Information System (CDLIS) record for non-excepted interstate commerce. MECs without intrastate exceptions may be posted to the CDLIS record. CLP and CDL holders who fail to either provide their MEC or keep their required MEC up to date will become:

- Not certified and downgraded
- Eligible for commercial status for both the CLP and CDL – a status that does not require a medical certificate

## **6.7 Scenario**

Based on what you’ve learned so far about Federal medical certification requirements for CLP and CDL holders, examine the following scenario and determine the action required by the driver.

A school bus driver who has certified as intrastate excepted decides to drive a charter bus in interstate commerce in the summer months.

What does the driver need to do to operate the charter bus?

Answer: **The driver must certify as non-excepted interstate and submit an MEC**, or he/she will not be qualified to operate the charter bus in interstate commerce.

## **6.8 Federal Medical Certification Requirements for the Employing Motor Carrier**

The relationship between motor carriers and SDLAs plays a crucial role in keeping our Nation's roads safe. Employing motor carriers are responsible for ensuring that only medically qualified drivers are operating CMVs in interstate commerce by checking that each CLP or CDL holder has a valid MEC issued by a Medical Examiner on the National Registry. Motor carriers rely on the timely reporting of MECs by the SLDA to help satisfy their requirements. Employing motor carriers also have the responsibility of confirming that each Medical Examiner is informed of the minimum medical requirements by verifying that he or she has a valid medical registry number. Though they are responsible for different parts of the process, the actions taken by both motor carriers and SDLAs are a vital component to enforce and maintain a high standard of safety for all.

Motor carriers who employ CLP or CDL drivers to operate in non-excepted, interstate commerce must place the driver's medical certification status — which should be contained in the driver history record (DHR) in CDLIS — in the driver qualification (DQ) file before allowing the driver to operate a CMV. The receipt issued to the driver when the certificate is presented to the SDLA may be used for this purpose for up to 15 days from the date of examination.

Motor carriers may no longer use a copy of the MEC to document physical qualification in the DQ file, except for up to 15 days from the date of examination. After the 15th day, the carrier must have obtained a copy of the CDLIS motor vehicle record (MVR) as documentation that the driver is medically “certified” and place it in the DQ file.

The motor carrier must obtain the CDLIS MVR to verify the following:

- The driver's self-certification to operate in non-excepted interstate commerce
- That a non-excepted interstate driver has a medical certification status of “certified”
- Whether the driver was issued a medical variance by FMCSA

## **6.9 The National Registry of Certified Medical Examiners**

Under FMCSA regulations, interstate drivers must be examined and certified by a medical professional who completes specialized training and passes a competency test to be listed on the National Registry of Certified Medical Examiners (NRCME or National Registry). The NRCME website helps CMV drivers find trained and qualified Medical Examiners to perform high-quality physical medical exams that are consistent with Federal regulations and guidelines and issue a paper MEC, to qualified drivers. A database of more than 58,000 certified Medical Examiners is a core element of the National Registry. Medical Examiners have to take a training course and pass a

certification exam 43 to be listed on the National Registry. The list of certified Medical Examiners includes physicians, nurse practitioners, physician assistants and chiropractors. Visit [the FMCSA website](#) for more information on the new National Registry.

The [Medical Examiner's Certification Integration: Extension of Compliance Dates final rule](#) extended the compliance date to June 23, 2025 for the following:

1. FMCSA to electronically transmit, from the National Registry to the SDLAs, driver identification information, examination results, and restriction information from examinations performed for holders of commercial learner's permits (CLPs) or commercial driver's licenses (CDLs) (interstate and intrastate);
2. FMCSA to electronically transmit to the SDLAs medical variance information for all commercial motor vehicle (CMV) drivers;
3. SDLAs to post on the Commercial Driver's License Information System (CDLIS) driver record the driver identification, examination results, and restriction information received electronically from FMCSA; and
4. Motor carriers to no longer be required to verify that CLP/CDL drivers were certified by a certified medical examiner (ME) listed on the National Registry.

Let's discuss how the electronic connection to the National Registry will operate. FMCSA published a new Federal Register notice with a new compliance date for when States are required to electronically connect to the National Registry. Beginning June 23, 2025, the flow of how medical examiner's certificate information is shared with State Driver Licensing Agencies, often referred to as SDLAs, will change.

Currently, a Medical Examiner provides a qualified driver with his or her medical examiner's certificate. The driver then submits this information to the SDLA, and the SDLA enters this information on the driver history record in CDLIS.

With the electronic connection, drivers' medical examiner's certificate information will be electronically transmitted from the Medical Examiner to the National Registry to the SDLA. The SDLA will then post the medical examiner's certificate information via CDLIS to a CLP or CDL holder's driver history record. The electronic connection also includes a verification inquiry to improve data quality and assist SDLAs in matching medical examiner's certificate information to a driver history record.

### ***6.10 Medical Examiner Requirements***

As of June 22, 2015, Medical Examiners must report the number of exams conducted to the National Registry by close of business (COB) on the last day of the month. The CMV Driver Medical Examination Results Form (MCSA-5850) is an electronic form Medical

Examiners complete through the National Registry website to report exam results to FMCSA. A paper copy of this form is not required. Effective June 22, 2018, Medical Examiners are required to report the results of all CMV drivers' physical examinations performed (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination. FMCSA will also begin electronically submitting MEC information for CLP or CDL holders and medical variance information for all CMV drivers to the SDLAs. CDLIS will be used to transmit the MEC information to the SDLAs. The American Association of Motor Vehicle Administrators (AAMVA) will design, develop, and implement the solution and has released mini-specifications for SDLAs to use to develop for the NR II. The complete Master Specification will be published at a later date.

### ***6.11 Medical Examiner's Certificate Information and State Variances***

Medical variance data will be attached to MEC information for transmission to the SDLA. FMCSA is only transmitting MEC information for those with any applicable State variances and is not responsible for the accuracy of the information. SDLAs are not required by FMCSA to post or save the information. Non-CLP and non-CDL driver MEC information will also be stored. SDLAs will be able to query the National Registry to access information.

### ***6.12 Medical Forms***

<b>Type of Form</b>	<b>Description</b>
<b>Medical Examination Report (MER) Form, MCSA-5875</b>	FMCSA requires that interstate CMV drivers undergo mandatory physical examinations at least once every two years and maintain a current MEC to drive. The Medical Examination Report (MER) Form is a long form completed as part of the physical exam. Drivers are required to fill out the medical history portion and the Medical Examiner completes the remaining portions of the form during the driver's examination.
<b>Medical Examiner's Certificate (MEC) Form, MCSA-5876</b>	The medical examiner's certificate (MEC) Form, MCSA-5876, commonly referred to as a Medical Certificate or DOT Card, is a short form used by a Medical Examiner to determine if a CLP or CDL holder's examination results conclude that he or she is physically qualified to drive a CMV in accordance with the physical qualification standards. The Medical Examiner will keep a copy of the MEC on file for at least three years.

<b>Insulin-Treated Diabetes Mellitus (ITDM) Assessment Form, MCSA-5870</b>	As a part of the medical certification process for insulin-treated diabetes mellitus (ITDM) individuals, FMCSA requires that the ITDM Assessment Form, MCSA-5870, be completed by the ITDM individual's treating clinician to confirm that the individual has a stable insulin regimen and properly controlled diabetes. ITDM individuals are required to provide the ITDM Assessment Form, MCSA-5870, to the certified Medical Examiner within 45 days of completion by the treating clinician.
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### ***6.13 Medical Examiner's Certificate***

As you learned previously in this module, qualified CMV drivers are issued a paper MEC after passing a high-quality physical medical exam that is conducted by a qualified Medical Examiner and is consistent with Federal regulations and guidelines. **The paper copy of a CLP or CDL holder's MEC may be used as proof of the driver's certification up to 15 days from issuance. After 15 days\* only the MEC information in CDLIS will be acceptable proof of medical certification and employers must have a copy of the driver's motor vehicle record (MVR).**

There are four statuses required to be on a driver's CDLIS record:

- Commercial status
- Non-commercial status
- Medical status
- TSA threat assessment status (for Hazmat endorsement)

\*If a driver presents an MEC to the SDLA more than 15 days from issuance, the SDLA *may* accept the MEC and update the record accordingly.

### ***6.14 Medical Examiner's Certificate Fraud***

In the event that an MEC is investigated for fraud, the SDLA play a vital role in the fraud process. Once fraud is identified, FMCSA's Medical Division immediately conducts an investigation. If the fraud complaint is valid, the Medical Examiner in question is removed from the National Registry. A notice of proposed removal is sent to the Medical Examiner. In some cases a fraud charge is considered an emergency removal, but this is determined on a case-by-case review. Any MECs signed by the Medical Examiner are reviewed and potentially voided.

Fraud can be identified and reported by:

- Office of Inspector General (OIG)

- FMCSA Medical Programs Audit
- FMCSA Field Investigators
- State Field Investigators
- Certified Medical Examiners
- Driver/Public

### ***6.15 MEC Fraud Cases***

**Let's discuss some significant MEC fraud cases.**

#### **Paul Besdansky**

The Dr. Besdansky case was the first major Medical Examiner fraud investigation. As the result of an investigation following an accident, it was determined that MECs issued by Dr. Besdansky were based on an incomplete medical examination. The driver in the accident had passed out due to a diabetic condition that was not recorded on the medical examination performed by Dr. Besdansky. The investigation further revealed that Dr. Besdansky had failed to conduct proper physical examinations of numerous CMV drivers and issued USDOT-required MECs to drivers who may have failed to meet the applicable physical qualification standards at the time. The OIG conducted a criminal investigation; however, the criminal investigation was terminated after it was determined that the doctor had been hospitalized due to Alzheimer's and was transferred to a nursing home.

#### **Anthony Lefteris**

The Dr. Lefteris case was the first large case for the FMCSA Medical Division. Dr. Lefteris failed to complete a number of medical certification examinations while listed as a certified Medical Examiner on the National Registry. An undercover investigation revealed that the supposed medical examinations conducted by Dr. Lefteris at a truck stop demonstrated a pattern where the examination was incomplete, required tests were not performed, and information on the medical examination form was falsified. As a result of the investigation, FMCSA removed Dr. Lefteris from the National Registry.

#### **Michael McCormick**

The investigation initiated by the OIG established that Dr. McCormick repeatedly fabricated medical examination information while listed as a certified Medical Examiner on the National Registry. The investigation revealed a pattern of incomplete examinations, a lack of required tests, and falsified information on medical examination forms. Furthermore, Dr. McCormick knowingly signed and submitted MECs for driver examinations that he did not perform. As a result of the investigation, FMCSA removed Dr. McCormick from the National Registry on January 25, 2019 and voided 223 MECs that he fraudulently issued.

## **Craig Marcom**

The investigation of Dr. Marcom uncovered a significant amount of malpractice. While listed as a certified Medical Examiner on the National Registry, Dr. Marcom repeatedly falsified information on MECs. He knowingly signed and certified that drivers were physically qualified to operate a commercial motor vehicle without performing the required physical examinations necessary to make such an assessment. As a result of the investigation, FMCSA removed Dr. Marcom from the National Registry on January 7, 2019 and voided 9,370 MECs that he fraudulently issued.

## **Ronald Sherry**

The investigation of Ronald Sherry, a Physician Assistant, revealed repeated incidences of fraud while he was listed as a certified Medical Examiner on the National Registry. He failed to complete the required examinations for commercial drivers and knowingly signed and submitted their falsified MECs to FMCSA. As a result of the investigation, FMCSA removed Ronald Sherry from the National Registry on March 17, 2020, and voided 8,347 MECs that he fraudulently issued.

### ***6.16 MEC Fraud Process Overview***

Let's examine the process for voiding a medical examiner's certificate (MEC) due to fraud.

1. FMCSA's Medical Division requests information from Division Administrators (DAs) via email.
2. DAs work with the SDLAs to collect information.
3. FMCSA mails letters to notify all affected drivers that their current MEC will be voided. Drivers have 30 days to submit a new MEC to the SDLA.
4. FMCSA provides SDLAs with a list of affected drivers and a sample of the notification letter (includes date sent and void date).
5. SDLAs update drivers' medical statuses in CDLIS to "not certified"\* within 10 business days of the void date. The SDLAs also notifies drivers that the downgrade process will be complete in 60 days.  
\*If a driver has submitted a new MEC to the SDLA, the driver's status will not be updated to "not certified" and will not be downgraded.
6. SDLAs update drivers' commercial status in CDLIS from "licensed" to "eligible" within 10-60 business days of the void date and follow State procedures to complete the downgrade.
7. After 60 days, FMCSA verifies all downgrades through CDLIS and sends a Medical Examiner fraud package to the OIG.

Now let's take a more in-depth look at each step in the MEC fraud process. In the event that a decision is made to void MECs, FMCSA's Medical Division initiates the process by



requesting information through Division Administrators (DAs) nationwide. The DAs coordinate the collection of the following required information with SDLAs via email:

Type of Information	Description
Details of the fraud committed	Overview and Medical Examiner's information
Excel template for drivers' information	Drivers' names, license numbers/types, and addresses
Timeline for providing requested information	Within five (5) business days of receiving the request

Once the requested information has been provided by the SDLAs, the information is combined with the data in the National Registry to remove any duplicate information. FMCSA mails letters to notify all affected drivers that the Medical Examiner has been removed from the National Registry, and **each driver is instructed to obtain and submit a new medical exam to his or her SDLA within 30 days.**

After mailing the letter to affected driver's, but prior to the void date, FMCSA contacts the SDLAs via email and provides them with a list of drivers that received the letter and a sample of the letter itself. The information provided to the SDLAs includes the date the driver letter was mailed as well as the MEC void date. SDLA's indicate any drivers who have or have not obtained a new MEC within the required 30-day timeframe. If a CLP or CDL holder has not obtained a new MEC, his or her current MEC will be voided. **The SDLA must update the driver's medical status in CDLIS\* to "not certified" within 10 business days of the void date and notify the driver that he or she is considered "not certified" and that the downgrade process for his or her CLP or CDL will be completed within 60 days. The SDLA must also change the driver's commercial status from "licensed" to "eligible" between 10–60 days after the void date and complete the medical downgrade following State procedures.** After the 60-day downgrade period has passed, FMCSA verifies all downgrades have occurred through CDLIS. A Medical Examiner fraud package is sent to the OIG containing all items to support prosecution, including a master list of data.

\*Note: If a driver has submitted a new MEC to the SDLA, the driver's medical status will not be updated to "not certified" and his or her CLP or CDL will not be downgraded.

In cases where fraud has occurred, the SDLAs play a crucial role in identifying drivers who hold an invalid MEC and ensuring that drivers who utilized fraudulent Medical Examiners are aware that their examination did not qualify and could pose a serious safety risk to the driver and public if not corrected immediately. It is important that everyone involved in the MEC fraud process completes the necessary steps in a timely

manner to ensure that unqualified drivers are prevented from operating on our Nation's roadways.

### ***6.17 Medical Exemptions***

You will learn about States' record keeping requirements as well as their responsibility to ensure CDL and CLP holders meet existing medical requirements later in this module. First, let's take a look at situations where a driver is considered eligible for a medical exemption.

As defined in 49 CFR § [381.300](#), an exemption is temporary regulatory relief from one or more FMCSR given to a person or class of persons subject to the regulations, or who intend to engage in an activity that would make them subject to the regulations. An exemption provides the person or class of persons with relief from the regulations for up to five years, and may be renewed, upon request, for subsequent five-year periods. **Though the regulation allows for a five-year exemption, medical programs only issue an exemption for two years. Therefore, FMCSA grants exemptions for two years to be aligned with the maximum two-year validity of MECs.**

Exemptions may be granted if a level of safety is achieved that is equivalent to or greater than the level that would be achieved without the exemption. **A driver must carry a copy of the signed MEC on his or her person while operating a CMV.** The driver's MEC must be filled out by a Medical Examiner to indicate the driver is qualified if accompanied by his or her specific waiver/exemption.

Exemption programs are for drivers who intend to operate CMVs in interstate commerce in the United States, with some exceptions. FMCSA does not have statutory authority to grant waivers or exemptions to drivers from States' intrastate requirements. Therefore, the FMCSA waivers and exemptions do not permit regulatory relief for drivers who plan to limit their operations to intrastate commerce.

### ***6.18 Applying for a Medical Exemption***

Let's take a look at the process to apply for an exemption. The CLP or CDL holder must first send a written request (for example, a typed or handwritten [printed] letter), which includes all of the information required by 49 CFR § [381.310](#), to FMCSA. The applicant must also identify the person or class of persons who would be covered by the exemption. FMCSA will review the application and prepare a Federal Register notice requesting public comment on the application for an exemption. The notice will give the public an opportunity to review the request and safety assessment or analysis (required by 49 CFR § [381.310](#)) and any other relevant information. After reviewing any comments received, FMCSA will make a recommendation to the Administrator to either to grant or deny the exemption. Notice of the Administrator's decision will be published in the Federal Register. If the exemption is granted, the notice will identify the

provisions of the FMCSRs from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption. If the exemption is denied, the notice will explain the reason for the denial. **FMCSA will attempt to issue a final decision within 180 days of the date it receives the application.** The regulations outlined in 49 CFR §§ [381.310 - 381.330](#) describe the procedures for applying for an exemption, how an exemption application is processed, and requirements for holding an exemption. You can also [visit the FMCSA website](#) for more information about the medical exemptions application process.

### ***6.19 Skill Performance Evaluation (SPE) Certificate***

The Skill Performance Evaluation (SPE) program is for CMV drivers who drive in interstate commerce. Drivers with physical impairments which affect their ability to safely operate CMVs according to their Medical Examiners, or with missing limbs (e.g., a hand or finger, an arm, foot or leg), are required to obtain SPE certificates, per 49 CFR § [391.49](#). The SPE certification provides an alternative physical qualification and allows these drivers to drive CMVs across state lines if they have been fitted with (and are wearing) the right prosthetic device, and the driver can demonstrate the ability to drive the truck safely. SPEs are coordinated through FMCSA Service Centers. There are two individuals in charge of administering this process; however, it can be administered by a State employee provided he or she is appropriately trained. The Service Center DA has authority to make the final decision as to whether or not the SPE Certificate should be issued. FMCSA Headquarters also provides oversight and medical consultation.

- In order to receive an SPE certificate a driver must:
- Be evaluated by an Orthopedic Surgeon or Physiatrist
- Have a fixed impairment without the possibility of progression
- Pass a functional assessment and evaluation that demonstrates his or her ability to accomplish on and off road tasks required by a CMV driver with an impairment or prosthetic device

### ***6.20 Grandfathering Exemptions***

Grandfathering rights exist for certain drivers participating in vision waiver study programs. The provisions outlined in 49 CFR § [391.41\(b\)\(10\)](#) provide the vision standards necessary for an individual to be considered physically qualified to drive a CMV. Drivers who participate in Federal Vision and Diabetes waiver study programs must:

- Meet all other physical qualification standards
- Provide a letter of grandfathered rights provided by FMCSA to the certifying Medical Examiner as proof
- Indicate “Qualified by operation of 49 CFR § [391.64](#)” on examination forms

- Provide a copy of the annual medical certification to his or her employer for retention in his or her DQ file
- Retain a copy of the certification on his or her person while driving for presentation to an authorized Federal, State, or local enforcement official

The Grandfathering exemption for insulin dependent diabetes mellitus ended November 19, 2018 due to a change in the diabetes standard, which will be discussed next in this module.

### ***6.21 Diabetes Exemption Program***

As described in 49 CFR § [391.41\(b\)\(3\)](#), an individual is physically qualified to drive a CMV if he or she has no established medical history or clinical diagnosis of diabetes mellitus currently treated with insulin for control, unless the person meets the requirements in 49 CFR § [391.46](#). For drivers who are insulin-treated, a Diabetes Exemption Program was established September 3, 2003. As previously mentioned, the program ended November 19, 2018, due to changes in the diabetes standard. Diabetes exemptions were issued through December 2018, and letters were sent to existing exempted drivers encouraging them to certify to the new standard.

The current diabetes standard allows a CMV driver with diabetes mellitus being treated with insulin to be considered physically qualified if certain requirements are met. Medical certification is required every year if taking insulin. The treating clinician completes the Insulin-Treated Diabetes Mellitus (ITDM) Assessment Form (Form 5870). The Medical Examiner makes a decision regarding the driver's physical qualifications based on this form. The ITDM Assessment Form becomes part of the medical examination record (MER) for MCSA 5875 and must be retained by the Medical Examiner for three years.

### ***6.22 Vision, Seizure, and Hearing Exemptions***

The Vision Exemptions Program was established in 1998 for drivers not meeting the vision standard. The first hearing, epilepsy, and seizure exemptions were granted by FMCSA on January 15, 2013 (epilepsy and seizure) and February 1, 2013 (hearing). The Federal Vision Exemption Program and requests for hearing and seizure exemptions require specific information to be submitted to FMCSA for review. This information may include medical exams, employment history, driving experience, and motor vehicle records, which must be submitted with the application. FMCSA reviews the information and exemption determinations are made on a case-by-case basis. An individual may apply for an exemption from the vision (49 CFR §§ [391.41\(b\)\(10\)](#)), seizure ([391.41\(b\)\(8\)](#)), and/or hearing ([391.41\(b\)\(11\)](#)) standard by utilizing these programs.

### 6.23 Recordkeeping Requirements from FMCSA

States must meet the following recordkeeping requirements for each CLP or CDL holder:

Recordkeeping Requirement	Description
1. Self-certification	Post the driver's self-certification of his or her type of driving to the Commercial Driver's License Information System (CDLIS)
2. Medical examiner's certificate (MEC)	Retain the MEC (original or a copy) for three years beyond the date the certificate was issued for any driver required to provide documentation of physical qualification
	Date-stamp and post the information from the MEC to CDLIS, including: <ul style="list-style-type: none"> <li>• Medical Examiner's name</li> <li>• Medical Examiner's telephone number</li> <li>• Date of MEC issuance</li> <li>• Medical Examiner's license or certificate number and the State that issued it</li> </ul>
	<ul style="list-style-type: none"> <li>• Medical Examiner's National Registry identification number (if the National Registry of Medical Examiners, mandated by <a href="#">49 U.S.C. § 31149(d)</a>, requires one)</li> <li>• The indicator of medical certification status (i.e., "certified" or "not certified")</li> <li>• Expiration date of the MEC</li> <li>• Existence of any medical variance on the MEC, such as an exemption, SPE certification, or grandfathering provisions</li> <li>• Any restrictions (e.g., corrective lenses, hearing aid, required to have possession of an exemption letter or SPE certificate while on-duty, etc.)</li> </ul> <p>Date the MEC information was posted to the driver's CDLIS driver record</p>
3. Medical certification status	Within 10 calendar days of the driver's medical certification status expiring or a medical variance expiring or being rescinded, the SDLA must update the medical certification status of that driver to "not certified"

Recordkeeping Requirement	Description
4. Medical variance	<ul style="list-style-type: none"> <li>• Within 10 calendar days of receiving information from FMCSA regarding issuance or renewal of a medical variance for a driver, the State must update the CDLIS driver history record (DHR) with the updated information provided by FMCSA including the “V” restriction</li> <li>• For drivers with two medical variances the first expiring one must be shown on the CDLIS report</li> </ul>
	<ul style="list-style-type: none"> <li>• FMCSA Medical Programs is designated as the keeper of the list of State contacts for receiving medical variance information from FMCSA</li> </ul>
	<ul style="list-style-type: none"> <li>• States are responsible for ensuring their medical variance contact information is always up-to-date with FMCSA’s Medical Programs</li> </ul>
5. Downgrades	<p>If a driver’s medical certification or medical variance expires, or if FMCSA notifies the State that a medical variance was removed or rescinded, the State must:</p> <ul style="list-style-type: none"> <li>• Notify the CDL holder of his or her CDL “not-certified” medical certification status and that the CDL privilege will be removed from the driver license unless the driver submits a current medical certificate and/or medical variance, or changes his or her self-certification to driving only in excepted or intrastate commerce (if permitted by the State)</li> <li>• Initiate established State procedures for downgrading the license</li> </ul> <p>The CDL downgrade must be completed and recorded within 60 days of the driver’s medical certification status becoming “not-certified” to operate a CMV</p>

## **6.24 State Compliance**

States are required to verify that the medical certification status of a CLP or CDL holder is “certified” for interstate non-excepted drivers. To be considered “certified,” a driver must have a valid MEC issued by a Medical Examiner on the National Registry. If a driver fails to provide the State with the certification contained in 49 CFR § [383.71\(b\)\(1\)\(ii\)](#) or a current MEC, and the driver self-certifies that he or she is operating in non-excepted interstate commerce as required by 49 CFR § [383.71\(h\)](#), then the State must mark the medical certification status in the driver’s CDLIS driver record as “not certified” within 10 calendar days and initiate a CLP or CDL downgrade following State procedures in accordance with 49 CFR § [383.73\(o\)\(4\)\(i\)\(B\)](#).

If a driver’s medical certification or medical variance expires or FMCSA notifies the State that a medical variance was removed or rescinded, then the State must:

- Notify the CLP or CDL holder of his or her CLP or CDL “not-certified” medical certification status and pending “downgrade” of the CLP or CDL, unless he or she submits a current medical certificate and/or medical variance or changes his or her self-certification to driving only in excepted or intrastate commerce, if permitted by the State.
- Initiate established State procedures for downgrading the license—CLP and CDL downgrades must be completed and recorded within 60 days of the driver’s medical certification status becoming “not-certified” to operate a CMV. When a CLP/CDL is downgraded, the commercial status becomes eligible.

FMCSA emphasizes that it is a driver’s responsibility to maintain a current medical certification and to renew it before it expires. The final rule does not require the SDLA to notify the driver of a pending expiration of his or her medical certification.

## **6.25 Congratulations!**

Congratulations. You have completed **Module 6: Medical Certification Requirements**. In this module, you learned about the role of medical certification requirements in the CDL Program, requirements for CLP/CDL holders and employing motor carriers, the medical examiner’s certificate (MEC) and medical exemptions, and State compliance procedures. Continue to **Module 7: CLP and CDL Issuance Process**.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## Module 7: CLP and CDL Issuance Process

### 7.1 Introduction to the CLP and CDL Issuance Process

The purpose of 49 CFR Part 383 is to help prevent truck and bus crashes, fatalities, and injuries by requiring drivers to have a single Commercial Driver's License and by disqualifying drivers who operate commercial motor vehicles (CMVs) in an unsafe manner.

In this module, we'll take a look at the licensing procedures for drivers, as outlined in 49 CFR § 383.71, and States, as outlined in 49 CFR § 383.73. Then, we'll dive a bit deeper into some elements of these procedures.

First, let's review the basic definitions for CDL and CLP:

- **Commercial Learner's Permit (CLP):** A Commercial Learner's Permit (CLP) is a permit issued to an individual by a State or other jurisdiction of domicile. When carried with a valid driver's license issued by the same State or jurisdiction, a CLP authorizes the individual to operate a CMV when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to an existing CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a configuration of CMV for which the holder's current CDL is not valid.
- **Commercial Driver's License (CDL):** A Commercial Driver's License (CDL) is a type of driver's license required to operate most large or heavy vehicles. Obtaining a CDL requires a higher level of knowledge, experience, skills, and physical abilities than what is required for a noncommercial license. Thus, CDL holders are held to a higher standard when operating any type of vehicle on public roads.

As defined by the American Association of Motor Vehicle Administrators (AAMVA), a CLP holder is an individual who held a valid (unexpired) CLP at the time of the citation. A CDL holder is an individual whose last jurisdiction-issued license was a CDL. This applies even if the driver is disqualified from the use of his/her commercial driving privileges. It also applies if the CDL has expired, and no other license has been issued.

In this module, we will review minimum requirements for CLP and CDL issuance, transfers, renewals, and upgrades. Keep in mind that your State may have additional requirements and materials to support these processes.

### 7.2 Driver Applicant Requirements

Before we dive into each process, let's take a look at some specific licensing requirements: Certifications, Proof of State of Domicile, Proof of Citizenship or Lawful Permanent Residency, and Hazardous Materials Endorsement Requirements. You'll see



these repeated throughout this module, so it's important to understand what they refer to.

Note that we'll be taking a closer look at some State requirements, including Social Security Number Verification and State Record Checks, a bit later in the course. We'll dig a bit deeper into those after we cover the basics on CLP and CDL issuance, transfer, renewal, and upgrade.

## **Certifications**

Any person applying for a CDL must make one of the following applicable certifications to identify their anticipated type of operation:

1. **Non-Excepted Interstate:** A person must certify that they operate or expect to operate in interstate commerce, they are both subject to and meet the qualification requirements under 49 CFR Part 391, and they are required to obtain a medical examiner's certificate by 49 CFR § 391.45.
2. **Excepted Interstate:** A person must certify that they operate or expect to operate in interstate commerce but engage exclusively in transportation or operations excepted under 49 CFR §§ 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 CFR Part 391, and they are therefore not required to obtain a medical examiner's certificate (MEC) by 49 CFR § 391.45.
3. **Non-Excepted Intrastate:** A person must certify that they operate only in intrastate commerce and therefore are subject to State driver qualification requirements.
4. **Excepted Intrastate:** A person must certify that they operate in intrastate commerce but engage exclusively in transportation or operations excepted from all or parts of the State driver qualification requirements.

## **Proof of State of Domicile**

A driver must provide proof that the State to which the application is made is their State of domicile (SOD). The SOD is defined in 49 CFR § [383.5](#) as the State where a person has their true, fixed, and permanent home and principal residence and to which they have the intention of returning whenever they are absent.

Acceptable proof of SOD is a document with the person's name and residential address within the State, such as a government issued tax form.

For more information on domicile, see Module 5: Legal Presence, Domicile, and Reciprocity.

## **Proof of Citizenship or Lawful Permanent Residency**

Any person applying for a CDL must provide proof of citizenship or lawful permanent residency as specified in the table below, or they must obtain a non-domiciled CDL.

Status	Proof of Status
U.S. Citizen	Valid, unexpired U.S. Passport
	Certified copy of a birth certificate <sup>1</sup> filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands <sup>2</sup>
	Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State
	Certificate of Naturalization issued by the U.S. Department of Homeland Security (DHS)
	Certificate of Citizenship issued by DHS
Lawful Permanent Resident	Valid, unexpired Permanent Resident Card <sup>3</sup> , issued by U.S. Citizenship and Immigration Services (USCIS) or U.S. Immigrations and Naturalization Service (INS)

A State is required to check the proof of citizenship or legal presence only for initial issuance, renewal, or upgrade of a CLP or non-domiciled CLP and for initial issuance, renewal, upgrade or transfer of a CDL or non-domiciled CDL for the first time, provided a notation is made on the driver's record confirming that the proof of citizenship or legal presence check has been made and noting the date it was done. (49 CFR § [383.73\(a\)\(2\)\(vi\)](#))

States may have additional guidance on acceptable proofs of citizenship.

#### **Additional Information:**

<sup>1</sup>Refers to a copy of the whole or part of a birth certificate registered with the State that the State considers to be the same as the original birth certificate on file.

Applicants may also provide delayed birth certifications, birth certificate cards, birth registration cards, or birth registrations. These are acceptable birth certificate substitutions provided that they supply the following required information:

- Name
- Date and place of birth
- Date original birth record was filed
- Seal/stamp of issuing office

<sup>2</sup>CDLs issued by these territories are not valid for driving CMVs in the U.S.

<sup>3</sup>Visit the [USCIS website](#) for more information about the different versions of a Permanent Resident Card.

For more information on standards for non-domiciled CLPs and CDLs, see Module 5: Legal Presence, Domicile, and Reciprocity.

### **Hazardous Materials Endorsement Requirements**

Per 49 CFR § [383.71\(b\)\(8\)](#), a person applying for a hazardous materials endorsement (HME) must comply with Transportation Security Administration (TSA) requirements in 49 CFR Part 1572. A lawful permanent resident of the United States requesting an HME must additionally provide their U.S. Citizenship and Immigration Services (USCIS) Alien registration number.

### ***7.3 CDL Issuance, Transfer, Renewal, and Upgrade***

Now that you understand what some of the driver applicant requirements refer to, we're going to look at which requirements apply to drivers and States during CLP and CDL issuance, transfers, renewals, and upgrades. Keep in mind that your State may have additional requirements and materials to support these processes.

### ***7.4 Commercial Learner's Permit***

In general, there are a few CLP requirements that are important to highlight. A driver with a CLP:

1. Must be at least 18 years old and provide proof of age.
2. Must be accompanied by CDL holder. In this case, a valid CDL is an unexpired license with the same class and endorsements as the vehicle being operated and the CLP.
3. Must have a valid base driver's license.
4. Cannot operate a CMV transporting hazardous materials or passengers.

### **CLP Driver and State Requirements**

Let's take a quick look at driver and State requirements for CLP issuance.

Before obtaining a CLP, a person must meet these requirements as outlined in 49 CFR § 383.71:

- Be at least 18 years old and able to provide proof of age.
- Have taken and passed a general knowledge test for the CMV group they expect to operate.
- Certify they're not subject to disqualification under 49 CFR § 383.51 or any license disqualification under State law.

- Certify that they don't have a driver's license from more than one State or jurisdiction.
- Provide the required information listed in 49 CFR Part 383, Subpart J (Commercial Learner's Permit and Commercial Driver's License Documents).
- Provide proof of citizenship or lawful permanent residency or obtain a non-domiciled CLP.
- Provide proof that the State to which application is made is their State of domicile.
- Provide the names of all States where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years.
- If seeking a passenger, school bus or tank vehicle endorsement, a person must have taken and passed the endorsement knowledge test for the specific endorsement. The P and S endorsements restrict the CLP holder from transporting passengers other than other student drivers, instructors, and license examiners. The N endorsement restricts the CLP holder from transporting cargo in a tank vehicle. All other Federal endorsements are prohibited on a CLP.
- Provide certification for their anticipated type of operation. See the applicant requirement definitions at the beginning of this module to learn more.
- Complete the training in 49 CFR Part 380, Subpart F before taking certain knowledge and skills tests for the first time.
- Provide the State with an original or copy (as required by the State) of a medical examiner's certificate prepared by a medical examiner.

Before issuing a CLP, States must meet the following requirements, as outlined in 49 CFR § 383.73:

- Require the driver to make the certifications and provide application information as we just described in the applicant requirements.
- Initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualification.
- Make the CLP valid for no more than one year from the date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests. CLPs issued for a period of less than one year may be renewed provided the CLP is not valid for more than one year from the date of initial issuance.
- Only allow a group-specific passenger and school bus endorsement and tank vehicle endorsement on a CLP, provided the applicant has taken and passed the knowledge test for the specified endorsement. The P and S endorsements restrict the CLP holder from transporting passengers other than other student drivers, instructors, and license examiners. The N endorsement restricts the CLP holder from transporting cargo in a tank vehicle. All other Federal endorsements are prohibited on a CLP.
- If not previously done, complete the Social Security Number verification. Require compliance with the standards for providing proof of citizenship or lawful permanent residency and proof of State of Domicile.

- Date-stamp the medical examiner's certificate and post all required information from the MEC to the CDLIS driver record.
- Require the driver to pass applicable knowledge tests.
- Check the Drug and Alcohol Clearinghouse.

### **CLP Issuance Scenarios**

Based on what you've learned so far about CLP issuance, examine the following scenarios to check your understanding.

#### **Scenario One**

If you are a current member of the military, do you need a CLP to initiate the CDL issuance process?

Answer: Maybe. Regulations have provisions for States to be more flexible with military personnel:

- If the State is an Even Exchange State, they can go directly to issuance provided the applicant provides documentation that they have participated in an accepted military occupation specialty (MOS).
- If the State is only doing the military skills test waiver, the applicant would still have to take the knowledge test. The applicant would be waived from the skills testing requirement and would not have to wait the 14 days to be issued their CDL. In general, this skills test waiver is available to all qualified military personnel regardless of MOS. All 51 jurisdictions accept a military skills test waiver.

#### **Scenario Two**

A driver obtained a CLP in New York, but their employer has transferred them to Texas. Can they transfer their CLP from New York to Texas?

Answer: No. CLPs are non-transferable; the driver must retake the knowledge test in Texas to obtain a CLP in Texas.

### **ELDT**

The Entry-Level Driver Training (ELDT) regulations and the Training Provider Registry (TPR) were mandated under the Moving Ahead for Progress in the 21st Century (MAP-21) Act. FMCSA's ELDT regulations set the minimum training requirements for entry-level commercial drivers and impose minimum qualification standards for training providers and instructors conducting entry-level driver training. FMCSA's TPR retains a record of which CDL applicants have completed the training and certification process

outlined in the ELDT regulations. As of February 7, 2022, the ELDT requirements in 49 CFR Part 380, Subpart F apply to applicants looking to obtain one of the following:

- A Class A or Class B CDL for the first time;
- An upgrade of their CDL (e.g. a Class B CDL holder seeking a Class A CDL); or
- A hazardous materials (H), passenger (P), or school bus (S) endorsement for the first time.

Drivers seeking the hazardous materials (H) endorsement must successfully complete entry-level driver training (theory only) prior to taking the hazardous materials knowledge test. Drivers seeking a Class A or Class B commercial driver's license (CDL), a passenger (P) endorsement, or a school bus (S) endorsement for the first time must successfully complete applicable entry-level driver training (theory and behind-the-wheel (BTW) instruction) from a training provider listed on FMCSA's TPR before taking the CDL skills tests.

### **SDLAs and ELDT**

To comply with the ELDT regulations, SDLAs must access data stored in FMCSA's Training Provider Registry to verify that an entry-level driver has completed the required training before allowing the driver to proceed with testing. The point at which the SDLA must verify completion of entry-level driver training depends on the type of license or endorsement the applicant is seeking. The table below provides a summary of these requirements.

<b>Type of License/Endorsement</b>	<b>SDLA must verify completion prior to allowing the:</b>
<ul style="list-style-type: none"><li>• Class A CDL</li><li>• Class B CDL</li><li>• Passenger (P) endorsement</li><li>• School bus (S) endorsement</li></ul>	Skills test
<ul style="list-style-type: none"><li>• Hazardous materials (H) endorsement</li></ul>	Knowledge test

The ELDT regulations are not retroactive. Drivers who were issued a CDL or an S, P, or H endorsement prior to February 7, 2022, are not required to complete training for the respective CDL or endorsement provided they are seeking to reobtain the same privileges they previously held. Adding an endorsement not previously held or upgrading to a higher level of CDL than the one previously held would make the driver subject to ELDT. Further, if there is not a record of the individual previously holding a comparable CDL, the applicant must provide sufficient documentation from the applicable State of record to demonstrate that they are not subject to ELDT. If an SDLA is unable to verify electronically that an individual held a comparable CDL prior to

February 7, 2022, the SDLA may establish reasonable standards of proof that the applicant must meet. Applicants unable to meet this standard are subject to ELDT.

If an applicant who obtained a CLP prior to February 7, 2022, obtains a CDL before the CLP or renewed CLP expires, the applicant is not subject to the ELDT requirements. If an individual is not required to hold a CDL to operate a certain type of CMV, or a person is excepted by a State from taking a skills test (as allowed in 49 CFR § [383.3](#)), they are also exempt from the ELDT requirements.

The CDL regulations do not directly preempt State law. Accordingly, the Federal ELDT requirements generally do not replace or otherwise supersede State-based ELDT requirements that exceed the minimum Federal standards for entry-level drivers. A State may also impose more stringent qualification requirements for training providers and training instructors conducting entry-level driver training in that State or for individuals wishing to obtain a CDL in that State.

For more information on FMCSA's Training Provider Registry and ELDT requirements, visit <https://tpr.fmcsa.dot.gov/>.

### **Drug and Alcohol Clearinghouse (Clearinghouse)**

No later than November 18, 2024, SDLAs are required to query the [FMCSA Drug and Alcohol Clearinghouse \(Clearinghouse\)](#) before issuing, renewing, upgrading, or transferring commercial driver's licenses (CDLs) and before issuing, renewing, or upgrading commercial learner's permits (CLPs). The SDLA must also review a driver's information when notified by the Clearinghouse of a status change. In addition, SDLAs must remove the CLP or CDL privilege from the driver's license of an individual subject to the CMV driving prohibition, which would result in a downgrade of the license until the driver complies with return-to-duty (RTD) requirements. States must achieve compliance as soon as possible but no later than November 18, 2024. View the [Clearinghouse SDLA Resources](#) web page for more information.

## **7.5 Initial CDL**

The first CDL issued to a driver is the "initial CDL." A driver is required to hold a CLP for at least 14 days before taking the skills test to obtain an initial CDL.

### **Initial CDL Driver and State Requirements for Issuance**

Let's examine driver and State requirements for initial CDL issuance. Before obtaining a CDL, a person must meet these requirements as outlined in 49 CFR § 383.71:

- Provide the required information listed in 49 CFR Part 383, Subpart J (Commercial Learner's Permit and Commercial Driver's License Documents).
- Provide certification for their anticipated type of operation.  
Pass a driving or skills test.

- Certify that the vehicle they took the test in is representative of the vehicle they intend to operate.
- Certify they're not subject to disqualification under 49 CFR § 383.51 or any license disqualification under State law.
- Surrender their non-CDL driver's license and CLP to the State.
- Provide the names of all States where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years.
- If applying for an HM endorsement, comply with TSA requirements.
- Provide proof of citizenship or lawful permanent residency or obtain a non-domiciled CDL.
- Provide proof that the State to which application is made is their State of domicile.
- Complete the training in 49 CFR Part 380, Subpart F before taking certain knowledge and skills tests for the first time.
- Provide the State with an original or copy (as required by the State) of a medical examiner's certificate prepared by a medical examiner.

Before issuing an initial CDL, States must meet the following requirements, as outlined in 49 CFR § 383.73:

- Require the driver to make the certifications and provide application information as we just described in the applicant requirements.
- Initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualification.
- If not previously done, complete the Social Security Number verification.
- Require compliance with the standards for providing proof of citizenship or lawful permanent residency and proof of State of domicile.
- Date-stamp the medical examiner's certificate and post all required information from the MEC to the CDLIS driver record.
- Verify that the vehicle the applicant tested in is representative of the vehicle they intend to operate. Note that the driver's CLP must have any required endorsement for the representative vehicle (tank vehicle, passenger, and/or school bus).  
Require the driver to surrender their non-CDL driver's license and CLP.  
For drivers applying for an H-M endorsement, require compliance with the standards for that endorsement, including knowledge testing and TSA requirements.
- Make the CDL valid for no more than 8 years from the date of issuance.
- For drivers applying for an H-M endorsement, make that endorsement valid for no more than 5 years, based on TSA background check date.
- Check the Drug and Alcohol Clearinghouse.



- Verify electronically that the applicant completed the training prescribed in 49 CFR Part 380, Subpart F before conducting a skills test of an applicant for a Class A or Class B CDL, or a passenger or school bus endorsement.

### **Initial CDL Scenarios**

Based on what you've learned so far about CDL issuance, examine the following scenarios to check your understanding.

#### **Scenario One**

A driver comes in to apply for a CDL but does not have the required proof of citizenship or lawful permanent residency. Is the State allowed to issue a CDL to this person if the applicant supplies a document different from what's listed in the regulations?

Answer: No. The State Driver Licensing Agency (SDLA) is held to the standard of the documents listed in the regulations (49 CFR § 383.71).

#### **Scenario Two**

Do the regulations allow an 18-year-old to obtain a CDL?

Answer: Maybe. A driver must be 21 years old in order to operate a vehicle in interstate commerce (49 CFR § 391.11(b)(1)). A State may choose to allow a person to obtain a CDL at the age of 18, but it must be intrastate only, or an approved military under-21 project driver.

## **7.6 CDL Transfers**

A CDL transfer takes place when a driver changes their State of domicile (SOD) to a new SOD. An applicant must apply for a CDL from the new SOD no more than 30 days after establishing their new domicile.

### **CDL Transfer Driver and State Requirements**

Let's examine driver and State requirements for CDL transfer. Before transferring a CDL, a person must meet these requirements as outlined in 49 CFR § 383.71:

- Provide the required information listed in 49 CFR Part 383, Subpart J (Commercial Learner's Permit and Commercial Driver's License Documents).
- Provide certification for their anticipated type of operation.
- Surrender their CDL from the previous State of domicile to the new State of domicile.
- Provide the names of all States where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years.
- If applying for a hazardous materials endorsement, comply with TSA requirements.

- Provide proof of citizenship or lawful permanent residency or obtain a non-domiciled CDL.
- Provide proof that the State to which application is made is their State of domicile.
- Provide the State with an original or copy (as required by the State) of a medical examiner's certificate prepared by a medical examiner.

Before transferring a CDL, States must meet the following requirements, as outlined in 49 CFR § 383.73:

- Require the driver to make the certifications and provide application information as we just described in the applicant requirements.
- Initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualification.
- If not previously done, complete the Social Security Number verification.
- Require compliance with the standards for providing proof of citizenship or lawful permanent residency and proof of State of domicile.
- Date-stamp the medical examiner's certificate and post all required information from the MEC to the CDLIS driver record.
- For drivers applying for an HM endorsement, require compliance with the standards for that endorsement, including knowledge testing and TSA requirements.
- Make the CDL valid for no more than eight years from the date of issuance.
- For drivers applying for an HM endorsement, make that endorsement valid for no more than five years, based on the TSA background check date.
- Require the driver to surrender their previous CDL or void the previous CDL.
- Check the Drug and Alcohol Clearinghouse.

### **CDL Transfer Scenarios**

Based on what you've learned so far about CDL transfers, examine the following scenarios to check your understanding.

#### **Scenario One**

A driver from Canada or Mexico has a commercial license from one of those countries. The driver immigrates to the US and establishes domicile in New York. Can the driver transfer that commercial license to New York?

Answer: First, the foreign driver must gain U.S. citizenship or lawful permanent residency. If the driver meets one of those criteria, then it is at the discretion of the State. The State may accept the Mexican or Canadian CDL equivalent and decide whether they are willing to accept the transfer from Mexico or Canada.

States must accept CDLs transferred from other States. Retesting is optional for drivers who are transferring their CDLs, and at the discretion of the State.

### **Scenario Two**

A driver transfers from Colorado to Georgia. When Georgia processes the application, they discover convictions for which Colorado never took disqualifications in the past. Is Georgia required to impose the disqualifications that Colorado failed to impose?

Answer: Yes. The SDLA must address this and impose the disqualifications or the SDLA must deny the transfer until the driver has cleared the Colorado infractions.

## **7.7 CDL Renewal**

A driver must renew their CDL at least every 8 years.

### **CDL Renewal Driver and State Requirements**

Let's examine driver and State requirements for CDL renewal. Before renewing a CDL, a person must meet these requirements as outlined in 49 CFR § 383.71:

- Provide the required information listed in 49 CFR Part 383, Subpart J (Commercial Learner's Permit and Commercial Driver's License Documents).
- Provide certification for their anticipated type of operation.
- To retain a hazardous materials endorsement the driver must pass the hazardous materials test specified in 49 CFR § 383.121.
- Provide the names of all States where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years.
- If applying for an HM endorsement, comply with TSA requirements.
- Surrender their previous CDL.
- Provide proof of citizenship or lawful permanent residency or obtain a non-domiciled CDL.
- Provide proof that the State to which application is made is their State of domicile.
- Provide the State with an original or copy (as required by the State) of a medical examiner's certificate prepared by a medical examiner.

Before renewing a CDL, States must meet the following requirements, as outlined in 49 CFR § 383.73.

- Require the driver to make the certifications and provide application information as we just described in the applicant requirements.
- Initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualification.
- If not previously done, complete the Social Security Number verification.

- Require compliance with the standards for providing proof of citizenship or lawful permanent residency and proof of State of Domicile.
- Date-stamp the medical examiner's certificate and post all required information from the MEC to the CDLIS driver record.
- To retain a hazardous materials endorsement the driver must pass the hazardous materials test specified in 49 CFR § 383.121.
- Require the driver to surrender their previous CDL.
- For drivers applying for an HM endorsement, require compliance with the standards for that endorsement, including knowledge testing and TSA requirements.
- Make the CDL valid for no more than eight years from the date of issuance.
- For drivers applying for an HM endorsement, make that endorsement valid for no more than five years, based on TSA background check date.
- Check the Drug and Alcohol Clearinghouse.
- Verify electronically that the applicant completed the training prescribed in 49 CFR Part 380, Subpart F before conducting a skills test of an applicant for a Class A or Class B CDL, or a passenger or school bus endorsement.

### **CDL Renewal Scenarios**

Based on what you've learned so far about CDL renewals, examine the following scenarios to check your understanding.

#### **Scenario One**

The State issues a six-month CLP to a driver. After six months, the driver returns to the SDLA asking to renew the CLP without retaking the knowledge test. Can the State renew the CLP for an additional six months?

Answer: Yes. The State has the discretion to renew the CLP for an additional six months without requiring the driver to take the knowledge test again.

Note: If the State had initially issued the driver a CLP for a full year, the driver would be required to retake the knowledge test in order to reissue the CLP.

#### **Scenario Two**

Can a State allow drivers to renew a CDL online?

Answer: Yes, a State can offer online CDL renewal.

### **7.8 CDL Upgrades**

If a driver wishes to add new vehicle groups or endorsements to their CDL, they must complete a CDL upgrade. A driver is required to hold a CLP for at least 14 days before taking the skills test to obtain a CDL upgrade.

## **CDL Upgrade Driver and State Requirements**

Let's examine driver and State requirements for CDL upgrade. Before obtaining a CDL upgrade, a person must meet these requirements as outlined in 49 CFR § 383.71:

- Provide certification for their anticipated type of operation.
- Pass all the knowledge tests and all the skills tests for the new vehicle group and/or different endorsements.
- Surrender their previous CDL.
- If applying for an HM endorsement, comply with TSA requirements.
- Complete the training in 49 CFR Part 380, Subpart F before taking certain knowledge and skills tests for the first time.
- Provide the State with an original or copy (as required by the State) of a medical examiner's certificate prepared by a medical examiner.

Before issuing a CDL upgrade, States must meet the following requirements, as outlined in 49 CFR § 383.73:

- Require the driver to make the certifications and provide application information as we just described in the applicant requirements.
- Initiate and complete a check of the applicant's driving record to ensure that the person is not subject to any disqualification.
- If not previously done, complete the Social Security Number verification.
- Require compliance with the standards for providing proof of citizenship or lawful permanent residency and proof of State of Domicile.
- Date-stamp the medical examiner's certificate and post all required information from the MEC to the CDLIS driver record.
- Require the driver to pass applicable knowledge tests.
- Verify that the vehicle the applicant tested in is representative of the vehicle they intend to operate. Note that the driver's CLP must have any required endorsement for the representative vehicle (tank vehicle, passenger, and/or school bus).
- Require driver surrender previous CDL or void the previous CDL.
- For drivers applying for an HM endorsement, require compliance with the standards for that endorsement, including knowledge testing and TSA requirements.
- Make the CDL valid for no more than eight years from the date of issuance.
- For drivers applying for an HM endorsement, make that endorsement valid for no more than five years, based on TSA background check date.
- Check the Drug and Alcohol Clearinghouse.
- Verify electronically that the applicant completed the training prescribed in 49 CFR Part 380, Subpart F before conducting a skills test of an applicant for a Class A or Class B CDL, or a passenger or school bus endorsement.

## **CDL Upgrade Scenarios**

Based on what you've learned so far about CDL upgrades, examine the following scenarios to check your understanding.

### **Scenario One**

Is removing restrictions considered an upgrade?

Answer: Yes. You can remove the air brake and/or automatic transmission restriction using any vehicle group.

### **Scenario Two**

Is the driver required to retake the general knowledge test when upgrading from a Class B CDL to a Class A CDL?

Answer: No. The driver is not required to retake the general knowledge test when upgrading from a Class B CDL to a Class A CDL or upgrading to remove a restriction.

### **Scenario Three**

May a driver upgrade their CDL while disqualified for driving another class of CDL?

Answer: No. A driver must serve the full period of disqualification and be reinstated before they may upgrade their CDL.

## **7.9 Social Security Number Verification**

Prior to issuing a CLP or a CDL to a person, the State must verify the name, date of birth, and Social Security Number (SSN) provided by the applicant with the information on file with the Social Security Administration. If the information does not match, the State is prohibited from issuing, renewing, upgrading, or transferring a CLP or CDL.

Keep in mind, a State is only required to perform the SSN verification for initial issuance of a CLP, transfer of CDL from another State, or for drivers renewing a CDL for the first time after July 8, 2011, who have not previously had their SSN information verified, provided a notation is made on the driver's record confirming that the verification required has been made and noting the date it was done.

## **7.10 State Record Checks**

Prior to issuing a CLP or issuing, transferring, renewing, or upgrading a CDL, a State must complete a check of the applicant's driving record. This record check should ensure the applicant is not subject to any suspensions, revocations, or cancellations for any reason, and is not subject to any disqualifications under 49 CFR § 383.51.

The record check must include, but is not limited to, checks of:

1. The applicant's driving record as maintained by their current State of licensure
2. The Commercial Driver License Information System (CDLIS)
3. The Problem Driver Pointer System (PDPS)
4. The applicant's complete 10-year driving record from all States where they were licensed

Let's look at an overview of this process for an initial CDL:

1. Application for Initial CDL: The driver applies for an initial CDL.
2. State Record Checks: The SDLA verifies the driver's identity, license status, and driver history on its records and via AAMVAnet, within 24 hours prior to issuance.
3. 10-Year History Check: The SDLA requests the driver history from previous licensing States.
4. Compile Information: The SDLA (SOR) adds any information to the driver's record from history from previous States where driver was licensed (10-year history check) and issues any required withdrawals.
5. Master Pointer Record: The SDLA (SOR) creates the Master Pointer Record at the CDLIS Central Site, within 10 days.

### **Issuing State's Records**

The issuing State must perform a check of the applicant's driving record as maintained by their current State of licensure, if any. This record check must be performed no earlier than 24 hours prior to issuance if the license is issued to a driver who does not currently possess a valid CDL from the same State, and no earlier than 10 days prior to issuance for all other drivers.

### **Commercial Driver License Information System**

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986 mandated the development of a National Commercial Driver's License Information System (CDLIS). CDLIS enables each State to ensure that each CMV driver has only one driver's license and one complete driver record. It's designed to make sure that drivers cannot escape their record and keeps track of the CLP and CDL holder no matter where they go.

The American Association of Motor Vehicle Administrators (AAMVA) is responsible for developing and maintaining CDLIS. Throughout the training, we will reference relevant AAMVA reports included in CDLIS that support both safety and compliance with 49 CFR Part 383 and 49 CFR Part 384.

For more information on how to use CDLIS, view the CDLIS State Procedures Manual (SPM) and AAMVA's CDLIS Master Specifications Document (also known as Master Specs or CDLIS System Specs). The SPM outlines the standard administrative practices required by each jurisdiction. CDLIS System Specs provides guidance on the technical aspects of CDLIS required to operate and maintain CDLIS. Both are helpful resources for

navigating the record check process. (Note: You must log into your AAMVA portal in order to access these documents.)

Each State also has an AAMVA contact that may be able to assist you with further information on CDLIS. If you are unsure who your AAMVA contact is, contact the AAMVA Help Desk.

49 CFR § 384.107 incorporates AAMVA material into the Federal Motor Carrier Safety Regulations (FMCSRs) by reference. This makes compliance with AAMVA material mandatory.

### Using CDLIS

CDLIS assists States in assessing CLP and CDL applicants by directing the licensing agency to the driver's current State of licensure so that a complete driver history record (DHR) can be obtained.

Check CDLIS to determine:

- Whether the driver applicant already has been issued a CDL
- Whether the applicant's license has been disqualified
- If the applicant has been disqualified from operating a CMV

Let's learn more about how CDLIS works. Keep in mind that you may not encounter some of these steps as the State's system may be programmed to perform them in the background.

1. **Search CDLIS:** When a driver applies for a CDL, the State searches CDLIS within 24 hours prior to issuance as part of the record check process.
2. **The CDLIS Central Site Contains MPRs:** The search hits the CDLIS Central Site, an online database that contains Master Pointer Records (MPRs) for every CLP/CDL holder in the United States. MPRs contain driver identification information including the name, last five digits of their SSN, date of birth (DOB), and State driver's license number (DLN).
3. **MPRs Point You to DHR:** MPRs point the inquiring State to the State of record (SOR), which maintains a more complete driver history record (DHR) that includes driver identification information, license information, and history of convictions, withdrawals, and (optionally) accidents. Note: The MPR does not contain DHRs. The purpose of the MPR is simply to identify the driver.
4. **Take Action, If Necessary:** If the State obtains adverse information regarding the applicant, the State is required to promptly implement any disqualifications, licensing limitations, denials, or penalties that are called for.

### Missing and Broken Pointers

We know that Master Pointer Records (MPRs) point inquiring States to a driver's State of record (SOR) to obtain a complete driver history record (DHR). But what does it mean



when this process fails? Errors could be a result of missing or broken pointers, or data quality issues.

- **Broken Pointer** – A situation in which an MPR doesn't have a matching DHR. In other words, the pointer exists on the CDLIS Central Site but does not point to the applicable record on the SOR site.
- **Missing Pointer** – A situation in which a DHR exists but there is no MPR. In other words, the record resides in the SOR but not on the CDLIS Central Site.
- **Data Quality Issues** – Situations in which there are differences between information on the CDLIS Central Site and the SOR (different SSN, DOB, and/or name fields). This includes truncation and transliteration errors.

In the case of a missing or broken pointer, the State of inquiry (SOI) and SOR must work together to try to resolve the situation. If a broken pointer cannot be resolved by the two jurisdictions, the SOR should contact the CDLIS Help Desk to initiate resolution of the issue. The SOI and/or SOR must also perform a root cause analysis to determine the underlying causation factors and resolve the issue, otherwise the State will encounter these same issues in the future.

### **Problem Driver Pointer System**

The Problem Driver Pointer System (PDPS) allows States and other relevant organizations to search National Driver Register (NDR) data. The NDR is a national repository of information (including name, date of birth, gender, driver license number, and reporting State) on problem drivers whose privilege to operate a motor vehicle has been revoked, suspended, canceled, or denied, or who have been convicted of serious traffic-related offenses. The NDR is operated by the National Highway Traffic Safety Administration (NHTSA).

Based on information received as a result of an NDR search, PDPS will point the SOI to the SOR, where an individual's driver status and history information is maintained. Based on the information received from the SOR, the SOI decides if the applicant is eligible to receive a license.

### **Using PDPS**

Check the PDPS to determine whether the driver applicant has:

- Been disqualified from operating a motor vehicle (other than a CMV)
- Had a license (other than CDL) disqualified for cause in the three-year period ending on the date of application
- Been convicted of any offenses contained in 49 U.S.C. § 30304(a)(3)

Let's learn more about how PDPS works. Keep in mind that you may not encounter some of these steps as the State's system may be programmed to perform them in the background.

1. **SOR Provides Information:** The SOR sends information on all revocations, suspensions, and license denials within 31 days of receipt of the convictions from the courts to the PDPS.
2. **A State Searches PDPS:** When a driver applies for a CDL, the State searches PDPS within 24 hours prior to issuance as part of the record check process to see if the license or privilege to drive a motor vehicle has been withdrawn by any other State.
3. **Status Output from PDPS:** The inquiring State receives a status output from the NDR. These may be:
  - a. **No Match:** The individual does not have record on the PDPS
  - b. **Match:** The individual does have a record on the PDPS
  - c. **Licensed (LIC):** The individual holds a license in that State and the privilege to drive is valid. (Only drivers who previously had a suspension/revocation and have cleared their history are included here.)
  - d. **Eligible (ELG):** The individual's privilege to drive or apply for a license in a State(s) is valid
  - e. **Not Eligible (NELG):** The individual's privilege to drive in a State(s) is invalid
4. **Take Action, If Necessary:** If a person has been reported to the NDR as a problem driver, the State may deny the license.

### **Other States' Records**

The issuing State must request the applicant's complete driving record from all States where they were previously licensed over the last 10 years to drive any type of motor vehicle (per 49 CFR § [384.206\(b\)](#)). Note: This is only required for initial issuance of a CLP, transfer of CDL from another State, or for drivers renewing a CDL for the first time.

1. **How does it work?** The applicant provides the names of all States where they have previously been licensed over the last 10 years to drive any type of motor vehicle.
2. **SOI Requests Driver Records:** The issuing State requests the complete driver record from those States that the applicant provided.
3. **States Provide information:** States receiving a request for the driver record of a person currently or previously licensed by the State must provide the information within 30 days.
4. **Take Action, If Necessary:** If the issuing State obtains adverse information regarding the applicant, the State is required to promptly implement any disqualifications, licensing limitations, denials, or penalties that are called for.

## **7.11 Congratulations**

Congratulations. **You have completed Module 7: CLP and CDL Issuance.** In this module, you gained some background information on what convictions and disqualifications are as well as an overview of the process. Continue to **Module 8: Knowledge Testing.**

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## Module 8: Knowledge Testing

### 8.1 Introduction

As you've learned throughout this training so far, operating a commercial motor vehicle (CMV) is a great responsibility that requires a high level of specific knowledge and skills. In order to obtain a commercial driver's license (CDL), an applicant must first pass all applicable knowledge, skills, and endorsement tests. State Driver Licensing Agencies (SDLAs) play a vital role in this process and are uniquely positioned to increase road safety. By partnering with the Federal Motor Carrier Safety Administration (FMCSA) and maintaining compliance with State requirements, SDLAs help ensure that only qualified drivers pass these tests and are eligible to operate on our Nation's roadways.

In this module, we will explore knowledge testing, including:

1. The role of knowledge testing in the CDL Program
2. State testing requirements
3. Third party testing requirements
4. Preventing, identifying, and addressing fraud

### 8.2 Definitions

Before we examine the role of knowledge testing, let's discuss the meaning of some key terms in the CLP and CDL issuance process. For additional definitions and guidance, please view the [Glossary and Acronym Guide](#) or see 49 CFR § [383.5 - Definitions](#).

**American Association of Motor Vehicle Administrators (AAMVA):** Founded in 1933, AAMVA is a tax-exempt, nonprofit organization that develops and maintains programs for motor vehicle administration, law enforcement, and highway safety. AAMVA partners with FMCSA to support the shared mission of improving highway safety. AAMVA represents the State, provincial, and territorial officials in the United States and Canada who administer and enforce motor vehicle laws. Its membership includes associations, organizations, and businesses that support motor vehicle administration.

**AAMVA's Driver Standing Committee:** AAMVA's Driver Standing Committee improves and promotes safety, security, and service within driver programs through education, leadership, communication, and the development of uniform practices. Committee members work across disciplines to provide guidance on products, services, and programs that benefit AAMVA members and address specific driver needs.

**AAMVA's Test Maintenance Subcommittee (TMS):** A subcommittee of the AAMVA Driver Standing Committee. The TMS is responsible for the development and

maintenance of all AAMVA model licensing test systems, including both commercial and non-commercial systems.

**Endorsement:** As defined in 49 CFR § [383.5](#), an endorsement means an authorization to an individual's CLP or CDL required to permit the individual to operate certain types of commercial motor vehicles (CMVs). This authorization indicates a driver has passed additional tests that give the driver privileges to operate a specific type or configuration of CMV beyond what is granted with a CDL. The following endorsements can be obtained:

- T – double/triple trailers
- P – passenger
- N – tank vehicle
- H – hazardous materials
- X – combination of tank vehicle and hazardous materials endorsements
- S – school bus

**Entry-Level Driver:** An individual who must complete defined training prior to taking the skills test when obtaining a CDL for the first time, upgrading to a Class A or Class B CDL, obtaining a passenger or school bus endorsement for the first time, or taking the hazardous materials knowledge test to obtain a hazardous materials endorsement for the first time. This definition does not include individuals for whom States waive the CDL skills test under 49 CFR § [383.77](#) or individuals seeking to remove a restriction in accordance with 49 CFR § [383.135\(b\)\(7\)](#).

**Entry-Level Driver Training:** As defined in 49 CFR § [380.605](#), entry-level driver training (ELDT) refers to required training an entry-level driver receives from a provider listed on FMCSA's Training Provider Registry prior to:

- Taking the CDL skills test required to obtain a Class A or Class B CDL for the first time;
- Taking the CDL skills test required to upgrade an existing Class B CDL to a Class A CDL;
- Taking the CDL skills test required to obtain a school bus (S) or passenger (P) endorsement for the first time; or
- Taking the CDL knowledge test required to obtain a hazardous materials (H) endorsement for the first time.

**State Driver Licensing Agency:** The organization within a State responsible for issuing driver licenses. Sometimes referred to as "Registry of Motor Vehicles (RMV)" or "Department of Motor Vehicles (DMV)."

**Third Party Skills Test Examiner:** As defined in 49 CFR § [383.5](#), a third party skills test examiner means a person employed by a third party tester who is authorized by the State to administer the CDL skills tests specified in 49 CFR [Part 383, Subparts G and H](#).

**Third Party Tester:** As defined in 49 CFR § [383.5](#), a third party tester means a person (including, but not limited to, another State, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government) authorized by the State to employ skills test examiners to administer the CDL skills tests specified in 49 CFR [Part 383, Subparts G and H](#).

### ***8.3 Background and Purpose***

Let's explore the timeline below to see how knowledge testing requirements have evolved over the years.

#### **1986 - Commercial Motor Vehicle Safety Act (CMVSA) of 1986**

The [CMVSA of 1986](#) established the National CDL Program and the implementation of minimum Federal commercial driver's licensing standards to improve road safety. Prior to the CMVSA, many States did not require a driver to obtain special training or a special license to operate a CMV. These States allowed any licensed individual the authority to legally drive a large truck or bus even though it was widely recognized that operating a CMV required special skills, knowledge, and training. States that did require training had varying requirements and, in many cases, the applicant was not required to take a skills test in a representative vehicle. Additionally, drivers could possess multiple licenses and potentially hide any unsafe driving history. The CMVSA addressed these issues by requiring the Federal government to develop and implement various minimum standards for all jurisdictions, including uniform standards for testing and licensing of drivers of CMVs and a process for disqualification. The Act also established the concept of one driver, one license, one record, which is a foundational component of the National CDL Program.

#### **1999 - Motor Carrier Safety Improvement Act (MCSIA)**

The [MCSIA of 1999](#) established the Federal Motor Carrier Safety Administration (FMCSA) within the U.S. Department of Transportation (USDOT) to improve the safety of CMVs. This act also established the school bus endorsement, which requires all drivers wishing to operate a school bus to pass the school bus endorsement knowledge test and pass a skills test conducted in a school bus.

#### **2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)**

Section 4122 of SAFETEA-LU further standardized the commercial driver's licensing process and required the USDOT to establish the following minimum uniform standards for the issuance of CLPs:

- An applicant must first pass a knowledge test that complies with minimum testing standards
- An applicant may only possess one CLP at a time
- A CLP document must contain the same information and security features as a CDL
- A driver's record must be created for each CLP holder in the Commercial Driver's License Information System (CDLIS)

### **2011 - Commercial Driver's Licensing and Commercial Learner's Permit Standards Final Rule**

On May 9, 2011, FMCSA published the [Commercial Driver's License Testing and Commercial Learner's Permit Standards final rule](#). Prior to this rule, there was no standard that required States to issue permits. Using the broad authority of CMVSA and section 4122 of SAFETEA-LU, the final rule amended CDL knowledge and skills testing standards and established new minimum Federal standards for States to issue a CLP. A standard for knowledge of driving practices required to safely operate a CMV was developed as a pre-requisite for applicants to obtain a CLP and be eligible to take the skills test to obtain a CDL. The final rule also established Federal standards for States to allow third party testers to administer the CDL skills test. We will examine third party testing for knowledge tests later in this module. View **Module 9: Skills Testing** for information related to third party testing for the CDL skills test.

### **8.4 Knowledge Test Requirements**

Knowledge tests set the standard for the level of understanding of driving practices required to safely operate a CMV. The tests are intended to assess an applicant's foundational knowledge prior to operating a CMV and ensure the applicant has a sufficient understanding of requirements and best practices to drive safely. States must require that applicants obtain a **passing score of 80% or higher** on all applicable knowledge tests before issuing a CLP and allowing the driver to take the skills test. Both State and third party CDL test examiners must complete a training course that meets the instructional requirements in 49 CFR § [384.228\(c\)](#).

Let's examine the knowledge testing process and how States can administer a successful testing program.

## **8.5 AAMVA 2005 CDL Test System**

### **Overview**

As you learned earlier in this module, the [CMVSA of 1986](#) established the National CDL Program and the implementation of minimum Federal commercial driver's licensing standards. The resulting regulations in 49 CFR Part 383 outlined the minimum testing standards and established the specific knowledge and skills required for drivers of CMVs. In 1987, the [American Association of Motor Vehicle Administrators](#) (AAMVA) coordinated the development of model CDL knowledge and skills tests to be used for all U.S. jurisdictions. A package of CDL testing materials, including manuals, recommended tests, and scoring forms, was provided to each State on March 1, 1989. This turnkey testing system met the requirements set forth in 49 CFR Part 383 and is commonly referred to as the "model test system."

In October 1992, AAMVA established the Test Maintenance Subcommittee (TMS). The TMS includes a Chairperson and one representative from each of AAMVA's four regions and is responsible for ongoing revisions and maintenance to the CDL Test System. The system has been periodically revised to adapt to emerging vehicle technologies and safety practices. The newest revision to the system, known as the "**AAMVA 2005 CDL Test System**" was released in 2005. Several updated versions of the 2005 CDL Test System have been released over the years. Per 49 CFR § [383.133\(b\)\(2\)](#), States are required to use the July 2010 or newer version.

### **How States Use the AAMVA 2005 CDL Test System**

States use the AAMVA 2005 CDL Test System to meet the testing requirements in 49 CFR [Part 383, Subparts G and H](#). States must contact AAMVA ([www.aamva.org](http://www.aamva.org)) to be granted access to the test system that is provided to CDL Coordinators through the AAMVA SharePoint site. States are required to use the July 2010 version of the system, though the use of post-July 2010 updated versions is encouraged. If necessary, a State may request an exemption from FMCSA to use an alternate test system. Any deviation requires pre-approval from FMCSA and proof that the State's request meets the standards established in the regulations and is comparable to the requirements established in 49 CFR Part 383.

CDL Coordinators are responsible for the distribution and version control of the AAMVA test system materials. This includes:

1. Model Examiner Information Manual
2. Model Driver Information Manual
3. Development of knowledge test questions
4. Knowledge test administration information

All materials can be accessed through AAMVA. States can choose to distribute physical copies of the materials, provide online access via their SDLA website, or both. Regardless of the method of distribution, test manuals and test methods must meet the requirements in 49 CFR §§ [383.131](#) and [383.133](#). States must complete internal version control checks to ensure tests and related materials are consistent. The CDL Coordinator is also responsible for verifying and coordinating updates with AAMVA and should be subscribed to the AAMVA listserv to receive information about changes to materials.

### **System Computer-Generated Tests**

Knowledge tests are developed using the AAMVA 2005 CDL Test System and are typically administered via kiosk machines. These machines score the multiple-choice knowledge tests in real time, and some allow for the automatic population of scores directly into an SDLA's database. The electronic knowledge testing system should have internal controls to prohibit an examiner from mistakenly issuing a CLP/CDL credential due to a failed knowledge test.

In some cases, testing kiosks are unavailable and paper versions of the knowledge tests are printed from the system for testing and scored manually. These paper tests must meet all the same standards as their electronic counterparts including a question selection algorithm that ensures questions from required knowledge areas and question variance (described later) if a driver applicant is re-testing after a failure. In the past, paper tests were subject to inadvertent marking or other indicators and were more likely to be taken from the SDLA and shared. To mitigate this problem and help ensure paper tests are securely transmitted, the AAMVA 2005 CDL Test System was updated to assign a barcode to paper tests as they are created.

**Fraud is an issue regardless of the testing method, and strong internal controls for fraud prevention are needed.** There is a fraud vulnerability during scoring, especially in examiner-entered knowledge test scores. Automatic transmittal of test scores via testing kiosks helps mitigate that problem. We'll talk more about knowledge testing fraud later in this module.

## ***8.6 State Knowledge Testing Requirements***

States are required to administer a testing program that ensures all drivers of CMVs possess the necessary knowledge and skills to safely operate a CMV. 49 CFR [Part 383, Subpart G](#) outlines the required knowledge and skills that must be tested for all applicants as well as additional requirements for drivers who wish to obtain one or more endorsements. States must provide pre-approved driver and examiner test manuals and implement an appropriate test system as outlined in 49 CFR [Part 383, Subpart H](#). States must also require that applicants pass the relevant knowledge test(s) before being issued a CLP and taking the skills test.



Let's take a closer look at Federal knowledge testing requirements.

### **Generating Knowledge Tests**

If a State chooses to not use the AAMVA 2005 CDL Test System and wishes to develop its own knowledge tests, the tests must meet the minimum Federal standards outlined in 49 CFR Part 383, Subparts G and H. All tests must be constructed in a way that determines if the applicant possesses the required knowledge for the appropriate motor vehicle or endorsement. Per 49 CFR § [383.133\(b\)](#), when generating knowledge tests States must:

1. Use the FMCSA pre-approved pool of test questions to develop knowledge tests for each vehicle group and endorsement.
  - The pool of questions must be from, or comparable to, those in AAMVA's "2005 CDL Test System (July 2010 or newer version) 2005 Test Item Summary Forms," which FMCSA has approved and provides to all SDLAs.
2. Generate tests in a method as prescribed in, or in a way comparable to, the requirements outlined in AAMVA's "2005 CDL Test System (July 2010 or newer version) 2005 Requirements Document For Use In Developing Computer-Generated Multiple-Choice CDL Knowledge Tests," which FMCSA has approved and provides to all SDLAs.
  - The total difficulty level of questions used in each test version must fall within a set range.
  - 25% of test questions must be new questions that were not contained in the previous version of the test.
  - Identical questions from a previous test version must be placed in a different location on the test, and the three answer options must be in a different order.
  - Each test must contain a set number of questions with a prescribed number of questions from each of the required knowledge areas.
3. If deviating from the pre-approved AAMVA 2005 CDL Test System, confirm each knowledge test is valid and reliable in ensuring that driver applicants possess the knowledge required per 49 CFR § [383.111](#).
  - Knowledge tests may be administered in written form, verbally, or in automated format.
  - A knowledge test can be administered in a foreign language, provided no interpreter is used in administering the test.
4. Use a different version of the test when an applicant retakes a previously failed test.

Note that an applicant must pass all applicable knowledge tests before the SDLA issues a CLP.

## Driver Information Manual

Per 49 CFR § [383.131\(a\)](#), a State is required to provide a CLP or CDL applicant with an FMCSA pre-approved driver information manual that meets the requirements in 49 CFR Part 383. The driver information manual must include the following:

1. Information on how to obtain a CDL and endorsements.
2. Information on the requirements described in 49 CFR § [383.71](#), the implied consent to alcohol testing described in 49 CFR § [383.72](#), the procedures and penalties contained in 49 CFR § [383.51\(b\)](#) to which a CLP or CDL holder is exposed for refusal to comply with such testing, State procedures described in 49 CFR § [383.73](#), and other appropriate driver information contained in 49 CFR [Part 383, Subpart E](#).
3. Information on vehicle groups and endorsements specified in 49 CFR [Part 383, Subpart F](#).
4. The substance of the knowledge and skills that driver must have, as outlined in 49 CFR [Part 383, Subpart G](#) for the different vehicle groups and endorsements.
5. Details of testing procedures, including the purpose of the tests, how to respond, and directions for taking the tests.

A State may include any additional State-specific information related to the CDL testing process, such as testing locations, insurance requirements, or additional training certifications. FMCSA has pre-approved the AAMVA 2005 CDL Test System (July 2010 or newer version) Model Commercial Driver Manual. States may use this manual and make necessary changes to explain State-specific requirements.

## Examiner Information Manual

Per 49 CFR § [383.131\(b\)](#), a State must provide an FMCSA pre-approved examiner information manual that meets the requirements in 49 CFR Part 383. The examiner information manual must include the following:

1. Information on driver application procedures contained in 49 CFR § [383.71](#), State procedures described in 49 CFR § [383.73](#), and other appropriate information contained in 49 CFR [Part 383, Subpart E](#).
2. Details on information that must be given to the applicant.
3. Details on how to conduct the knowledge and skills tests.
4. Scoring procedures and minimum passing scores for the knowledge and skills test.
5. Information for selecting driver test routes for the skills tests.
6. List of the skills to be tested.
7. Instructions on where and how the skills will be tested.
8. How performance of the skills will be scored.
9. Causes for automatic failure of skills tests.
10. Standardized scoring sheets for the skills tests.
11. Standardized driving instructions for the applicants.

FMCSA has pre-approved the AAMVA 2005 CDL Test System (July 2010 or newer version) Model Examiner Manual. States may use this manual and make necessary changes to explain State-specific requirements, such as additional State practices related to testing operations, examiner safety, or additional training certifications.

### **Minimum Test Score Requirements**

Per 49 CFR § [383.135\(a\)\(1\)](#), States must require an applicant to achieve a **minimum passing score of 80% for each of the knowledge tests** required for the class of license and endorsements the applicant wishes to obtain. If a driver takes more than one knowledge test at once but does not pass all tests, the passing score(s) will be accepted. However, the driver must return at a later date to retake any failed tests.

### **State Test Score Recordkeeping**

Per 49 CFR § [383.135\(c\)](#), States must record and retain knowledge and skills test scores for all applicants as either part of the driver history record (DHR) or as a separate file linked to the DHR. Although automated transfer from the knowledge testing system to the driver record is the preferred test score entry method, in some cases, an SDLA employee may need to enter scores manually.

### **Use of Interpreters During Testing**

As outlined in 49 CFR § [383.133\(b\)\(3\)](#), knowledge tests can be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test. This prohibition includes the use of American Sign Language (ASL) interpreters for driver applicants who are D/deaf or hard of hearing. Several States provide knowledge tests in multiple languages, though this is not required. The provided AAMVA testing materials are only distributed in English. If a State chooses to offer knowledge tests in another language, the State is responsible for the translation and version control of all applicable materials. For information on general language qualifications for commercial drivers, view 49 CFR § [391.11\(b\)\(2\)](#).

Note: FMCSA's current statutory authorities and regulations do not prohibit States from permitting third party testers to administer CDL knowledge tests. While FMCSA encourages States relying on third party knowledge testers to follow the training and record check standards currently applicable to State CDL knowledge test examiners, as set forth in 49 CFR § [384.228](#), this is not a regulatory requirement. If an employee of the State who is authorized to supervise knowledge testing is present during the testing, then FMCSA regards it as being administered by the State and not by a third party. SDLAs may accept the results of knowledge tests administered by third party testers provided they meet the existing knowledge test standards and requirements in 49 CFR [Part 383, Subparts G and H](#). FMCSA published [regulatory guidance](#) on February 3, 2022.

## **8.7 Certifications and Record Checks**

As you learned earlier in the course, States must be connected to the [Commercial Driver's License Information System](#) (CDLIS) and the National Driver Register (NDR) in order to exchange information about CDL drivers, traffic convictions, and disqualifications. CDLIS is operated by AAMVA and enables States to ensure that each CMV driver has only one driver's license and one complete driver record. The NDR is a national repository of information on problem drivers operated by the National Highway Traffic Safety Administration (NHTSA). The NDR maintains the [Problem Driver Pointer System \(PDPS\)](#), which allows States and other relevant organizations to search NDR data and view information on individuals (including name, date of birth, gender, driver license number, and reporting State) whose privilege to operate a motor vehicle has been revoked, suspended, canceled, or denied, or who have been convicted of serious traffic-related offenses.

To ensure a driver is not disqualified or in possession of a license from another jurisdiction, States must perform a check of its databases, other State databases, CDLIS, and the NDR no longer than 24 hours prior to issuing, renewing, upgrading, or transferring a CLP or CDL. States may conduct these checks outlined in 49 CFR §§ [384.205](#), [384.206](#), and [384.220](#) as long as 10 days prior to an issuance event for drivers already licensed in that State. Beginning November 18, 2024, SDLAs must query the [FMCSA Drug and Alcohol Clearinghouse \(Clearinghouse\)](#) before issuing, renewing, upgrading, or transferring CDLs and CLPs and must review a driver's information when notified by the Clearinghouse of a status change. In addition, the SDLA must remove the CLP or CDL privilege from the driver's license of an individual subject to the CMV driving prohibition, which would result in a downgrade of the license until the driver complies with return-to-duty (RTD) requirements. States must achieve compliance as soon as possible but no later than November 18, 2024. View the [Clearinghouse SDLA Resources](#) web page for more information.

## **8.8 Types of Knowledge Tests**

### **Overview**

All applicants wishing to obtain a CDL must first pass the required knowledge test(s) and obtain a CLP. This testing process helps to ensure that only qualified drivers are allowed to operate on our Nation's roadways. As you learned earlier in this module, **in order to achieve a passing score on any knowledge test, an applicant must answer at least 80% of all questions correctly.**

The tables below provide an overview of the different CLP/CDL classes and the related knowledge tests. Some States offer a Class C CLP, though this is not a mandatory requirement. All States must offer a Class C CDL.

Note that in this training, we will refer to vehicles by "group" and licenses by "class." However, in common usage, "class" may refer to the vehicle or the license.

<b>KNOWLEDGE TESTS</b>						
<b>License Class</b>	<b>General Knowledge</b>	<b>Air Brake<sup>1</sup></b>	<b>Combination</b>	<b>Passenger (P)</b>	<b>School Bus (S)</b>	<b>Tank Vehicle (N)</b>
Class A	<b>X</b>	<b>X</b>	<b>X</b>			<b>X</b>
Class B	<b>X</b>	<b>X</b>				<b>X</b>
Class B with P	<b>X</b>	<b>X</b>		<b>X</b>		<b>X</b>
Class B with P & S	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>
Class C	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>
Class C with P	<b>X</b>	<b>X</b>		<b>X</b>		<b>X</b>
Class C with P & S	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>

<sup>1</sup>The air brake knowledge test is only required if the test vehicle is equipped with air brakes or an air over hydraulic brake system.

Note that a CLP holder is not eligible to obtain the hazardous materials (H) or double/triple trailers (T) endorsements. These two endorsements require the applicant to be a CDL holder.

<b>KNOWLEDGE TESTS</b>		
<b>License Class</b>	<b>Hazardous Materials (H)</b>	<b>Double/Triple Trailers (T)</b>
Class A	<b>X</b>	<b>X</b>
Class B	<b>X</b>	
Class B with P	<b>X</b>	
Class B with P & S	<b>X</b>	
Class C	<b>X</b>	
Class C with P	<b>X</b>	
Class C with P & S	<b>X</b>	

All driver applicants must take the general knowledge test. Some applicants are also required to take one or more specialized knowledge tests. Learn more about the requirements for each knowledge test below.

### **General Knowledge Test**

The general knowledge test contains 50 questions that measure knowledge of 20 general areas for safe operation of a CMV contained in 49 CFR § [383.111\(a\)](#). It also assesses an applicant's overall understanding of regulations contained in:

- 49 CFR Part 391—Qualification of Drivers and Combination Vehicles
- 49 CFR Part 392—Driving of Commercial Motor Vehicles
- 49 CFR Part 393—Parts and Accessories Necessary for Safe Operation

- 49 CFR Part 395—Hours-of-Service
- 49 CFR Part 396—Inspection, Repair, and Maintenance
- 49 CFR Part 397—Transportation of Hazmat, Driving, and Parking Rules

### **Air Brake Test**

The air brake test contains 25 questions that measure the knowledge required to drive CMVs equipped with air brakes. This test is only required if the test vehicle is equipped with air brakes or an air over hydraulic brake system. Every applicant who wishes to drive a vehicle with air brakes must pass this test, regardless of vehicle group. **Drivers who fail the air brake test, or do not take it based on their vehicle type, must have an air brakes restriction (L) on their CDL.** To remove the air brake restriction, the applicant must pass the air brake knowledge test and successfully perform the air brake pre-trip inspection during the skills test. We'll cover skills testing in the next module.

### **Combination Vehicles Test**

The combination vehicles test contains 20 questions that measure the knowledge required to drive a combination vehicle (Group A) such as tractor trailers, cargo tanks, and flatbed trucks. 49 CFR § [383.91\(a\)\(1\)](#) defines a Group A combination vehicle as “any combination of vehicles with a GVWR of 26,001 pounds or more provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.” This test must be taken by every applicant looking to obtain a Class A license. **An applicant who fails the combination vehicles test, scoring less than 80%, must not be issued a Group A CLP or CDL.**

### **Endorsement Knowledge Tests**

All commercial drivers who operate certain types of vehicles or haul certain types of cargo must add endorsements to their CDL licenses to show that they have the specialized knowledge required for these operations. There are **five types of CDL endorsements** that may be required, depending on the vehicle or type of cargo. The test required for each endorsement contains 20-30 questions and directly reflects the nature of the applicant's vehicle and the type of cargo being transported.

#### **1. Passenger (P)**

- The passenger endorsement test measures knowledge required by passenger drivers.
- Each applicant who wishes to drive vehicles designed to carry 16 or more persons, including the driver, must pass this test to obtain a P endorsement on his or her CDL and complete the skills test in a representative vehicle.

#### **2. School Bus (S)**

- The school bus endorsement test measures the knowledge required by school bus drivers.
- Each applicant who wishes to transport pre-primary, primary, or secondary school students on a school bus must pass this test to obtain an S endorsement

on his or her CDL in addition to the P endorsement and complete the skills test in a representative vehicle.

### **3. Tank Vehicle (N)**

- The tank vehicle endorsement test measures knowledge required to drive tanker trucks that are designed to haul liquids or liquefied gases in bulk.
- It is only required if the test vehicle is a tank vehicle (based on the gallons of material and tank configuration) as defined in 49 CFR § [383.5](#).
- A driver who wants to haul hazardous materials in a tank vehicle must pass both the tank vehicle test and the hazardous materials test to qualify for a combined endorsement, known as the “X” endorsement.

### **4. Hazardous Materials (H)**

- The H endorsement test measures basic knowledge of regulations governing the hauling of hazardous materials as identified under 49 U.S.C. § 5103.
- An applicant must complete the required background check outlined in 49 CFR § [384.223](#) and possess a valid CDL to receive this endorsement.
- An applicant must pass this test to drive a vehicle that must have hazardous materials placards, per 49 CFR [Part 172, Subpart F](#), or is transporting special agents or toxins, per 42 CFR [Part 73](#).
- An applicant must retake the H endorsement test when renewing the endorsement.
- A driver who wants to haul hazardous materials in a tank vehicle must pass both the tank vehicle test and the hazardous materials test to qualify for a combined endorsement, known as the “X” endorsement.
- As of February 7, 2022, an applicant must complete the training in 49 CFR [Part 380, Subpart F](#) before taking the H endorsement knowledge test for the first time. The training must be administered by a provider listed on the Training Provider Registry.

### **5. Double/Triple Trailers (T)**

- The T endorsement test measures knowledge required to drive vehicles with two or three trailers.
- An applicant must complete the required background check outlined in 49 CFR § [384.223](#) and possess a valid CDL to receive this endorsement.
- Those who pass it and who have met all other requirements for a Class A license receive a T endorsement on their CDL.

## ***8.9 Knowledge Test Monitoring***

### **Overview**

States should implement practices that enable continuous monitoring of their CDL testing program and help reduce the likelihood of fraud. Knowledge test monitoring is one method to help ensure that examiners are conducting the testing program as required and preventing unqualified drivers from obtaining CDLs. This includes overt

and covert monitoring of test-taking by driver applicants to reduce the likelihood of fraud and ensure CDL holders possess the required knowledge to safely operate a CMV. Both FMCSA and States conduct knowledge test monitoring.

### **Overt Monitoring**

Overt knowledge test monitoring is an observation and evaluation of a CDL knowledge test in which the applicant or examiner being observed **is** informed. States may monitor through direct observation.

### **Covert Monitoring**

Covert knowledge test monitoring is an observation and evaluation of a CDL knowledge test in which the applicant or examiner being observed **is not** informed. States may monitor through observation from afar or implement other undercover methods, such as using cameras or having someone complete the test as an applicant.

For more information on overt and covert monitoring, view **Module 9: Skills Testing** and **Module 14: Procedures for Determining State Compliance**.

## ***8.10 Entry-Level Driver Training***

The Entry-Level Driver Training (ELDT) regulations and the Training Provider Registry were mandated under the [Moving Ahead for Progress in the 21st Century \(MAP-21\) Act](#). FMCSA's ELDT regulations set the minimum training requirements for entry-level commercial drivers and impose minimum qualification standards for training providers and instructors conducting entry-level driver training. FMCSA's Training Provider Registry retains a record of which CDL applicants have completed the training and certification process outlined in the ELDT regulations.

As of February 7, 2022, **drivers seeking the hazardous materials (H) endorsement must successfully complete entry-level driver training (theory only) prior to taking the hazardous materials knowledge test**. Drivers seeking a Class A or Class B CDL, a passenger (P) endorsement, or a school bus (S) endorsement for the first time must successfully complete applicable entry-level driver training (theory and behind-the-wheel [BTW] instruction) from a training provider listed on FMCSA's Training Provider Registry before taking the CDL skills tests.

### **SDLAs and ELDT**

To comply with the ELDT regulations, SDLAs must access data stored in FMCSA's Training Provider Registry to verify that an entry-level driver has completed the required training before allowing the driver to proceed with testing. The point at which the SDLA must verify completion of entry-level driver training depends on the type of license or



endorsement the applicant is seeking. View the table below for a summary of these requirements.

Type of License/Endorsement	SDLA must verify completion prior to allowing the:
Class A CDL Class B CDL Passenger (P) endorsement School bus (S) endorsement	Skills test
Hazardous materials (H) endorsement	Knowledge test

The ELDT regulations are not retroactive. Drivers who were issued a CDL or an S, P, or H endorsement prior to February 7, 2022 are not required to complete training for the respective CDL or endorsement, provided they are seeking to reinstate the same privileges they previously held. Adding an endorsement not previously held or upgrading to a higher level of CDL than the one previously held would make the driver subject to ELDT. Further, if there is not a record of the individual previously holding a comparable CDL, the applicant must provide sufficient documentation from the applicable State of record to demonstrate that they are not subject to ELDT. If an SDLA is unable to verify electronically that an individual held a comparable CDL prior to February 7, 2022, the SDLA may establish reasonable standards of proof that the applicant must meet. Applicants unable to meet this standard are subject to ELDT.

If an applicant who obtained a CLP prior to February 7, 2022 obtains a CDL before the CLP or renewed CLP expires, the applicant is not subject to the ELDT requirements. If an individual is not required to hold a CDL to operate a certain type of CMV, or a person is excepted by a State from taking a skills test (as allowed in 49 CFR § [383.3](#)), they are also exempt from the ELDT requirements.

The CDL regulations do not directly preempt State law. Accordingly, the Federal ELDT requirements generally do not replace or otherwise supersede State-based ELDT requirements that exceed the minimum Federal standards for entry-level drivers. A State may also impose more stringent qualification requirements for training providers and training instructors conducting entry-level driver training in that State or for individuals wishing to obtain a CDL in that State.

For more information on FMCSA's Training Provider Registry and ELDT requirements, visit <https://tpr.fmcsa.dot.gov/>.

### ***8.11 Testing in Another State***

In August 2017, FMCSA issued regulatory guidance titled [“Commercial Driver’s License Standards: Regulatory Guidance Concerning the Issuance of Commercial Learner’s](#)

[Permits](#)” to clarify the circumstances in which States *may* agree to accept a CDL applicant’s knowledge test results that were administered in another State. The August 2017 guidance permits the testing State and the State of domicile (SOD) to enter into a voluntary agreement prior to the general knowledge test being administered to the applicant by the testing State. Since only the SOD is authorized to issue a CLP, the responsibility for compliance with the requirements of 49 CFR § [383.71](#) (driver application and certification) and 49 CFR § [383.73](#) (CLP/CDL issuance) remains with the SOD. Unless two States have this voluntary agreement, all driver applicants must take and pass any required knowledge tests in their State of domicile to obtain a CLP.<sup>1</sup> A driver with a valid CLP may choose to complete CDL training and the required skills test in a State other than their SOD. You’ll learn more about this process in **Module 9: Skills Testing**.

<sup>1</sup>A proposed rulemaking that would allow drivers to take their knowledge test in another State and require their SOD to accept the results and issue a CDL was withdrawn on March 9, 2022.

## ***8.12 Knowledge Testing Fraud***

It is important that everyone involved in the testing process follows the standards for internal control and implements continuous monitoring to promote safety and ensure that unqualified drivers are prevented from operating on our Nation’s roadways.

### **Types of Fraud**

1. **Misappropriation of Assets:** Theft of an entity’s assets. This could include theft of property, embezzlement of receipts, or fraudulent payments.
2. **Corruption:** Bribery and other illegal acts.

### **Fraud Risks**

Although fraud risk factors don’t necessarily confirm that fraud exists, they are often present when fraud occurs and should be considered. While the risk of fraud may be greatest when all three risk factors below are present, one or more of these factors may also indicate a risk. Let’s look at each type of fraud risk factor.

- **Incentive/Pressure** – Management or other personnel have an incentive or are under pressure, which provides a motive to commit fraud.
- **Opportunity** – Circumstances exist, such as the absence of controls, ineffective controls, or the ability of management to override controls, that provide an opportunity to commit fraud.

- **Attitude/Rationalization** – Individuals involved are able to rationalize committing fraud. Some individuals possess an attitude, character, or ethical values that allow them to commit a dishonest act knowingly and intentionally.

Additional factors, such as allegations of fraud or suspected fraud, may also be used to identify potential fraud risks.

### ***8.13 Knowledge Testing Fraud Cases***

Let's take a look at some specific fraud cases.

#### **Ying Wai Phillip Ng and Pui Kuen Ng**

On September 19, 2012, Ying Wai Phillip Ng, and his wife Pui Kuen Ng—owner-operators of a commercial driving school—pleaded guilty to a mail fraud conspiracy. Then, on January 8, 2015, the Ngs pleaded guilty to fraud in connection with identification documents. From approximately 2001 to 2012, the Ngs cheated their State's testing system by providing applicants with knowledge test answers. The school routinely provided certain customers with covert camera equipment prior to taking the CDL exam, which was viewed remotely. Ying Wai Phillip Ng then used a covert camera and pager system to feed answers to applicants while they took the exam. The investigation also revealed that many of the driving school's students did not speak or write in English, and it is estimated that as many as 500 CDL applicants passed the exam as a result of this scheme. The Ngs were sentenced on May 13, 2015, and the Court ordered them to forfeit cash and assets totaling more than \$175,000 and sentenced Ying Wai Phillip Ng to 100 hours of community service.

#### **Widespread Fraudulent CDL Testing Scheme**

On October 24, 2013, 11 defendants were indicted for their roles in a widespread fraudulent CDL testing scheme: LaToya Bourne, Marie Daniel, Tanael Daniel, Luc Desmangles, Inocente Rene' Gonzalez, Dale Harper, Beayaeh Kamara, Firdavs Mamadaliev, Akmal Narzikulov, Jose Payano, and Joachim L. Pierre. Both Gonzalez and Bourne were employed as security guards at DMV locations. The investigation revealed that fraudulent CDL test-taking activities had taken place at five DMV test centers. Surveillance operations (including use of remote observation posts and pole-cams) identified these individuals participating in the fraud scheme, including DMV security personnel, an external test-taker, facilitators, runners, and lookouts. Conspiring CDL applicants paid facilitators between \$1,800-\$2,500 in return for CDL exam answers and escort assistance through the DMV processes. Fraud schemes included the use of pencils with encoded miniaturized test answers, the use of a Bluetooth headset as a communication device to relay CDL test answers, and the use of an external test-taker positioned nearby to take the exams. Undercover law enforcement personnel, deployed as CDL applicants, met with key targets on multiple occasions at various DMV centers. In many instances, the in-person meetings included payment of fees to facilitators.

- On May 14, 2015, Jose Payano was sentenced to 28 months imprisonment and three years of supervised release.
- On October 7, 2015, Inocente Rene' Gonzalez was sentenced three years' probation and 100 hours of community service and LaToya Bourne was sentenced to three years' probation.
- On November 23 and November 4, 2015, Marie Daniel was sentenced to three years' incarceration and three years of supervised release and Firdavs Mamadaliev was sentenced to 24 months' probation and a \$500 fine.
- On December 17, 2015, Luc Desmangles was sentenced to 18 months' incarceration
- On March 30, 2016, Tanael Daniel was sentenced to time served, two years of supervised release, and a \$100 special court assessment. Daniel was also ordered to leave the country within 60 days.
- On March 31 and April 1, 2016, Joachim Pierre was sentenced to six months' incarceration and \$5,100 in fines and Dale Harper was sentenced three years' probation and 100 hours of community service.
- On April 13, 2016, Beayaeh Kamara was sentenced to two years' probation and 100 hours of community service.

#### **Aziz Akhrorov and Taras Chabanovych**

Aziz Akhrorov, a truck driver, was indicted on January 20, 2017 for conspiring to unlawfully produce CDLs. Between April 2014 and December 2016, Akhrorov and Taras Chabanovych—a co-conspirator—undermined the CDL testing procedures. Akhrorov recruited CDL applicants, most of whom were of Russian descent, and referred them to Chabanovych. For as much as \$2,600 per referral, Chabanovych helped the CDL applicants fraudulently obtain documentation establishing bogus residency, which allowed them to sit for the exam. He also provided sophisticated video and audio devices, which were concealed on the applicants and transmitted the CDL test to him offsite. Chabanovych supplied the CDL applicants, who were wearing earpieces, with the correct answers to the test. Their scheme allowed applicants to obtain out-of-State CDLs. The applicants later exchanged the fraudulently obtained licenses for CDLs in another State. Chabanovych pleaded guilty on May 24, 2017 and was sentenced on October 26, 2018. Akhrorov pleaded guilty on May 10, 2018 and was sentenced to time served, a \$1,000 fine, and a \$100 special court assessment on December 4, 2018.

#### **Lisa Terraciano and Kari Scattaglia**

On November 3, 2017, Lisa Terraciano and Kari Scattaglia pleaded guilty to their roles in a conspiracy to sell Class A CDLs without the buyer having to take or pass the required tests. Both Terraciano and Scattaglia were DMV employees. In exchange for money, they accessed the DMV's database and altered the records of applicants to fraudulently show that they passed the required written tests. However, the applicants had not passed or, at times, even taken the written tests. Scattaglia also fraudulently altered

records to show that applicants had passed driving tests when they had not. This caused the DMV to issue permits and CDLs to unqualified CMV drivers, posing a risk to public safety. The investigation revealed that Terraciano caused at least 148 fraudulent CDLs, including permits, to be issued, and Scattaglia caused at least 68. Terraciano was sentenced to three years and four months in prison, and Scattaglia was sentenced to two years and eight months in prison.

### **Donald Freeman and Juan Arturo Arroyo Gomez**

On December 14, 2017, Donald Freeman and Juan Arturo Arroyo Gomez pleaded guilty to charges related to their role in a conspiracy to sell CDLs. Freeman was a DMV employee who accessed and altered DMV records while Arroyo Gomez was a broker in this scheme. Arroyo Gomez told students at truck driving schools that he would help them get CDLs in exchange for money. Arroyo Gomez then paid Freeman to change records in the DMV's database to fraudulently show that CDL applicants had passed the required written tests when they had not; in some cases, they didn't even take the tests. On August 1, 2019, Freeman was sentenced to 37 months in prison and Arroyo Gomez to 12 months. Each defendant also received two years of supervised release and were ordered to pay a \$100 special assessment.

### ***8.14 Preventing, Identifying, and Addressing Fraud***

Fraud can take many forms within a State's CDL program. SDLAs play a crucial role in preventing, identifying, and addressing fraud. It is important for States to determine risks in their processes, procedures, and systems so that they can develop plans to prevent, identify, and address fraud. Additionally, developing employee training, a code of ethics, and anonymous reporting methods can help prevent and identify fraud. States may also choose to enforce their own rules regarding testing fraud. For example, some States have a rule of automatic failure if an applicant is seen with a cell phone, other electronic device, or any kind of paper in the test-taker's hand.

For more information on reducing the risks of fraud, view AAMVA's **Fraud Detection & Remediation Training Program (FDR)** resources, including its **Deference and Detection of Fraud Best Practices**. To access these resources, log into your AAMVA account. Under "MY AAMVA," click the **Access IT Training Portal** section to locate the materials.

### **Identifying and Reporting Knowledge Testing Fraud**

Knowledge testing fraud can be identified and reported by:

- Office of Inspector General (OIG)
- FMCSA State Programs Specialists
- Knowledge Test Examiner

- Driver/Public

### **Addressing Testing Fraud**

Per 49 CFR § [383.73\(k\)](#), States must have policies in effect to address fraudulent testing and issuance of a CLP or CDL. If fraud is detected in the skills testing process, the SDLA may implement the following procedures that have proven effective:

1. Determine the extent of fraud (i.e., an individual case versus the potential for multiple cases).
2. Conduct an administrative investigation.
3. Notify FMCSA Division Office and [USDOT OIG reporting hotline](#).
4. Conduct a criminal investigation in collaboration with FMCSA and OIG.
5. Take further action, if needed.

Note that additional or alternate procedures may apply for certain instances of fraud. In some cases, the applicant may be an unknowing participant in a fraudulent testing scheme. Depending on the outcome of a criminal investigation, the SDLA may require an applicant to retake one or more applicable tests and, in more serious cases, cancel the applicant's CLP or CDL.

### **Removing a Fraudulent License**

As outlined in 49 CFR §§ [383.73\(j\)](#) and [383.73\(k\)](#), States are required to disqualify a CDL holder's CLP or CDL, or his/her pending application, if it is discovered that the driver provided false information or was convicted of fraud related to the testing and issuance of the CLP or CDL. If false information was provided, the State must at a minimum disqualify the CLP/CDL/pending application or disqualify the individual from operating a CMV for at least 60 consecutive days. In terms of fraud cases, States must have policies in place that at a minimum disqualify the CLP/CDL/pending application of an individual convicted of fraud related to the issuance of his/her CLP or CDL for at least one year. If a State receives credible information regarding fraud, but the individual has not been convicted, the State must require the individual to retake the knowledge and/or skills test. If a test is not scheduled within 30 days of the individual receiving a notification that retesting is required, the State must disqualify the CLP or CDL.

## ***8.15 Congratulations!***

Congratulations. You have completed **Module 8: Knowledge Testing**. In this module, you learned about the role of knowledge testing in the CDL Program, State testing requirements, third party testing requirements, and testing fraud. Continue to **Module 9: Skills Testing**.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## Module 9: Skills Testing

### 9.1 Introduction

As you've learned throughout this training, operating a commercial motor vehicle (CMV) is a great responsibility that requires a high level of specific knowledge and skills. To obtain a commercial driver's license (CDL), an applicant must first pass all applicable knowledge, skills, and endorsement tests. State Driver Licensing Agencies (SDLAs) play a vital role in this process and are uniquely positioned to increase road safety. By partnering with the Federal Motor Carrier Safety Administration (FMCSA) and maintaining compliance with States requirements, SDLAs help ensure that only qualified drivers pass these tests and are eligible to operate on our Nation's roadways.

In this module, we will explore skills testing, including:

1. The role of skills testing in the CDL Program
2. State testing requirements
3. Third party testing requirements
4. Preventing, identifying, and addressing fraud

### 9.2 Definitions

Before we examine the role of skills testing, let's discuss the meaning of some key terms in the CLP and CDL issuance process. For additional definitions and guidance, please view the [Glossary and Acronym Guide](#) or see 49 CFR § [383.5 - Definitions](#).

**American Association of Motor Vehicle Administrators (AAMVA):** Founded in 1933, AAMVA is a tax-exempt, nonprofit organization that develops and maintains programs for motor vehicle administration, law enforcement, and highway safety. AAMVA partners with FMCSA to support the shared mission of improving highway safety. AAMVA represents the State, provincial, and territorial officials in the United States and Canada who administer and enforce motor vehicle laws. Its membership includes associations, organizations, and businesses that support motor vehicle administration.

**AAMVA's Driver Standing Committee:** AAMVA's Driver Standing Committee improves and promotes safety, security, and service within driver programs through education, leadership, communication, and the development of uniform practices. Committee members work across disciplines to provide guidance on products, services, and programs that benefit AAMVA members and address specific driver needs.

**AAMVA's Test Maintenance Subcommittee (TMS):** A subcommittee of the AAMVA Driver Standing Committee. The TMS is responsible for the development and maintenance of all AAMVA model licensing test systems, including both commercial and non-commercial systems.

**Behind-the-Wheel (BTW) Public Road Training:** As defined in 49 CFR § [380.605](#), training provided by a BTW instructor when an entry-level driver has actual control of the power unit during a driving lesson conducted on a public road. BTW public road training does not include the time that an entry-level driver spends observing the operation of a CMV when he or she is not in control of the vehicle.

**Behind-the-Wheel (BTW) Range Training:** As defined in 49 CFR § [380.605](#), training provided by a BTW instructor when an entry-level driver has actual control of the power unit during a driving lesson conducted on a range (an area that must be free of obstructions, enables the driver to maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines). BTW range training does not include time an entry-level driver spends observing the operation of a CMV when he or she is not in control of the vehicle.

**Commercial Skills Test Information Management System (CSTIMS):** CSTIMS is an internet-based tool that provides jurisdictions and third party examiners a consistent way to track the scheduling and entry of test results for commercial driving skills tests.

**Covert Monitoring:** An observation and evaluation of a CDL skills test and/or knowledge test conducted without the knowledge of the applicant or examiner.

**Endorsement:** As defined in 49 CFR § [383.5](#), an endorsement means an authorization to an individual's CLP or CDL required to permit the individual to operate certain types of commercial motor vehicles (CMVs). This authorization indicates a driver has passed additional tests that give the driver privileges to operate a specific type or configuration of CMV beyond what is granted with a CDL. The following endorsements can be obtained:

- T – double/triple trailers
- P – passenger
- N – tank vehicle
- H – hazardous materials
- X – combination of tank vehicle and hazardous materials endorsements
- S – school bus



**Entry-Level Driver:** An individual who must complete defined training prior to taking the skills test when obtaining a CDL for the first time, upgrading to a Class A or Class B CDL, obtaining a passenger or school bus endorsement for the first time, or taking the hazardous materials knowledge test to obtain a hazardous materials endorsement for the first time. This definition does not include individuals for whom States waive the CDL skills test under 49 CFR § [383.77](#) or individuals seeking to remove a restriction in accordance with 49 CFR § [383.135\(b\)\(7\)](#).

**Entry-Level Driver Training:** As defined in 49 CFR § [380.605](#), entry-level driver training (ELDT) refers to required training an entry-level driver receives from a provider listed on FMCSA's Training Provider Registry prior to:

- Taking the CDL skills test required to obtain a Class A or Class B CDL for the first time;
- Taking the CDL skills test required to upgrade an existing Class B CDL to a Class A CDL;
- Taking the CDL skills test required to obtain a school bus (S) or passenger (P) endorsement for the first time; or
- Taking the CDL knowledge test required to obtain a hazardous materials (H) endorsement for the first time.

ELDT consists of theory instruction and behind-the-wheel (BTW) training. Requirements vary depending on the type of CDL or endorsement the applicant wishes to obtain.

**Overt Monitoring:** An observation and evaluation of a CDL skills and/or knowledge test conducted with the knowledge of the applicant or examiner being observed.

**State Driver Licensing Agency:** The organization within a State responsible for issuing driver licenses. Sometimes referred to as "Registry of Motor Vehicles (RMV)" or "Department of Motor Vehicles (DMV)."

**Theory Instruction:** As defined in 49 CFR § [380.605](#), knowledge instruction on the operation of a CMV and related matters provided by a theory instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, online training, or similar means.

**Third Party Skills Test Examiner:** As defined in 49 CFR § [383.5](#), a third party skills test examiner means a person employed by a third party tester who is authorized by the State to administer the CDL skills tests specified in 49 CFR [Part 383, Subparts G](#) and [H](#).

**Third Party Tester:** As defined in 49 CFR § [383.5](#), a third party tester means a person (including, but not limited to, another State, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government) authorized by the State to employ skills test examiners to administer the CDL skills tests specified in 49 CFR [Part 383, Subparts G](#) and [H](#).

### **9.3 Background and Purpose**

View the timeline below to see how skills testing requirements have evolved over the years.

#### **1986 - Commercial Motor Vehicle Safety Act (CMVSA) of 1986**

The [CMVSA of 1986](#) established the National CDL Program and the implementation of minimum Federal commercial driver's licensing standards to improve road safety. Prior to the CMVSA, many States did not require a driver to obtain special training or a special license to operate a CMV. These States allowed any licensed individual the authority to legally drive a large truck or bus even though it was widely recognized that operating a CMV required special skills, knowledge, and training. States that did require training had varying requirements and, in many cases, the applicant was not required to take a skills test in a representative vehicle. Additionally, drivers could possess multiple licenses and potentially hide any unsafe driving history. The CMVSA addressed these issues by requiring the Federal government to develop and implement various minimum standards for all jurisdictions, including uniform standards for testing and licensing of drivers of CMVs and a process for disqualification. The Act also established the concept of one driver, one license, one record, which is a foundational component of the National CDL Program.

#### **1999 - Motor Carrier Safety Improvement Act (MCSIA)**

The [MCSIA of 1999](#) established the Federal Motor Carrier Safety Administration (FMCSA) within the U.S. Department of Transportation (USDOT) to improve the safety of CMVs. This act also established the school bus endorsement, which requires all drivers wishing to operate a school bus to pass the school bus endorsement knowledge test and pass a skills test conducted in a school bus.

#### **2005 - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)**

Section 4122 of SAFETEA-LU further standardized the commercial driver's licensing process and required the USDOT to establish the following minimum uniform standards for the issuance of CLPs:

- An applicant must first pass a knowledge test that complies with minimum testing standards
- An applicant may only possess one CLP at a time
- A CLP document must contain the same information and security features as a CDL

- A driver's record must be created for each CLP holder in the Commercial Driver's License Information System (CDLIS)

## **2011 - Commercial Driver's Licensing and Commercial Learner's Permit Standards Final Rule**

On May 9, 2011, FMCSA published the [Commercial Driver's License Testing and Commercial Learner's Permit Standards final rule](#). Prior to this act, there was no standard that required States to issue permits. Using the broad authority of CMVSA and section 4122 of SAFETEA-LU, the final rule amended the CDL knowledge and skills testing standards and established new minimum Federal standards for States to issue a CLP. A standard for knowledge of driving practices required to safely operate a CMV was developed as a pre-requisite for applicants to obtain a CLP and be eligible to take the skills test to obtain a CDL. The final rule also established Federal standards for States to allow third party testers to administer the CDL skills test. We will examine third party skills testing later in this module. View **Module 8: Knowledge Testing** for information related to third party testing for the CDL knowledge tests.

### **9.4 Skills Test Requirements**

The skills test requires an applicant to successfully demonstrate skills necessary to safely operate a CMV. The test assesses an applicant's technical knowledge of vehicle configuration, systems, and mechanical soundness prior to operating a CMV; ensures the applicant has sufficient skills to operate a CMV while conducting basic, slow-speed maneuvers; and can operate a CMV safely at higher speeds on actual roads. Each applicant must pass the pre-trip inspection (also referred to as the vehicle inspection (VI)), basic vehicle control skills (also referred to as the basic control skills (BCS)), and on-road skills segments of the test to obtain a CDL. Both State and third party CDL skills test examiners must complete a training course that meets the instructional requirements in 49 CFR § [384.228\(d\)](#).

Let's examine the skills testing process and how States can administer a successful testing program.

### **9.5 AAMVA 2005 CDL Test System**

#### **Overview**

As you learned earlier in this module, the [CMVSA of 1986](#) established the National CDL Program and the implementation of minimum Federal commercial driver's licensing standards. The resulting regulations in 49 CFR Part 383 outlined the minimum testing standards and established the specific knowledge and skills required for drivers of CMVs. In 1987, the [American Association of Motor Vehicle Administrators](#) (AAMVA) coordinated the development of model CDL knowledge and skills tests to be used for all

U.S. jurisdictions. A package of CDL testing materials, including manuals, recommended tests, and scoring forms, was provided to each State on March 1, 1989. This turnkey testing system met the requirements set forth in 49 CFR Part 383 and is commonly referred to as the “model test system.”

In October 1992, AAMVA established the Test Maintenance Subcommittee (TMS). The TMS includes a Chairperson and one representative from each of AAMVA’s four regions and is responsible for ongoing revisions and maintenance to the CDL Test System. The system has been periodically revised to adapt to emerging vehicle technologies and safety practices. The newest revision to the system was released in 2005 known as the **AAMVA 2005 CDL Test System**. Several updated versions of the 2005 CDL Test System have been released over the years. Per 49 CFR § [383.133\(b\)\(2\)](#), States are required to use the July 2010 or newer version.

### **How States Use the AAMVA 2005 CDL Test System**

States use the AAMVA 2005 CDL Test System to meet the testing requirements in 49 CFR [Part 383, Subparts G](#) and [H](#). States must contact AAMVA ([www.aamva.org](http://www.aamva.org)) to be granted access to the test system that is provided to CDL Coordinators through the AAMVA SharePoint site. States are required to use the July 2010 version of the system, though the use of post-July 2010 updated versions is encouraged. If necessary, a State may request an exemption from FMCSA to use an alternate testing system. Any deviation requires pre-approval from FMCSA and proof that the State’s request meets the standards established in the regulations and is comparable to the requirements established in 49 CFR Part 383.

CDL Coordinators are responsible for the distribution and version control of the AAMVA test system materials. This includes:

1. Model Examiner Information Manual
2. Model Driver Information Manual

All materials can be accessed through AAMVA. States can choose to distribute physical copies of the materials, provide online access via their SDLA website, or both. Regardless of the method of distribution, test manuals and test methods must meet the requirements in 49 CFR § [383.131](#) and 49 CFR § [383.133](#). States must complete internal version control checks to ensure tests and related materials are consistent. The CDL Coordinator is also responsible for verifying and coordinating updates with AAMVA and should be subscribed to the AAMVA listserv to receive information about changes to materials.

## **9.6 State Skills Testing Requirements**

States are required to administer a testing program that ensures all drivers of CMVs possess the necessary knowledge and skills to safely operate a CMV. 49 CFR [Part 383, Subpart G](#) outlines the required knowledge and skills that must be tested for all applicants, as well as additional requirements for drivers who wish to obtain one or more endorsements. States must provide pre-approved driver and examiner test manuals and implement an appropriate test system as outlined in 49 CFR [Part 383, Subpart H](#). States must also require that applicants pass the relevant knowledge test(s) before being issued a CLP and taking the skills test.

Let's take a closer look at Federal skills testing requirements.

### **CLP Requirements**

As outlined in 49 CFR § [383.25](#), a driver applicant must:

1. Successfully complete the required knowledge test(s) and obtain a CLP prior to the initial issuance of a CDL by the SDLA.
2. Hold the CLP for a minimum of 14 days before he/she is considered eligible to take the CDL skills test.
3. Complete the required Entry-Level Driver Training as required by 49 CFR [Part 380, Subpart F](#).

The issuance of a CLP is also a pre-requisite to upgrade a CDL to a higher class, remove an airbrake-related or manual transmission restriction, or add a passenger or school bus endorsement.

### **Driver Information Manual**

Per 49 CFR § [383.131\(a\)](#), a State is required to provide a CLP or CDL applicant with an FMCSA pre-approved driver information manual that meets the requirements established in 49 CFR Part 383. The driver information manual must include the following:

1. Information on how to obtain a CDL and endorsements.
2. Information on the requirements described in 49 CFR § [383.71](#), the implied consent to alcohol testing described in 49 CFR § [383.72](#), the procedures and penalties contained in 49 CFR § [383.51\(b\)](#) to which a CLP or CDL holder is exposed for refusal to comply with such testing, State procedures described in 49 CFR § [383.73](#), and other appropriate driver information contained in 49 CFR [Part 383, Subpart E](#).
3. Information on vehicle groups and endorsements specified in 49 CFR [Subpart F](#).
4. The substance of the knowledge and skills that driver must have, as outlined in 49 CFR [Subpart G](#), for the different vehicle groups and endorsements.

5. Details of testing procedures, including the purpose of the tests, how to respond, and directions for taking the tests.

A State may include any additional State-specific information related to the CDL testing process, such as testing locations, insurance requirements, or additional training certifications. FMCSA has pre-approved the AAMVA 2005 CDL Test System (July 2010 or newer version) Model Commercial Driver Manual. States may use this manual and make necessary changes to explain State-specific requirements.

### **Examiner Information Manual**

Per 49 CFR § [383.131\(b\)](#), a State must provide an FMCSA pre-approved examiner information manual that meets the requirements in 49 CFR Part 383. The examiner information manual must include the following:

1. Information on driver application procedures contained in 49 CFR § [383.71](#), State procedures described in 49 CFR § [383.73](#), and other appropriate information contained in 49 CFR [Part 383, Subpart E](#).
2. Details on information that must be given to the applicant.
3. Details on how to conduct the knowledge and skills tests.
4. Scoring procedures and minimum passing scores for the knowledge and skills test.
5. Information for selecting driver test routes for the skills tests.
6. List of the skills to be tested.
7. Instructions on where and how the skills will be tested.
8. How performance of the skills will be scored.
9. Causes for automatic failure of skills tests.
10. Standardized scoring sheets for the skills tests.
11. Standardized driving instructions for the applicants.

FMCSA has pre-approved the AAMVA 2005 CDL Test System (July 2010 or newer version) Model Examiner Manual. States may use this manual and make necessary changes to explain State-specific requirements, such as additional State practices related to testing operations, examiner safety, or additional training certifications.

### **Skills Testing Procedures**

States are responsible for ensuring that their skills testing procedures meet the minimum Federal standards outlined in 49 CFR [Part 383, Subparts G and H](#). All tests must be constructed and administered in a way that determines if the applicant possesses the required skills for the appropriate motor vehicle or endorsement. Per 49 CFR § [383.133\(c\)](#), States must meet the following skills test requirements:

1. **Test Development, Administration, and Scoring:** Develop, administer, and score the skills tests based solely on the information and standards contained in the driver and examiner manuals referred to in 49 CFR § [383.131\(a\)](#).

2. **Test Instructions and Scoring:** Use the standardized scores and instructions for administering the tests contained in the model CDL Examiner's Manual referred to in 49 CFR § [383.131\(b\)](#).
3. **Interpreter Prohibition:** Interpreters are prohibited during the administration of skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.
4. **On-Street and Off-Street Conditions:** Skills tests must be conducted in on-street conditions or under a combination of on-street and off-street conditions. Per 49 CFR § [383.113\(e\)](#), States may use simulators to perform skills testing, but under no circumstances as a substitute for the required testing in on-street conditions.
5. **Representative Vehicle:** All three sections of the skills test must be taken in a vehicle that is representative of the type of vehicle that the applicant wishes to operate and is appropriate for the license class he/she is applying for to ensure that the applicant possess the skills required under 49 CFR § [383.113](#). A State may include any additional State-specific vehicle requirements (i.e., registration, insurance, vehicle condition, or restrictions on the type or quantity of any cargo or load that may be in or on the vehicle during a skills test).
6. **Skills Test Order:** The skills test must be administered and successfully completed in the following order: Pre-trip inspection, basic vehicle control skills, on-road skills. If an applicant fails one section of the skills test, he/she cannot continue to the next segment of the test until the failed section has been passed. The scores for the passed segments of the test are only valid during the initial issuance of a CLP. If a CLP is renewed, all three sections of the skills test must be retaken.

## **9.7 The CDL Skills Test**

### **Overview**

As outlined in 49 CFR § [383.133\(c\)\(6\)](#), the skills test must be administered and successfully completed in the following order:

1. Pre-trip inspection
2. Basic vehicle control skills
3. On-road skills

For safety reasons, drivers should not complete the on-road skills segment of the test, in which the vehicle is operated at highway speeds, before successfully conducting a vehicle inspection and demonstrating basic vehicle control skills at slow speeds.

Now let's learn more about each segment of the skills test.

**Pre-Trip Inspection:** The purpose of the pre-trip inspection is to observe if a driver has the appropriate skills to determine if the vehicle is safe to drive. During the test, the

driver will be instructed to either perform a complete vehicle inspection or to perform only certain parts of a complete vehicle inspection.

**Basic Vehicle Controls Skills:** The purpose of the basic vehicle control skills is to determine if a driver has the skills to control a CMV while backing and the ability to judge a vehicle's position in relation to other objects. There are three categories of exercises within this section of the skills test that should be administered and successfully completed in the following order:

1. Straight line backing
2. Offset back left or offset back right
3. Conventional parallel park, sight-side parallel park, or 90-degree alley dock

One exercise from each category must be selected. All exercises are comparable in difficulty.

**On-Road Skills:** The purpose of the on-road skills test is to evaluate if a driver has the minimum level of skill to operate the vehicle safely in most road situations. The road test route must allow for all required maneuvers to be tested.

#### The Modified Road Test

The modified road test may only be used for drivers attempting to remove a restriction from an existing CDL. This test **cannot** be used for drivers upgrading from one class of license to another (e.g., upgrading from a Class B CDL to a Class A CDL). A pre-determined modified road test route must be established with at least one alternative route.

#### **Minimum Test Score Requirements**

As described in 49 CFR § [383.135\(b\)](#), to pass each segment of the skills test, a driver applicant must demonstrate that he/she can successfully perform all the skills listed in 49 CFR § [383.113](#) and achieve an acceptable test score. A list of passing scores for each section of the skills test can be found in Appendix A of the CDL examiner manual. An applicant must automatically fail the skills test if he/she commits any offense listed as a reason for automatic failure in the standards contained in the driver and examiner manuals.

#### **State Test Score Recordkeeping**

Per 49 CFR § [383.135\(c\)](#), States must record and retain knowledge and skills test scores for all applicants, either as part of the driver history record (DHR) or as a separate file linked to the DHR.

#### **Use of Interpreters During Testing**

As you learned earlier in this module, 49 CFR § [383.133\(c\)\(5\)](#) states that interpreters are prohibited during the administration of skills tests. This prohibition includes the use of



American Sign Language (ASL) interpreters for driver applicants who are D/deaf or hard of hearing. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test. For information on general language qualifications for commercial drivers, view 49 CFR § [391.11\(b\)\(2\)](#).

## **9.8 Certifications and Record Checks**

As you learned earlier in this course, States must be connected to the [Commercial Driver's License Information System](#) (CDLIS) and the [National Driver Register](#) (NDR) in order to exchange information about CDL drivers, traffic convictions, and disqualifications. CDLIS is operated by AAMVA and enables States to ensure that each CMV driver has only one driver's license and one complete driver record. The NDR is a national repository of information on problem drivers operated by the National Highway Traffic Safety Administration (NHTSA). The NDR maintains the [Problem Driver Pointer System \(PDPS\)](#), which allows States and other relevant organizations to search NDR data and view information on individuals (including name, date of birth, gender, driver license number, and reporting State) whose privilege to operate a motor vehicle has been revoked, suspended, canceled, or denied; or who have been convicted of serious traffic-related offenses.

To ensure a driver is not disqualified or in possession of a license from another jurisdiction, States must perform a check of its databases, other State databases, CDLIS, and the NDR no longer than 24 hours prior to issuing, renewing, upgrading, or transferring a CLP or CDL. States may conduct these checks outlined in 49 CFR §§ [384.205](#), [384.206](#), and [384.220](#) as long as 10 days prior to an issuance event for drivers already licensed in that State. Beginning November 18, 2024, SDLAs must query the [FMCSA Drug and Alcohol Clearinghouse \(Clearinghouse\)](#) before issuing, renewing, upgrading, or transferring CDLs and CLPs and must review a driver's information when notified by the Clearinghouse of a status change. In addition, the SDLA must remove the CLP or CDL privilege from the driver's license of an individual subject to the CMV driving prohibition, which would result in a downgrade of the license until the driver complies with return-to-duty (RTD) requirements. States must achieve compliance as soon as possible but no later than November 18, 2024. View the [Clearinghouse SDLA Resources](#) web page for more information

## **9.9 Skills Test Monitoring**

### **Overview**

States should implement practices that enable continuous monitoring to reduce the likelihood of fraud and maintain an effective CDL testing program. Skills test monitoring is one method to help ensure that examiners are conducting the testing program as

required and preventing unqualified drivers from obtaining CDLs. Both FMCSA and States conduct skills test monitoring. As outlined in 49 CFR § [384.229](#), State skills test monitoring requirements vary depending on a State's use of third party testers, with more monitoring required when third party testing is used.

Let's take a closer look at requirements for monitoring **State and third party CDL skills test examiners**.

Requirement	Type of Examiner		Time Frame	Notes
	State	Third Party		
Conduct covert and overt monitoring of examinations performed by CDL skills test examiners	X	X	At least once every two years	
Conduct unannounced, on-site inspections of third party testers' and examiners' records		X	At least once every two years	Includes comparing CDL skills test results of applicants who are issued CDLs with the CDL scoring sheets maintained in the third party testers' files
Establish and maintain a database to store and track skills test and examiner data	X	X	Ongoing	
Store and track pass/fail rates of applicants tested by each CDL skills test examiner	X	X	Ongoing	Focus covert and overt monitoring on examiners who have unusually high pass or failure rates

Requirement	Type of Examiner		Time Frame	Notes
	State	Third Party		
Store and track all CDL skills test examiners	X	X	Ongoing	<p>Minimum data requirements include:</p> <ul style="list-style-type: none"> <li>Dates and results of monitoring action by the State</li> <li>2) Name and identification number of each examiner</li> </ul>
Store and track all third party testers		X	Ongoing	<p>Minimum data requirements include:</p> <ul style="list-style-type: none"> <li>Dates and results of audits by the State</li> <li>2) Dates third party testers were certified by the State</li> </ul>
Store and track all skills tests administered by each CDL skills test examiner	X	X	Ongoing	Track tests by the examiner's name and identification number

Note: If a State chooses to maintain examiner records necessary to satisfy this requirement within a personnel system, it must have a method to share the information with FMCSA during a review. While access to an employee's entire record is not necessary, citing employee privacy cannot prevent FMCSA from ensuring compliance with 49 CFR [Part 384](#).

As indicated in the table above, States are required to track the pass and failure rates of applicants tested by each State CDL skills test examiner and third party examiners, if applicable. Overt and covert monitoring should be focused on examiners who have unusually high pass or failure rates. It is also important to monitor the volume of tests conducted along with the proportion of drivers tested with out-of-State CLPs to help identify any unusual activity.

Now that you've learned about the purpose of skills test monitoring and State requirements, let's examine overt and covert skills test monitoring in more detail.

### **Overt Monitoring**

Overt skills test monitoring is an observation and evaluation of a CDL skills test in which the applicant or examiner being observed is informed. Overt activity for skills testing is usually achieved through direct observation of the pre-trip inspection examination and the basic control skills exercises. Observation of the on-the-road component of the skills test is usually achieved through either riding along in the testing vehicle, following the testing vehicle by the observer, or by the observer moving to specific locations along the testing route to observe specific components of the on-the-road test. This process may be used to evaluate the road test route being used for the test. In overt monitoring sessions, a qualified observer has the opportunity to engage in direct co-scoring of the test to compare to the final score provided by the examiner. Overt monitoring may also consist of a retest of applicants in all or part of a skills test.

### **Covert Monitoring**

Covert skills test monitoring is an observation and evaluation of a CDL skills test in which the applicant or examiner being observed is **not** informed. Covert activity for skills testing is usually achieved through observation from afar of the pre-trip inspection examination and the basic control skills exercises. Observation of the on-the-road component of the skills test is usually achieved by the observer following the testing vehicle or by the observer moving to specific locations along the testing route to observe specific components of the on-the-road test.

For more information on overt and covert monitoring, view **Module 8: Knowledge Testing** and **Module 14: Procedures for Determining State Compliance**.

### 9.10 Entry-Level Driver Training

The Entry-Level Driver Training (ELDT) regulations and the Training Provider Registry were mandated under the [Moving Ahead for Progress in the 21st Century \(MAP-21\) Act](#). FMCSA's ELDT regulations set the minimum training requirements for entry-level commercial drivers and impose minimum qualification standards for training providers and instructors conducting entry-level driver training. FMCSA's Training Provider Registry retains a record of which CDL applicants have completed the training and certification process outlined in the ELDT regulations.

As of February 7, 2022, drivers seeking the hazardous materials (H) endorsement must successfully complete entry-level driver training (theory only) prior to taking the hazardous materials knowledge test. **Drivers seeking a Class A or Class B commercial driver's license (CDL), a passenger (P) endorsement, or a school bus (S) endorsement for the first time must successfully complete applicable entry-level driver training (theory and behind-the-wheel [BTW] instruction) from a training provider listed on FMCSA's Training Provider Registry before taking the CDL skills tests.**

#### SDLAs and ELDT

To comply with the ELDT regulations, SDLAs must access data stored in FMCSA's Training Provider Registry to verify that an entry-level driver has completed the required training before allowing the driver to proceed with testing. The point at which the SDLA must verify completion of entry-level driver training depends on the type of license or endorsement the applicant is seeking. See the table below for a summary of these requirements.

Type of License/Endorsement	SDLA must verify completion prior to allowing the:
<ul style="list-style-type: none"><li>• Class A CDL</li><li>• Class B CDL</li><li>• Passenger (P) endorsement</li><li>• School bus (S) endorsement</li></ul>	Skills test
<ul style="list-style-type: none"><li>• Hazardous materials (H) endorsement</li></ul>	Knowledge test

The ELDT regulations are not retroactive. Drivers who were issued a CDL or an S, P, or H endorsement prior to February 7, 2022, are not required to complete training for the respective CDL or endorsement, provided they are seeking to reinstate the same privileges they previously held. Adding an endorsement not previously held or

upgrading to a higher level of CDL than the one previously held would make the driver subject to ELDT. Further, if there is not a record of the individual previously holding a comparable CDL, the applicant must provide sufficient documentation from the applicable State of record to demonstrate that they are not subject to ELDT. If an SDLA is unable to verify electronically that an individual held a comparable CDL prior to February 7, 2022, the SDLA may establish reasonable standards of proof that the applicant must meet. Applicants unable to meet this standard are subject to ELDT.

If an applicant who obtained a CLP prior to February 7, 2022 obtains a CDL before the CLP or renewed CLP expires, the applicant is not subject to the ELDT requirements. If a person is not required to hold a CDL to operate a certain type of CMV, or a person is excepted by a State from taking a skills test (as allowed in 49 CFR § [383.3](#)), they are also exempt from the ELDT requirements.

The CDL regulations do not directly preempt State law. Accordingly, the Federal ELDT requirements generally do not replace or otherwise supersede State-based ELDT requirements that exceed the minimum Federal standards for entry-level drivers. A State may also impose more stringent qualification requirements for training providers and training instructors conducting entry-level driver training in that State or for individuals wishing to obtain a CDL in that State.

For more information on FMCSA's Training Provider Registry and ELDT requirements, visit <https://tpr.fmcsa.dot.gov/>.

### **9.11 Third Party Skills Testing**

49 CFR § [383.75\(a\)](#) outlines the requirements for a State to use third party skills testers. Though not all States use third party testing, it is important for all States to be aware of this testing process. A State *may* authorize a third party tester to administer the skills test, as specified in 49 CFR [Subparts G](#) and [H](#), under the following conditions:

1. The third party tester uses the same skills test version, written instructions, and scoring standards used by the State.
2. The State conducts an on-site inspection of each third party tester at least once every two years. The inspections should focus on examiners with irregular testing results, such as unusually high or low pass/fail rates.
3. The State must issue the third party tester a CDL skills testing certificate to accompany the third party skills testing agreement.
4. The State must issue each third party CDL skills test examiner a skills testing certificate upon successful completion of a formal skills test examiner training course prescribed in 49 CFR § [384.228](#).
5. The State must complete one of the following for each third party examiner at least once every two years:

- Have State employees covertly take the tests administered by the third party as if the State employee were a test applicant.
  - Have State employees co-score along with the third party examiner during CDL skills tests to compare pass/fail results.
  - Retest a sample of drivers who were examined by the third party to compare pass/fail results.
6. The State must take prompt and appropriate remedial action against a third party tester that fails to comply with CDL testing program State or Federal standards or any other terms of the third party contract.
  7. A skills test examiner who is also a skills instructor either as a part of a school, training program, or otherwise is prohibited from administering a skills test to an applicant who received skills training by that skills test examiner.
  8. The State has an agreement with the third party containing the following minimum requirements:

<b>Random Examinations, Inspections, and Audits</b>	Allow the FMCSA, or its representative, and the State to conduct random examinations, inspections, and audits of its records, facilities, and operations without prior notice.
<b>Examiner Qualification and Training Standards</b>	Require that all third party skills test examiners meet the qualification and training standards of 49 CFR § <a href="#">384.228</a> .
<b>Covert Test Monitoring, Co-Scoring, and Re-Testing</b>	<p>Allow the State to do any of the following:</p> <ol style="list-style-type: none"> <li>1. Have State employees covertly take the tests administered by the third party as if the State employee were a test applicant</li> <li>2. Have State employees co-score along with the third party examiner during CDL skills tests to compare pass/fail results</li> <li>3. Have the State re-test a sample of drivers who were examined by the third party</li> </ol>
<b>Remedial Action for Non-Compliance</b>	Allow the State the right to take prompt and appropriate remedial action against a third party tester that fails to comply with CDL testing program State or Federal standards or any other terms of the third party contract.

<b>Third Party Tester Bond</b>	<p>Require the third party tester to initiate and maintain a bond in an amount determined by the State to be sufficient to pay for re-testing drivers if the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of applicants for a CDL.</p> <p>Exception: A third party tester that is a government entity is not required to maintain a bond.</p>
<b>CDL Skills Test Examiner</b>	Require the third party tester to use only CDL skills examiners who have successfully completed a formal CDL skills test examiner training course as prescribed by the State and have been certified by the State as a CDL skills examiner qualified to administer CDL skills tests.
<b>Road Test Route</b>	Require the third party tester to use designated road test routes that have been approved by the State.
<b>CDL Skills Testing Appointment</b>	Require the third party tester to submit a schedule of CDL skills testing appointments to the State no later than two business days prior to each test.
<b>Recordkeeping</b>	<p>Require the third party tester to maintain copies of the following records at its principal place of business:</p> <ol style="list-style-type: none"> <li>1. A copy of the State certificate authorizing the third party tester to administer a CDL skills testing program for the classes and types of commercial motor vehicles listed</li> <li>2. A copy of each third party examiner's State certificate authorizing the third party examiner to administer CDL skills tests for the classes and types of commercial motor vehicles listed</li> <li>3. A copy of the current third party agreement</li> <li>4. A copy of each completed CDL skills test scoring sheet for the current year and the past two calendar years</li> <li>5. A copy of the third party tester's State-approved road test route(s)</li> <li>6. A copy of each third party examiner's training record</li> </ol>



### **Third Party Test Score Requirements**

A third party tester must notify the SDLA through secure electronic means when a driver applicant passes skills tests administered by the third party tester.

### **Third Party Skill Test Examiner Requirements**

Per 49 CFR § [383.75\(c\)](#), a State must revoke the skills testing certification of any examiner who does not conduct skills test examinations of at least 10 different applicants per calendar year.

Exception: Third party examiners who do not meet the 10-test minimum must either take the refresher training specified in 49 CFR § [384.228](#) or have a State examiner ride along to observe the third party examiner successfully administer at least one skills test.

### **9.12 Testing in Another State**

As outlined in 49 CFR § [383.79\(a\)](#), a driver may complete skills test training outside his/her State of domicile (SOD). The training State may administer the CDL skills test, in accordance with 49 CFR [Subparts F, G, and H](#), to a driver applicant who has taken training in that State and is to be licensed in another U.S. jurisdiction (i.e., his or her SOD). Such test results must be transmitted electronically directly from the testing State to the licensing State in a direct, efficient, and secure manner. An applicant's SOD must accept the results of a skills test conducted in another State in accordance with 49 CFR Subparts F, G, and H, in fulfillment of the applicant's testing requirements in 49 CFR § [383.71](#) and the State's test administration requirements in 49 CFR § [383.73](#).

As you learned earlier, the CDL regulations do not directly preempt State law. Some States require drivers seeking the S endorsement to obtain a State-issued certification related to the operation of school buses, which may include requirements for completion of a CPR or first aid course, a minimum number of BTW training hours in a school bus, a minimum number of classroom training hours, specified training topics that exceed the ELDT curricula requirements, or passing a criminal background check. If a driver completes skills training in a State that is not his/her SOD and passes the S endorsement skills test in that State, the SOD may still require the driver to obtain a State-based certification for school bus drivers as a condition of receiving a CDL with the S endorsement or meet other requirements as a condition of receiving a CDL. 49 CFR § [383.79\(a\)](#) notes that the SOD cannot require the driver to re-take skills tests successfully completed in another State.

### **9.13 Commercial Skills Test Information Management System (CSTIMS)**

As you learned earlier in this module, CSTIMS is an internet-based tool that provides jurisdictions and third party examiners a consistent way to track the scheduling and entry of test results for CDL skills tests. The electronic, automated system also provides

the ability to register testing organizations and record examiner information (e.g., sanctions, suspensions, and certifications). CSTIMS enforces jurisdiction-defined rules to manage CDL skills testing and was developed to detect and prevent patterns of potential skills testing fraud. Though the use of CSTIMS is not a Federal requirement, many States use it to support their CDL testing program. This system is also one method States can use to connect to FMCSA's Training Provider Registry. This connection provides real-time data from the Training Provider Registry to help inform licensing decisions.

There are three web services available within CSTIMS to help jurisdictions optimize their experience:

- **Test Results Service (TRS):** This service allows a jurisdiction to retrieve test results for their applicants from CSTIMS using either a driver license number (DLN) or a date range.
- **CSTIMS Tablet Web Service:** This service is used by States that use tablets for administering the skills test. It avoids manual entry of data by allowing the tablet to connect directly to CSTIMS to retrieve existing skills test schedules and submit test scores.
- **CSTIMS Applicant Search Service (CASS):** This service allows CSTIMS to search for applicant data in the State's system. The applicant information then pre-populates the applicant record in CSTIMS, which reduces the potential for human error.

A State may schedule a CDL skills test before the entry-level driver has completed the required training. A State may also choose to require completion of entry-level driving training prior to scheduling a skills test. In any event, the State may not administer the skills test until the training provider updates the Training Provider Registry to reflect that an applicant has completed the required training for the CDL or endorsement for which they are applying.

### ***9.14 Skills Testing Fraud***

It is important that everyone involved in the testing process follows the standards for internal control and implements continuous monitoring to promote safety and ensure that unqualified drivers are prevented from operating on our Nation's roadways.

#### **Types of Fraud**

- **Misappropriation of Assets:** Theft of an entity's assets. This could include theft of property, embezzlement of receipts, or fraudulent payments.
- **Corruption:** Bribery and other illegal acts.

## **Fraud Risks**

Although fraud risk factors don't necessarily confirm that fraud exists, they are often present when fraud occurs, and they should be considered. While the risk of fraud may be greatest when all three risk factors below are present, one or more of these factors may also indicate a risk.

- **Incentive/Pressure** – Management or other personnel have an incentive or are under pressure, which provides a motive to commit fraud.
- **Opportunity** – Circumstances exist, such as the absence of controls, ineffective controls, or the ability of management to override controls, that provide an opportunity to commit fraud.
- **Attitude/Rationalization** – Individuals involved are able to rationalize committing fraud. Some individuals possess an attitude, character, or ethical values that allow them to knowingly and intentionally commit a dishonest act.

Additional factors, such as allegations of fraud or suspected fraud, may also be used to identify potential fraud risks.

### ***9.15 Skills Testing Fraud Cases***

Let's take a look at some specific fraud cases.

#### **Christopher Pender**

On April 4, 2016, Christopher Pender, a third party CDL examiner, was charged for making and using a false document. The investigation revealed that on or about November 2, 2014, Pender gave a CDL test applicant a Commercial Driver's Skills Test Certificate indicating that the applicant completed the mandated CDL skills test. However, the applicant had not passed, or even taken, the Federally required test and instead paid Pender to falsify the document. The false certificate was then used to fraudulently obtain a CDL. On September 8, 2016, Pender was sentenced to 12 months' probation and a \$2,400 fine.

#### **Antonio Estuardo Tinti**

On March 14, 2017, Antonio Estuardo Tinti was charged for making a false statement related to the administration of a CDL skills test in March 2013. Tinti administered the test to Gregorio Bozas and falsely certified that Bozas had successfully completed the road test in compliance with State and Federal testing standards. Although Bozas drove over multiple curbs during the test, which is an automatic road-test failure, Tinti gave Bozas a passing score in exchange for \$150. Tinti pleaded guilty on April 12, 2017 and was sentenced to 36 months of supervised release and a \$100 assessment on July 5, 2017. The sentence prohibited Tinti from working as a test administrator for CDLs or

serving as a consultant, advisor, expert, supervisor, or laborer in any other employment associated with trucking education. He was required to surrender any certifications of licenses to perform such work and prohibited from applying for any such certifications or licenses in the future. Tinti was also ordered not to be employed by or affiliated with, own or control, or otherwise participate in, directly or indirectly, the trucking business without the approval of the U.S. Probation Office.

#### **Derrious Dillon**

On January 9, 2018, Derrious Dillon pleaded guilty for aggravated identity theft as part of a fraudulent CDL skills testing scheme. Dillon worked for a CDL training provider, but when his employment was terminated in 2014, he continued providing fraudulent paperwork to CDL applicants. Dillon obtained a list of CDL instructors and their identification numbers. He then used the information to prepare fraudulent paperwork, which he gave to individuals seeking to obtain CDLs in exchange for \$200 to \$400. The individuals presented the fraudulent paperwork to secure CDLs. A review of the paperwork showed that some of the applicants could not have achieved the results listed and some CDL holders admitted in interviews that they had never taken the skills test. On October 2, 2018, Dillon was sentenced to 24 months' imprisonment, 12 months' supervised release, a \$1,500 partial fine, and a special assessment of \$100.

#### **Benjamin McGrigg and Robert Davis**

On March 6, 2018, Benjamin McGrigg and Robert Davis, both third party CDL examiners, were indicted for the destruction, alteration, and/or falsification of records as part of an illegal CDL skills testing scheme. The investigation revealed that between August 2014 and September 2016, McGrigg and Davis received cash payments from approximately 65 CDL skills test applicants in exchange for falsified test score sheets. McGrigg and Davis accepted cash payments from CDL skills test applicants in lieu of administering the Federally mandated test. The drivers then provided the fraudulent tests results in an attempt to obtain their CDLs. The CDLs of the individuals who purchased the fraudulent test results were revoked. On December 14, 2018, McGrigg, was sentenced to 27 months' incarceration, 3 years' supervised release, \$13,500 in restitution, and a \$100 special assessment fee. On February 15, 2019, Davis was sentenced to 15 months' incarceration, 3 years' supervised release, \$13,500 in restitution, \$1,500 in fines, and a \$100 special assessment fee.

#### **Andre Cooper**

On April 11, 2018, Andre Cooper, a third party CDL examiner, pleaded guilty to making false statements. The investigation revealed that for three years, Cooper provided approximately 75 individuals with paperwork that falsely stated they had passed the CDL skills test. Cooper accepted cash payments between \$200 and \$300 per test in lieu of administering the Federally mandated test and provided the CDL applicants with

falsified skills test score sheets. The CDLs from individuals known to have purchased test results from Cooper were revoked. On June 21, 2018, Cooper was sentenced to three years' probation, a \$1,500 fine, and \$100 special assessment fee.

### ***9.16 Preventing, Identifying, and Addressing Fraud***

Fraud can take many forms within a State's CDL program. SDLAs play a crucial role in preventing, identifying, and addressing fraud. It is important for States to determine risks in their processes, procedures, and systems so that they can develop plans to prevent, identify, and address fraud. Additionally, developing employee training, a code of ethics, and anonymous reporting methods can help prevent and identify fraud. States may also choose to enforce their own rules regarding testing fraud. For example, some States have a rule of automatic failure if an applicant is seen with a cell phone, other electronic device, or any kind of paper in the test-taker's hand.

For more information on reducing the risks of fraud, view AAMVA's **Fraud Detection & Remediation Training Program (FDR)** resources, including its **Deference and Detection of Fraud Best Practices**. To access these resources, log into your AAMVA account. Under "MY AAMVA," click the **Access IT Training Portal** section to locate the materials.

#### **Identifying and Reporting Skills Testing Fraud**

Skills testing fraud can be identified and reported by:

- Office of Inspector General (OIG)
- FMCSA State Programs Specialists
- Skills Test Examiner
- Driver/Public

#### **Addressing Testing Fraud**

Per 49 CFR § [383.73\(k\)](#), States must have policies in effect to address fraudulent testing and issuance of a CLP or CDL. If fraud is detected in the skills testing process, the SDLA may implement the following procedures that have proven effective:

1. Determine the extent of fraud (i.e. an individual case versus the potential for multiple cases).
2. Conduct an administrative investigation.
3. Notify FMCSA Division Office and [USDOT OIG reporting hotline](#).
4. Conduct a criminal investigation in collaboration with FMCSA and OIG.
5. Take further action, if needed.

Note that additional or alternate procedures may apply for certain instances of fraud. In some cases, the applicant may be an unknowing participant in a fraudulent testing scheme. Depending on the outcome of a criminal investigation, the SDLA may require an applicant to retake one or more applicable tests and, in more serious cases, cancel the applicants CLP or CDL.

### **Removing a Fraudulent License**

As outlined in 49 CFR §§ [383.73\(j\)](#) and [383.73\(k\)](#), States are required to disqualify a CDL holder's CLP or CDL, or his/her pending application, if it is discovered that the driver provided false information or was convicted of fraud related to the testing and issuance of the CLP or CDL. If false information was provided, the State must at a minimum disqualify the CLP/CDL/pending application or disqualify the individual from operating a CMV for at least 60 consecutive days. In terms of fraud cases, States must have policies in place that at a minimum disqualify the CLP/CDL/pending application of an individual convicted of fraud related to the issuance of his/her CLP or CDL for at least one year. If a State receives credible information regarding fraud, but the individual has not been convicted, the State must require the individual to re-take the knowledge and/or skills test. If a test is not scheduled within 30 days of the individual receiving a notification that re-testing is required, the State must disqualify the CLP or CDL.

### ***9.17 Congratulations!***

Congratulations. You have completed **Module 9: Skills Testing**. In **this module**, you learned about the role of skills testing in the CDL Program, State testing requirements, third party testing requirements, and testing fraud. Continue to **Module 10: Introduction to Convictions and Disqualifications**.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## **Module 10: Introduction to Convictions and Disqualifications**

### ***10.1 Performance Factors Learning Objectives***

To ensure compliance with Federal regulations, in support of the National Commercial Driver's License (CDL) Program, you will need to be familiar with the regulatory standards outlined within 49 CFR [Part 383](#) and 49 CFR [Part 384](#).

In this module, we will discuss the following parts of the convictions and disqualifications process:

1. The definition of conviction and disqualification
2. How a roadside violation moves through the convictions and disqualifications process

3. The systems, tools, and reports that support compliance with the convictions and disqualifications process

## **10.2 Overview**

49 CFR Parts 383 and 384 seek to achieve the same end: to ensure CDL holders are qualified to operate a CMV safely on the roads and that States have the necessary systems and processes in place to remove unsafe drivers. These regulations support the heart of the CDL Program's goal of **One Driver, One License, One Record**.

The purpose of **49 CFR Part 383** is to help prevent truck and bus crashes, fatalities, and injuries by requiring drivers to have a single Commercial Driver's License and by disqualifying drivers who operate commercial motor vehicles (CMVs) in an unsafe manner. It sets standards that are applicable to drivers, motor carriers, and States.

The purpose of **49 CFR Part 384** is to ensure that the States comply with Federal Motor Carrier Safety Administration (FMCSA) CDL regulations by establishing procedures to measure State compliance and specifying the consequences of noncompliance.

For this section of the training, we will focus on an essential component of 49 CFR Parts 383 and 384: **convictions** and **disqualifications**.

## **10.3 Definitions**

49 CFR Part 383 specifies the minimum standards for the type of **convictions** that will impact a CDL holder's status. It also establishes the length of time a driver is **disqualified** from operating a CMV as a result of certain convictions. We'll talk more about what this means throughout the training. For now, take a moment and review the definitions of convictions and disqualifications, as outlined in 49 CFR § [383.5](#) of the Federal Motor Carrier Safety Regulations (FMCSRs).

A **conviction** is defined as any of the following:

- An unvacated adjudication of guilt
- A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal
- An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court
- A plea of guilty or nolo contendere ("no contest") accepted by the court
- The payment of a fine or court cost
- A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated

A **disqualification** is defined as:

- The suspension, revocation, or cancellation of a Commercial Learner's Permit (CLP) or Commercial Driver's License (CDL) by the State or jurisdiction of issuance

- Any withdrawal of a person's privileges to drive a CMV by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control
- A determination by the FMCSA that a person is not qualified to operate a CMV under 49 CFR Part 391

#### **A Note on Language: Synonyms and Acronyms**

Withdrawal, suspension, revocation, or cancellation are often used as synonyms for disqualification. Depending on your background, you may exclusively use one of these terms. For instance, you may always say “withdrawal” or “suspension” to describe the process of taking away a CDL holder’s license.

In 49 CFR § [383.5 – Definitions](#), FMCSA defines disqualifications “as including the suspension, revocation, or cancellation of a CLP or CDL by the State or jurisdiction of issuance.” For this training, we are going to exclusively use the term disqualifications to refer to this action.

### ***10.4 From Roadside to Record***

Processing convictions and disqualifications for CDL holders begins and ends the same way: local or State law enforcement record a roadside citation. If convicted, a driver must be disqualified from all relevant CMV operations based on FMCSRs and State Laws.

At the roadside, citations may be issued using an electronic or paper system. Each State has its own systems and processes for transferring a citation from the roadside enforcement to a driver’s record. Different law enforcement agencies within a single State may even use different systems. Courts may also use different systems (electronic or paper) to send convictions to the State Driver’s Licensing Agency (SDLA). However, there are a number of milestones that each State must meet no matter their internal processes or systems used.

Let’s take a moment and review the process of reporting convictions. Remember that this is a general overview. Each State has its own system for citation and conviction processing, and your State may include additional roles, tasks, or steps within each part of the process.

- **Roadside Violation:** When there is a roadside violation involving a CMV driver or CDL/CLP holder, law enforcement (often an officer or inspector) records the violation and the driver’s information. Depending on State procedures and the method of collection (electronic or paper systems), a record may pass through several rounds of review to ensure that complete and accurate data is recorded within a State database. When finalized, the record is transferred to the courts.
- **Judicial Review/Processing:** The applicable judicial court receives the violation and takes appropriate steps to move the driver through the convictions process. If a driver is convicted, the judiciary will then transfer the record to the SDLA.



- Records Uploaded to the Driver's State of Record through CDLIS Central Site: The SDLA is responsible for transmitting the record using the Commercial Driver's License Information System (CDLIS). You will learn more about CDLIS later in this module.
- In addition to accuracy and completeness, this step also involves a high degree of timeliness. 49 CFR Part 384.209 requires the State of Conviction to report the conviction to the State of record within 10 days of the conviction date. Prior to this requirement, there were sometimes lengthy gaps between conviction and reporting, creating situations in which unsafe drivers were continuing to operate CMVs on the roads. FMCSA monitors a sample of CDLIS reports in order to ensure compliance.
- Processing a Record in CDLIS: Processing a record in CDLIS requires the following steps in order to maintain compliance with Federal regulations:
  1. **State of conviction (SOC)** sends **Report Conviction (HA)**<sup>1</sup> via **CDLIS** within 10 days
  2. **CDLIS** Central Site forwards **Report Conviction (HF)**<sup>2</sup> to the **State of Record (SOR)**
  3. **State of record (SOR)** acknowledges **Conviction Receipt (CA)**<sup>3</sup> in **CDLIS** within 10 days
  4. **State of record (SOR)** posts the conviction to the **Driver History Record (DHR)** and sends a confirmation to the CDLIS Central Site; **CDLIS Central Site** sends a confirmation to the **State of conviction (SOC)** that the transaction is complete
  5. **State of conviction (SOC)** acknowledges receipt of **Conviction Receipt (CA)** from **State of record (SOR)** within CDLIS
  6. Finally, the **State of record (SOR)** acts on the conviction as required by FMCSRs and State Law.

As a reminder, Convictions returned by the State of Record (SOR) for errors or missing information **must be corrected by the State of conviction (SOC) and retransmitted to the SOR**. We'll talk more about the roles of SORs and SOC's and how they relate to the convictions process in the Module 11: Convictions.

<sup>1</sup>A **Report Conviction Message (HA)** is an ACD Code in CDLIS that means "Report Out-of-State Conviction." You will learn more about ACD Codes and the AAMVA Code Dictionary later in this training.

<sup>2</sup> **Report Conviction (HF)** is an ACD Code in CDLIS that means "Forward Report Out-of-State Conviction."

<sup>3</sup> A **Conviction Receipt (CA)** is an ACD Code in CDLIS that means "Confirm Out-of-State Action."

## ***10.5 In-State Process Overview***

Convictions received from in-State courts are posted to the Driver's History Record (DHR). The SDLA processes disqualifications or other applicable actions and posts them to the DHR. Convictions that contain errors or missing information are returned to the convicting court until the record is corrected. Note that in-State convictions are subject to the **same 10 day timeliness requirement** as out-of-State convictions.

Keep in mind that if law enforcement does not enter the correct information at roadside, the conviction and disqualification process ends before it can begin. The officer must include the following information in order to initiate the CDL convictions process. This information may be indicated by a check box on the Uniform Traffic Citation or by citing a specific State Code.

- Commercial Motor Vehicle (CMV)
- Hazardous Materials (Hazmat)
- Passenger

## ***10.6 Accurate, Complete, and Timely Data***

Before we discuss the systems that support convictions and disqualifications, let's take a moment to consider why record transfer and data quality is so essential to the National CDL Program.

**Accurate, complete, and timely** record processing is essential for ensuring compliance with FMCSA regulations and safety on the roads. If we cannot disqualify (or remove) unsafe drivers who have been convicted of traffic offenses, the system fails.

A 2015 FMCSA study revealed that driver behavior was responsible for **87%** of crashes involving CMVs. Driving large trucks and buses is both a privilege and a responsibility—one that must be taken away if drivers have put other people at risk.

From local law enforcement officers to the clerk at the SDLA, each person at every step of the process plays a crucial role when it comes to making sure our roads are safe. No one is simply processing paper. If a Driving Under the Influence (DUI) conviction does not make it to the State of record, that means there is one more unsafe driver operating a vehicle next to our families, neighbors, and children.

If there is a gap in the system, the *State as a whole* is held accountable, even if the process unraveled long before a record reaches the SDLA. As a CDL Coordinator, or someone with similar responsibilities, it is your job to know your own State processes inside and out so that you can help ensure complete, accurate, and timely record processing. A record is more than documentation—it is an opportunity to save lives.

## ***10.7 Relevant Systems***

There are a number of tools and systems that support data quality and the National CDL Program. We'll dive deeper into many of these tools throughout the training.

Note that not all of the systems detailed below relate directly to the conviction and disqualification process. However, they are important to the National CDL Program as a whole and may be referenced throughout record processing.

## **1. Commercial Driver's License Information System (CDLIS)**

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986 mandated the development of a [National Commercial Driver's License Information System](#) (CDLIS). CDLIS enables each State to ensure that each CMV driver has only one driver's license and one complete driver record. SDLAs use CDLIS to complete various procedures, including:

- Transmitting out-of-State convictions and disqualifications
- Transferring the driver record when a CDL holder moves to another State
- Responding to requests for driver status and history

The [American Association of Motor Vehicle Administrators](#) (AAMVA) is responsible for developing and maintaining CDLIS. Throughout the training, we will reference relevant AAMVA reports included in CDLIS that support both safety and compliance with 49 CFR Part 383 and 49 CFR Part 384.

For more information on how to use CDLIS, view AAMVA's CDLIS Master Specifications Document (also known as Master Specs or CDLIS System Specs) and the CDLIS State Procedures Manual (SPM). CDLIS System Specs provides guidance on the technical aspects of CDLIS required to operate and maintain CDLIS. The SPM outlines the standard administrative practices required by each jurisdiction. Both are helpful resources for navigating the convictions and disqualifications process. Note, you must log into your [AAMVA](#) portal in order to access these documents.

49 CFR § [384.107](#) incorporates AAMVA material into the FMCSR by reference. This makes compliance with AAMVA material mandatory.

## **2. Internal State Systems**

There are a number of internal State systems that support CDL compliance. This training does not outline the uses of each system or their benefits, which may vary by State. Please seek training locally to learn about your State-specific systems, tools, and processes.

## **3. Nonresident Violator Compact (NRVC)**

Established in 1965, the [Nonresident Violator Compact](#) (NRVC) standardizes methods to process nonresident violators receiving citations or otherwise failing to comply with outstanding moving traffic summons. If an out-of-State driver violates specific driving laws of an NRVC member State, the State may send a non-compliance notice to the driver's State of Record (SOR). Currently, 44 States and Washington, DC belong to the NRVC.

NRVC specifies the information that must be included with convictions sent to other States and establishes the procedures used for reporting cases of Failure to Appear, Failure to Pay, and Failure to Comply (FTA/FTP/FTC). States must treat out-of-State FTA/FTP/FTC as if they were from an in-State court.

For additional guidance, please reference the [NRVC Manual](#).

#### **4. Problem Driver Pointer System (PDPS)**

The [Problem Driver Pointer System](#) (PDPS) allows States and other relevant organizations to search National Driver Register (NDR) data. The NDR is a National repository of information on problem drivers. Based on information received as a result of an NDR search, PDPS directs the inquiry to the State of Record (SOR) that stores a driver's status and history. Based on the information received from the SOR, the issuing jurisdiction decides if the applicant is eligible to receive a new or renewed driver license.

#### **5. Social Security Online Verification (SSOLV)**

The [Social Security Online Verification](#) (SSOLV) system allows jurisdictions to verify Social Security Numbers in real time against the Social Security Database (SSD). This process is used to verify drivers, allowing SDLAs to verify drivers' names and Social Security Numbers. There is both a live and batch process. The live process permits SDLAs to receive immediate online results. Typically, the batch process is an overnight process that permits States to process large numbers of driver names and Social Security Numbers.

### **10.8 AAMVA**

The [American Association of Motor Vehicle Administrators](#) (AAMVA) is a tax-exempt, nonprofit organization that supports FMCSA's mission by developing and maintaining programs for motor vehicle administration, law enforcement, and highway safety. Founded in 1933, AAMVA represents the State, provincial, and territorial officials in the United States and Canada who administer and enforce motor vehicle laws. Its membership includes associations, organizations, and businesses that support motor vehicle administration. The goal of AAMVA's programs is to encourage uniformity and reciprocity among all States and provinces for the administration of motor vehicles.

AAMVA hosts and maintains a number of National CDL Program tools and systems. It also provides training on the use of systems and procedures to ensure commercial driver safety and compliance with regulations.

### **10.9 AAMVA Code Dictionary**

As you've learned, AAMVA is responsible for developing CDLIS. CDLIS enables each state to ensure that each commercial driver has only one driver's license and one complete driver record. This is a requirement of CMVSA, which specifies that a driver who has

been disqualified from operating a CMV by their State of record (SOR) must not be able to obtain a CDL in any other State.

Originally, each State used its own system of record documentation within CDLIS. This allowed States to transfer CDL records between one another, but not necessarily to interpret what was sent.

In the 1990s, AAMVA developed the code set that eventually became the AAMVA Code Dictionary (ACD). This helps States communicate via CDLIS by establishing uniform codes to identify the type of driver **conviction** and the reason for a driver **disqualification**.

Each offense in 49 CFR Part 383 has one or more ACD Code. **Use of these codes is mandatory, as determined by FMCSA regulation.** You will see ACD codes referenced multiple times throughout this training. For more information on all relevant ACD codes, please refer to the AAMVA ACD Manual.

### ***10.10 Congratulations!***

Congratulations. You have completed **Module 10: Introduction to Convictions and Disqualifications**. In this module, you gained some background information on what convictions and disqualifications are as well as an overview of the process. Continue to **Module 11: Convictions** to learn more about which convictions you are required to report and how to report them.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## **Module 11: Convictions**

### ***11.1 Introduction***

The goal of Commercial Driver's License Program (CDL) interactive training is to support you as a CDL Coordinator (or State personnel with similar responsibilities) and help you understand the **safety goal, regulatory requirements, and standards of compliance** essential to helping keep our roads safe. Convictions and disqualifications lie at the heart of the National CDL Program and the safety mission of the Federal Motor Carrier Safety Administration (FMCSA). Together, we must partner to remove unqualified or unfit drivers from the road, helping to ensure safety for us all.

In this module, we will explore the convictions process, including:

1. The role of convictions in the National CDL Program
2. The types of convictions that require action
3. State compliance procedures
4. Driver compliance requirements

## **11.2 Process Overview**

Before we dive into the type of convictions that require action, let's take a step back and consider the National CDL Program as a whole.

When an individual applies for a Commercial Learner's Permit (CLP) or Commercial Driver's License (CDL), or attempts to renew or update a CDL, the State must perform a check of its databases, the Commercial Driver's License Information System (CDLIS), and the National Driver Registry (NDR). This is all to ensure that the driver is not disqualified in that State or another jurisdiction or does not possess another commercial license. This establishes **One Driver, One License, One Record**. For example, if a driver in Arkansas is convicted of a Federal offense that impacts her commercial privileges, proper recordkeeping and reporting via CDLIS and NDR will prevent that driver from receiving a CDL in Oklahoma.

In this way, the system only works if each State knows which types of convictions to report and how to report them. States must be connected to CDLIS and the NDR in order to exchange information about CDL drivers, traffic convictions, and disqualifications.

Each State uses its own systems and procedures for moving a record through the conviction and disqualification process and into CDLIS. As a CDL Coordinator, or someone with similar responsibilities, you must be an expert in your State's processes to ensure accurate, complete, and timely record processing. But using standardized codes from the American Association of Motor Vehicle Administrators (AAMVA) Code Dictionary, known as ACD Codes, allows States to communicate universally understood and accepted driver information within CDLIS.

## **11.3 Definition – Convictions**

Before we dive into the types of convictions and reporting process, let's review several terms that are essential to the convictions process. For additional definitions and guidance, please download the **Glossary and Acronym Guide** or see 49 CFR § [383.5 – Definitions](#).

As you learned in Module 10: Introduction to Convictions and Disqualifications, a conviction means that a driver was cited for a roadside violation and the court system found that driver to be at fault.

FMCSA defines convictions specifically based on 49 CFR §383.31 as follows:

- An unvacated adjudication of guilt
- A determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal
- An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court
- A plea of guilty or nolo contendere ("no contest") accepted by the court

- The payment of a fine or court cost
- A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated

#### ***11.4 Definition: State of Record (SOR) and State of Conviction (SOC)***

Within the convictions process, there is an important distinction between the **State of record (SOR)** and the **State of conviction (SOC)**.

The **SOR** issues the CDL to the driver as well as maintains the Master Point Record (MPR) on the CDLIS Central Site (CS) and Driver History Record (DHR) on its own database.

The **SOC** is any State that convicts a driver of a reportable offense. It maintains the original conviction records and any negations in its own database or on paper records. It is also the authority for conviction on the DHR.

Let's take a closer look at the roles of the SOR and SOC.

##### **State of Record (SOR)**

- Maintains Master Point Record (MPR) at CDLIS Central Site (CS)
- Maintains Driver History Record (DHR) on its own database
- Posts out-of-State convictions received from other SDLA's and sends confirmations within 10 days of receipt
- Responds to inquiries and State-to-State Status and History Requests

##### **State of Conviction (SOC)**

- Maintains original conviction record
- Sends convictions to State of record (SOR) within 10 days
- Sends conviction negations to SOR

#### ***11.5 Definition of Commercial Learner's Permit (CLP) and Commercial Driver's License (CDL)***

As defined by AAMVA, a **CLP holder** is an individual who held a valid (unexpired) CLP at the time of the citation. A **CDL holder** is an individual whose last jurisdiction-issued license was a CDL. This applies even if the driver is disqualified from the use of his/her commercial driving privileges. It also applies if the CDL has expired and no other license has been issued.

A CDL holder becomes a non-CDL holder when he/she voluntarily surrenders his/her CDL or the State Driver's Licensing Agency (SDLA) downgrades the CDL to a non-CDL.

As defined by FMCSA, a CDL driver means a person holding a CDL or a person required to hold a CDL. In this way, a CDL driver is someone who is operating a commercial motor vehicle (CMV) with or without a commercial license.

Unless the driver falls under one of the exceptions outlined in 49 CFR § [383.3 - Applicability](#), such as certain military drivers, **a CDL driver is subject to the same convictions process and penalties as CDL holders.**

### ***11.6 Categories of Conviction***

A CDL driver may be convicted of a **Federal** or a **State** offense. There are four categories of offenses that require a Federally-mandated disqualification. State-specific convictions do not apply within every jurisdiction. For instance, if Georgia disqualifies an Alabama Commercial Driver's License (CDL) holder from driving due to a Boating Under the Influence conviction in Georgia, Alabama does not have to honor the suspension.

Let's take some time and explore the categories of convictions. We'll dive into the **periods of disqualification** for each category in Module 13: Disqualifications. You can also find information on **enhanced penalties** in Module 13.

Note that not all vehicles that meet the Federal definition of a CMV require a CDL to operate legally. For the purposes of this training, a CMV implies a CMV requiring a CDL.<sup>1</sup>

All Federal offenses apply to CLP and CDL holders operating any vehicle, and non-CLP/CDL holders operating a CMV that requires a CDL. For example, if a lawn maintenance company buys a tractor for mowing and then uses a truck and trailer above the minimum gross combination weight rating thresholds (as defined in 49 CFR [Part 383](#)) to haul it, the driver of the truck and trailer would be subject to the processes and penalties outlined in 49 CFR Part 383 and 49 CFR Part 384 even if they do not hold a CDL.

<sup>1</sup>To review which CMVs require a CDL, please see FMCSA's description of [Classes of Commercial Licenses and Learner's Permits](#).

### ***11.7 Category of Convictions: Federally-Mandated Offenses***

Let's walk through the categories of Federally-Mandated Offenses. Note that "Federally-mandated" means that these offenses result in a Federally-required disqualification, not that they are processed in a Federal jurisdiction. A DUI conviction, for instance, is generally processed in a State court. You can learn more about disqualifying Federal offenses by reviewing 49 CFR § [383.51\(b\)](#).



<b>Major Offenses</b>	<p><b>Major Offenses include:</b></p> <ol style="list-style-type: none"> <li>1. Being under the influence of alcohol as prescribed by State law</li> <li>2. Being under the influence of a controlled substance</li> <li>3. Having an alcohol concentration of 0.04 or greater while operating a CMV</li> <li>4. Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in § 383.72</li> <li>5. Leaving the scene of an accident</li> <li>6. Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) of this table</li> <li>7. Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CLP or CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV</li> <li>8. Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, and negligent homicide</li> <li>9. Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance</li> <li>10. Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11)</li> </ol>
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<p><b>Serious Traffic Violations</b></p>	<p><b>Serious Traffic Violations include:</b></p> <ol style="list-style-type: none"> <li>1. Excessive speeding (15 mph or more above posted speed limit)</li> <li>2. Reckless driving, as defined by law</li> <li>3. Making improper or erratic traffic lane changes</li> <li>4. Following the vehicle ahead too closely</li> <li>5. Violating State or local law relating to motor vehicle traffic control (other than a parking violation) in connection with a fatal accident</li> <li>6. Driving a CMV without obtaining a CLP or CDL</li> <li>7. Driving a CMV without a CLP or CDL in the driver's possession<sup>1</sup></li> <li>8. Driving a CMV without the proper class of CLP or CDL and/or endorsements</li> <li>9. Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a CMV<sup>2</sup></li> <li>10. Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV<sup>2</sup></li> </ol> <p><sup>1</sup> If a driver provides proof to the enforcement authority that issued the citation (by the date the driver must appear in court or pay any fine for such a violation) that he/she held a valid CLP or CDL on the date the citation was issued, the driver shall not be found guilty of this offense.</p> <p><sup>2</sup> For the purpose of these disqualification offenses, "driving" means operating a CMV on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. It does not include situations in which the driver has moved the vehicle to the side of (or off) a highway and has halted in a location where the vehicle can safely remain stationary.</p>
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<b>Railroad-Highway Grade Crossing Offenses</b>	<p><b>Types of Railroad-Highway Grade Crossing Offenses include:</b></p> <ol style="list-style-type: none"> <li>1. Failure to slow down and check that tracks are clear of an approaching train</li> <li>2. Failure to stop before reaching the crossing, if the tracks are not clear</li> <li>3. Failure to stop before driving onto the crossing</li> <li>4. Failure to have sufficient space to drive completely through the crossing without stopping</li> <li>5. Failure to obey a traffic control device or the directions of an enforcement official at the crossing</li> <li>6. Failure to negotiate a crossing because of insufficient undercarriage clearance</li> </ol>
<b>Violating Out-of-Service (OOS) Order Offenses</b>	<p><b>VIOLATING OUT-OF-SERVICE (OOS) ORDER OFFENSES</b></p> <p>For safety reasons, certain law enforcement officers may place a driver or vehicle out of service for a specific period of time or until vehicle repairs are made. Annually, the Commercial Vehicle Safety Alliance (CVSA) publishes the North American Standard Out-of-Service Order (OOSO) Criteria. Convictions of violating driver or vehicle OOSO orders result in driver disqualifications.</p> <p>Out-of-Service (OOS) offenses include:</p> <ol style="list-style-type: none"> <li>1. Violating a driver or vehicle out-of-service (OOS) order while transporting nonhazardous materials</li> <li>2. Violating a driver or vehicle OOS order while transporting hazardous materials, as defined in § 383.5, or while operating a vehicle designed to transport 16 or more passengers, including the driver</li> </ol>

### ***11.8 Category of Convictions: Special Topics***

In addition to the four categories of disqualifying **Federally-mandated offenses**, there are five Federal special offenses that also result in disqualification. You will learn about the associated disqualification periods and enhanced penalties in Module 13: Disqualifications.

<b>Falsify/Fraud Offenses</b>	<p><b>Falsify/Fraud offenses occur when:</b></p> <ol style="list-style-type: none"> <li>1. The CLP/CDL applicant has falsified information: a) contained in 49 CFR Subpart J, such as the applicant's name, address information, physical identifiers; b) any of the certifications required in §383.71(b) or (g), such as driving history, citizenship, residency, and operation types, or any of the medical certification documents required to be submitted by §383.71(h)</li> <li>2. The CLP/CDL applicant or holder has been convicted of fraud related to the issuance of his/her CLP or CDL and seeks to renew, transfer, or upgrade the fraudulently obtained CLP or CDL</li> </ol>
<b>USA Patriot Act Offense</b>	<p>A CMV driver may not obtain, renew, upgrade, or transfer a Hazmat endorsement until the Transportation Security Administration (TSA) determines the driver meets the security threat assessment standards contained in 49 CFR Part 1572.</p> <p>The State of Record (SOR) must revoke or deny the driver's Hazmat endorsement if TSA serves the State with a "Final Determination of Threat Assessment." A State may disqualify a driver until the driver surrenders their Hazmat endorsement.</p>
<b>Failure to Appear/Pay/Comply (FTA/FTP/FTC)</b>	<p>The Failure to Appear/Pay/Comply (FTA/FTP/FTC) Program is designed to prevent drivers from avoiding the penalties of prior offenses (court costs, fines, etc.). Under the FTA/FTP/FTC Program, an SDLA may deny the renewal of a CDL if the driver has failed to appear for a citation or pay a fine. Depending on the State, a CDL may be disqualified or denied renewal until the reported citations or violations are cleared and reported by the court(s) to the SDLA.</p> <p>Most States, but not all, have a process for dealing with in-State FTA/FTP/FTC convictions. Some jurisdictions base their in-State FTA/FTP/FTC disqualification on an underlying citation/conviction. States are required to process an out-of-State FTA/FTP/FTC as if it was received from an in-State court. FTA/FTP/FTC is transmitted using ACD Codes D45, D53, or D56. The message must include a valid ACD Code in the detail field</p> <p>When the driver clears the FTA/FTP/FTC, the State of conviction (SOC)/State of withdrawal<sup>1</sup> (SOW) is not required to send a Negate Out-of-State Conviction message nor a Negate Out-of-State Withdrawal message to the State of record (SOR).<sup>2</sup></p>

<p><b>Failure to Appear/Pay/Comply (FTA/FTP/FTC) (cont.)</b></p>	<p>The SOC/SOW reinstates the disqualification and provides the driver with proof of compliance. When the driver offers the proof of compliance to the State of record (SOR) and pays any applicable reinstatement fee, the SOR reinstates the driver and updates the driver history record with the reinstatement date for the disqualification from the SOR.</p> <p><sup>1</sup> Note that ACD Codes use the term “withdrawal” to refer to a disqualification.</p> <p><sup>2</sup> What is negation? CDLIS uses a process called negation to reverse convictions and disqualifications sent to an SOR. Negation is used to remove transactions sent to an SOR in error or to remove transactions with errors and replace them with a corrected transaction.</p>
<p><b>Imminent Hazard</b></p>	<p>Any driver who is determined to constitute an imminent hazard, as defined in 49 CFR § <a href="#">383.5</a>, can receive a disqualification without a conviction. The FMCSA Assistant Administrator or his/her designee must disqualify the driver from operating a CMV. Imminent hazard means: the existence of any condition of vehicle, employee, or CMV operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.</p> <p>The disqualification must be transmitted by FMCSA to the jurisdiction wherever the driver is licensed, and it must also become a part of the driver's record maintained by that jurisdiction. A driver who is simultaneously disqualified under Imminent Hazard and under categories of conviction, or under any additional State laws or regulations, will serve those disqualification periods concurrently.</p> <p>A driver is reinstated from an imminent hazard disqualification by FMCSA after they have completed the requirements outlined in the disqualification document. You will learn more about disqualification in the next module.</p>

<p><b>Admin Per Se</b></p>	<p>An Admin Per Se (APS) disqualification occurs based on administrative process (rather than a criminal conviction) after a person refuses to be tested under a State’s implied consent laws or for a Driving Under the Influence (DUI) arrest. These are included as convictions because they are determined by an authorized administrative tribunal based on a breath, blood, or urine test; or a refusal. Admin Per Se determinations<sup>1</sup> constitute a conviction, and a disqualification usually goes into effect after a State-defined period of time during which the driver can request an administrative hearing. This disqualification is required irrespective of whether the determination was made in the State of record (SOR) or any other State.</p> <p>States must take action and impose a one-year disqualification for either an Admin per se conviction or a DUI conviction regardless of whether they are reported together or independently and regardless of whether the other is adjudicated in favor of the driver. For example, an adjudication of not guilty for a DUI does not impact the disqualification for the administrative process for the same incident. However, a State should never treat the administrative conviction and the criminal conviction as two separate incidents requiring a lifetime disqualification.</p> <p>To impose the one-year disqualification requirement for an Admin Per Se arising from a single incident without requiring the driver to serve longer than a one-year disqualification, States may adjust the reinstatement eligibility date of the disqualifications to end both disqualifications on the same date.</p> <p>If the violation occurred while the driver was operating a vehicle transporting hazardous materials, as defined in §383.5, the disqualification should be for no less than three years.</p> <p>For more information and examples of this process, view Appendix F of the <a href="#">AAMVA Code Dictionary</a>.</p> <p><sup>1</sup>Admin Per Se is a major offense. We will discuss it separately for clarity.</p>
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### ***11.9 Category of Convictions: Examples of State Offenses***

Some States impose disqualifications for non-driving offenses or actions such as a failure to pay child support, possession of illegal drugs, point disqualifications (accumulation of convictions), or Boating Under the Influence (BUI). It is important to remember that a disqualification of the underlying driving privileges also affects Commercial Driver's License (CDL) privileges, even if the offense does not specifically require a disqualification under Federal regulations.

As a reminder, **during a period in which an individual's base driving privileges are disqualified, the State must also disqualify the commercial privileges.**

Furthermore, there are instances in which the Federally-established minimum period of disqualification for the CDL exceeds the minimum period of disqualification of the non-commercial privileges (according to State law). In these instances, a non-commercial disqualification may end before the CDL disqualification. The State can reinstate the non-commercial privileges but cannot reinstate the CDL privileges until the minimum period of disqualification has passed.

To evaluate the differences between the two periods of disqualification, one must examine the table of disqualifications in the Federal regulations compared to the minimum disqualification period for non-CDL privileges provided within State laws or regulations. You can perform a CDLIS status check to confirm the status of a driver's CDL. You will learn more about how to read the table of disqualifications in Module 13: Disqualifications.

### ***11.10 Compliance Procedures***

Now that we've looked at the types of convictions States are required or choose to post, let's look at what it means for a State to maintain compliance.

As you learned in Module 10: Introduction to Convictions and Disqualifications, the SDLA is responsible for transmitting driver records via either CDLIS or paper records. CDLIS is a pointer system that directs an inquiry to the correct driver information maintained by the State of record (SOR). **To maintain Federal compliance, any State of conviction (SOC) must report a conviction to the SOR within 10 days of the conviction date** via CDLIS or paper reporting, as defined by 49 CFR § [384.209](#). We'll discuss the process for transmitting paper records later in this module.

Transmitting a Report Out-of-State Conviction (ROOSC) via CDLIS requires the following steps to maintain Federal compliance:

1. **State of conviction (SOC)** sends **Report Conviction (HA)** via **CDLIS** within 10 days
2. **CDLIS Central Site** forwards **Report Conviction (HF)** to the **State of record (SOR)**
3. **State of record (SOR)** acknowledges **Conviction Receipt (CA)** in **CDLIS** within 10 days

4. **State of record (SOR)** posts the conviction to the **Driver History Record (DHR)** and sends a confirmation to the **CDLIS Central Site**; **CDLIS Central Site** sends a confirmation to the **State of conviction (SOC)** that the transaction is complete
5. **State of conviction (SOC)** acknowledges receipt of **Conviction Receipt (CA)** from **State of record (SOR)** within CDLIS

The **State of record (SOR)** then acts on the conviction as required by Federal Motor Carrier Safety Regulations (FMCSRs) and State laws.

### ***11.11 Foreign Conviction Withdrawal Database (FCWD)***

Based on 49 CFR § [384.209](#), whenever a person who holds a foreign commercial driver's license (Canadian or Mexican), while operating any vehicle, or is operating a CMV while holding a foreign non-commercial license, and is convicted of a violation of any State or local law relating to motor vehicle traffic control (other than parking, vehicle weight, or vehicle defect violations), the licensing entity of the State in which the conviction occurs must report that conviction to the Foreign Convictions and Withdrawal Database (FCWD).

The process of submitting convictions to the FCWD is important. For example, if Indiana convicts a Canadian Driver, it will send the conviction via CDLIS to the destination "OX" (Canada), allowing the AAMVA network to forward the message to the FCWD. The code "OX" alerts the system that the conviction belongs to a Canadian Driver.<sup>1</sup> For Mexican drivers, States of conviction should send messages to MX. For other, foreign country licensed drivers, the conviction would have to be mailed to the FCWD.

<sup>1</sup> For more information on how to submit convictions to the FCWD and the role of Canadian provincial codes, please see the CDLIS Systems Specs (CD11.1 Report Conviction or CD11.2.3 Transmission For Your Reference).

### ***11.12 AAMVA Reports***

There are a number of CDLIS Reports created by [AAMVA](#) that a State can use to evaluate whether or not it is meeting FMCSA compliance requirements for timeliness and accuracy of convictions processing. Note that AAMVA refers to disqualifications as "withdrawals."

### ***11.13 Paper Convictions***

The preferred method of transmitting out-of-State convictions is electronically via CDLIS. If an out-of-State conviction cannot be transmitted via CDLIS, the same information must be provided in **paper form** with a tracking sheet attached, per Appendix C of the CDLIS State Procedures Manual. With the exception of check boxes, handwritten entries are not acceptable.

Whether submitting records electronically or through paper records, the **State of conviction (SOC)** must report a conviction within **10 days of the conviction**.



Transmitting a Report Out-of-State Conviction (ROOSC) on paper requires the following process, as outlined in Appendix C of the CDLIS State Procedures Manual:

1. The **State of conviction (SOC)** fills out the logging form according to the specifications and its portion of the **Report Conviction/Withdrawal (Disqualification) Log**, listing all the convictions/disqualifications sent in the mailing packet, as well as the date of the mailing and the State of record's (SOR) name. **The SOC mails the packet to the SOR.**
2. The **SOR receives the packet and validates the information.** If the report does not pass validation, the SOR returns the report in error. If the report passes validation, the **SOR enters the convictions/disqualifications** in the CDLIS Driver History Record (DHR) either as an electronic record or on paper. To confirm the information, the SOR fills out its portion of the log form, makes a copy of the log form, and **mails the log form back to the SOC.**
3. The **SOC receives the log** and is responsible for keeping the log. If the SOC does not receive the log form back, they must **contact the SOR** to obtain the information and resolve any problems.

Note that a common problem with paper convictions is that the State Native Code is used at roadside and in court instead of ACD Codes. Remember that the State of conviction (SOC) **must add ACD Codes** to a paper conviction before sending it to the State of record (SOR).

### ***11.14 Driver Compliance***

It is not only the State that is held in compliance with Federal regulations. CDL holders with out-of-State convictions are required to notify the State of record (SOR) within 30 days of conviction. CDL holders must also notify their current employers of a conviction within 30 days.

### ***11.15 Congratulations!***

Congratulations. You have completed **Module 11: Convictions**. In this module you learned about the convictions process including types of convictions, State procedures, and driver requirements. Continue to **Module 12: Masking** to explore this special challenge in the convictions process.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov)

## Module 12: Masking

### 12.1 Introduction

As you learned in the previous three modules, the effective processing of convictions and disqualifications is vital to the National Commercial Driver's License (CDL) Program and fulfilling our shared safety mission to reduce crashes, injuries, and fatalities involving large trucks and buses. Now we're going to dive deeper into another challenge in conviction records processing: masking.

Throughout this module, we will discuss:

- The definition of deferral and diversion ("masking")
- Minimum conviction standards required by States
- The role of the Court Outreach Program

### 12.2 What is Masking?

The Federal Motor Carrier Safety Administration (FMCSA) defines masking as any action whereby a State **defers** or **diverts** the conviction of a Commercial Learner's Permit (CLP) or Commercial Driver's License (CDL) holder from appearing in a Commercial Driver's License Information System (CDLIS) driver record. In other words, a State "masks" the conviction by preventing it from appearing in the Driver History Record (DHR). You can learn more about Masking in 49 CFR § [384.226](#).

Masking applies to **in-State** and **out-of-State** convictions. It includes any **State or local traffic control laws**, with the exception of parking, vehicle weight, and vehicle defect violations.

### 12.3 Why the Anti-Masking Regulations?

Following the Commercial Motor Vehicle Safety Act (CMVSA) of 1986, which created the National CDL Program and established the core tenants of **One Driver, One License, One Record**, some CDL drivers who were convicted of traffic-related offenses tried to convince law enforcement and the courts to divert, dismiss, or defer citations. This allowed convicted drivers to continue operations without a disqualifying offense appearing on their record. FMCSA implemented the anti-masking regulation in an effort to curb this loophole that was keeping convicted drivers on the road.

This pattern was particularly prevalent among long-haul drivers. CDL holders who benefited from masking could apply for a new license in a new jurisdiction regardless of convictions or citations they had received in the past. The Federal anti-masking regulation was designed to end this cycle and ensure that a driver's record accurately reflects their driver history.

**For more information, see:** Kristen Shea, "Unmasking CDL Convictions," National Traffic Law Center, Vol 19 No 4, July/August 2011

## ***12.4 Examples of Masking***

Let's take some time and review two examples of masking: Deferral and Diversion.

### **Deferral**

If a State engages in masking by **deferral**, the courts allow a driver (before an adjudication of guilt) to perform or abstain from certain actions that result in the charge being dismissed. Deferral might also be known as **Probation Before Judgement (PBJ)**, **Adjournment Pending Dismissal**, or classifying a charge as **Held in Abeyance**.

In **masking by deferral**, a driver might willingly surrender his/her CDL before appearing in court for a citation. If a driver is no longer technically a CDL holder at the time of sentencing, the court may determine that they do not need to receive any penalties related to their commercial motor vehicle (CMV) license.

In 2010, a California Court of Appeals determined that traffic or trial courts that allowed this practice were **violating the intent of the Federal regulation**. The Court stated that permitting drivers to willingly surrender CDL before sentencing allowed them to avoid disqualification and maintain records free of traffic convictions. A driver could then reapply for a license without repercussion.

For more information, see: *People v Mayer*, 112 Cal. Reprtr. 3d 889, (Cal. Ct. App. 2010).

### **Diversion**

In masking by **diversion**, a State allows a driver (after an adjudication of guilt) to perform actions that result in the conviction being reduced or erased.

Examples of diversion include times when the driver is allowed to perform the following actions in lieu of receiving a conviction/disqualification on their CDL record:

- Community Service
- Drug and Alcohol Treatment
- Traffic School
- Donation to a cause
- Paying a cost/fine/fee/penalty
- Paying Restitution
- Not receiving traffic charges for a specific length of time
- Holding convictions in court

## ***12.5 Non-Masking Actions***

FMCSA's anti-masking regulation **does not** interfere with a State's normal judicial processes. Judges may impose sentences like community service, drug and alcohol treatment, traffic school, and paying a fine or restitution as part of a driver's sentence following conviction. However, sentences such as "Not receiving traffic charges for a specific length of time" and "Holding convictions in court" are examples of deferrals, which constitutes masking.

In this way, masking refers to any actions whereby the conviction of a CLP or CDL holder is prevented from appearing in the driver's history/record, not the determination of the courts throughout normal judicial processes.

Examples of non-masking actions include:

- Dismissal
- Acquittal
- Nolle Prosequi (refusal to prosecute)

Note that FMCSA's anti-masking regulation does not prohibit "Roadside Justice," whereby the citing officer reduces charges when citing the driver. For example, a driver is stopped for driving 60 mph in a 40 mph zone and the officer cites the driver for 50 mph in a 40 mph zone. Since the driver was not convicted of driving 60 mph in a 40 mph zone, it is not considered masking.

## **12.6 Scenarios**

Based on what you've learned, walk through the next four scenarios and determine if they represent an example of masking.

### **Scenario One**

A CDL holder is arrested and issued a citation for Driving Under the Influence (DUI). The driver was in a 2015 Toyota Camry—his own personal vehicle. The prosecutor reviews the records and determines that there is a problem with the evidence. She chooses not to prosecute the case, so no charges are filed within the court. No conviction is entered.

Is this an example of masking?

Answer: This is not an example of masking. There was a problem with the evidence, and the case was dismissed for cause. Anti-masking regulation does not impact normal judicial proceedings.

### **Scenario Two**

A CDL holder is cited for speeding 55 in a 35 mph zone while driving a CMV. The driver is convicted of speeding 55 in a 35 mph zone. The defense argues that, because this is the driver's first conviction, the sentence should be reduced to speeding less than 15 mph in the posted speed limit. The court reduces the conviction to 49 in a 35 mph zone in a CMV.

Is this an example of masking?

Answer: The driver was already convicted of speeding 55 in a 35 mph zone. The conviction was not vacated. The speed was simply changed for the purpose of avoiding the sanction required by 383.51.

### **Scenario Three**

A CDL holder operating a non-CMV is issued a citation for "Failure to Yield Right of Way." The prosecutor files charges, and the court convicts the driver of "Failure to Yield Right of Way." The conviction is posted on the driver's record. The court allows a Driver Improvement Program in lieu of having the State Driver's Licensing Agency (SDLA) assess points on the State driving

record.

Is this an example of masking?

Answer: As long as the conviction is posted and the driver serves any applicable sanction, the State is not engaged in masking. The State determines whether or not to assess points to a driving record.

#### **Scenario Four**

A CDL holder is issued a citation for “Operating a CMV while Suspended/Revoked/Withdrawn.” The prosecutor files charges, and the court convicts the accused of “Operating a CMV while Suspended/Revoked/Withdrawn.”

Later, the court allows the CDL holder’s attorney to withdraw the original plea and conviction. After a new court hearing, the court ultimately enters a conviction for “Improper CDL Class Endorsement.”

The answer is—it depends. In and of itself, withdrawing a plea does not constitute masking. The State is allowed to engage in normal judicial proceedings.

Scenario 4 illustrates the complexity of masking. There are often multiple factors involved in determining culpability. In and of itself, withdrawing a plea does not constitute masking. The State is allowed to engage in normal judicial proceedings. As for the conviction that was ultimately entered, it depends if there was a factual or legal basis for the charge, or if the charge was amended/reduced solely to avoid sanctions and the conviction of a more serious offense.

### **12.7 Court Outreach Program**

The issue of what constitutes “masking” remains one of the most frequently asked questions related to the convictions and disqualification process. As FMCSA and States continue to answer this question, judicial review and case law will provide additional guidance to support prosecutors, judges, and others involved in the prosecution and adjudication of CDL violations.

The **Commercial Driver’s License Court Outreach Program** also provides specialized training and information for judges, prosecutors, court clerks, and court administrators on the importance of CMV enforcement and adjudication of CDL cases. For more information, please go to [www.ndaa.org](http://www.ndaa.org) and select the “Commercial Driver’s License” link. Most States list a Traffic Safety Resource Prosecutor on this site. The site also contains a list of resources that apply to the National CDL program (e.g. the CDL Quick Reference Guide).

### **12.8 Congratulations!**

Congratulations. You have completed **Module 12: Masking**. In this module, you learned what masking is and examined the impact of masking on the convictions process. Continue to **Module 13: Disqualifications** to learn about the disqualifications process.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## Module 13: Disqualifications

### 13.1 Introduction

The mission of the National Commercial Driver's License (CDL) Program is to **save lives** by reducing crashes, injuries, and fatalities involving commercial motor vehicle (CMV) transportation through education, innovation, regulation, enforcement, financial assistance, partnerships, and full accountability. This includes the work of the Federal Motor Carrier Administration (FMCSA), the American Association of Motor Vehicle Administrators (AAMVA), and State Driver's Licensing Agencies (SDLAs), among other partners.

The National CDL Program interactive training intends to support you as a CDL Coordinator (or State personnel with similar responsibilities) in understanding the **safety goals, regulatory requirements, and standards of compliance** essential to help keep our roads safe. The convictions and disqualifications process lies at the heart of the National CDL Program and aims to uphold **One Driver, One License, One Record**. By working together, we can identify and remove unqualified or unfit drivers, helping to ensure safety on our Nation's roadways.

In this module, we will explore the disqualification process, including:

1. The role of disqualifications in the National CDL Program
2. Disqualification and retention periods
3. Common State problems
4. State compliance procedures

### 13.2 Process Overview

Before we explore the intricacies of CDL driver disqualifications, let's take a step back and consider the National CDL Program as a whole.

Processing CDL convictions and disqualifications always begin and end the same way. Local or State law enforcement record a roadside citation, and if convicted, a driver must be disqualified from all relevant operations. Each State has its own systems and practices for a citation issued by law enforcement at roadside and how the process is adjudicated in the court system, reported to an SDLA, and posted to a driver's record. Thus, there may be additional considerations within each step of the process in your State.

As a record moves through the process and into CDLIS States will implement their own procedures. Regardless of their internal processes, all States must be connected to the Commercial Driver's License Information System (CDLIS) and the National Driver Register (NDR) in order to exchange information about CDL drivers, traffic convictions, and disqualifications.

The use of AAMVA's Code Dictionary, or ACD Codes, to exchange conviction and disqualification information is also mandatory, as it provides States with a consistent way to communicate within CDLIS.

In order to accomplish our shared safety mission, it is essential to understand the different types of disqualifications to report and how to effectively communicate this information to other States. As a CDL Coordinator, or someone with similar responsibilities, you must be an expert in your State's processes to ensure accurate, complete, and timely record processing. If there is any breakdown in the process, *the State as a whole* is held responsible for non-compliance. You play a vital role in helping to ensure compliance and promote safety.

### **13.3 Definition: Disqualifications**

Before we dive deeper into the types of disqualifications and record retention periods, let's review several terms that are essential to the disqualifications process.

As you learned in Module 10: Introduction to Convictions and Disqualifications, a conviction means that a driver was cited for a roadside violation and the court system found that driver to be at fault.

The terms withdrawal, suspension, revocation, or cancellation are often used as synonyms for disqualification. **For this training, we are going to exclusively use the term disqualification.**

A **disqualification** prohibits a driver required to have a Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP) from driving a CMV for a federally specified period of time based on his/her violation of applicable Federal or State offenses. The period of time a driver is disqualified varies by offense.

FMCSA defines **disqualification** specifically based on 49 CFR §383.5 as follows:

- The suspension, revocation, or cancellation of a CLP or CDL by the State or jurisdiction of issuance
- Any withdrawal of a person's privileges to drive a CMV by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control
- A determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under part 391

Note that although an SDLA may use the term "cancellation" to refer to the action of downgrading a CDL due to an expired Medical Examiner's Certificate, that downgrade is not considered a cancellation as outlined in the definition of a disqualification.

### **13.4 Definition: Commercial Learner's Permit (CLP) and Commercial Driver's License (CDL)**

As defined by AAMVA, a **CLP holder** is an individual who held a valid (unexpired) CLP at the time of the citation. A **CDL holder** is an individual whose last jurisdiction-issued license was a CDL. This applies even if the driver is disqualified from the use of his/her commercial driving privileges. It also applies if the CDL has expired and no other license has been issued.

A CDL holder becomes a non-CDL holder when he/she voluntarily surrenders his/her CDL or the State Driver's Licensing Agency (SDLA) downgrades the CDL to a non-CDL.

As defined by FMCSA, a CDL driver means a person holding a CDL or a person required to hold a CDL. In this way, a CDL driver is someone who is operating a commercial motor vehicle (CMV) with or without a commercial license.

Unless the driver falls under one of the exceptions outlined in 49 CFR § [383.3 - Applicability](#) (such as certain military drivers), **a CDL driver is subject to the same convictions process and penalties as CDL holders.**

### **13.5 Interstate Communication**

As you previously learned, AAMVA developed the Commercial Driver's License Information System (CDLIS) and the AAMVA Code Dictionary (ACD) as the U.S. DOT-authorized operator of a National systems that support the convictions and disqualifications process. Let's take a look at the connection between CDLIS, ACD codes, and driver disqualifications.

#### **Commercial Driver's License Information System (CDLIS)**

The Commercial Motor Vehicle Safety Act (CMVSA) of 1986 mandated the development of a National Commercial Driver's License Information System. CDLIS enables each State to ensure that each CMV driver has only one driver's license and one complete driver record. SDLAs use CDLIS to complete various procedures, including:

- Transmitting out-of-State convictions and disqualifications
- Transferring the driver record when a CDL holder moves to another State
- Responding to requests for driver status and history

#### **AAMVA Code Dictionary (ACD)**

The AAMVA Code Dictionary (ACD) provides uniform codes to identify the type of driver **conviction** and the reason for a driver **disqualification**. The primary function of the ACD codes is to enable the interstate exchange of convictions and disqualifications. **The use of ACD codes is mandatory for all States.**

**ACD codes** allow States to communicate effectively via CDLIS and help ensure that only qualified drivers are operating on our Nation's roadways. For most first convictions, the ACD code of the conviction is used as the ACD code of the disqualification. However, there are



disqualifications that have their own ACD code. This is generally the case when a disqualification does not necessarily require an underlying conviction or when it is based on the accumulation of two or more convictions over a specified time period.

For more information on all relevant ACD codes, please refer to the AAMVA ACD Manual. Appendix A contains an alphabetized list of the ACD codes used to communicate convictions and disqualifications and is grouped by the category of violations. Appendix C contains CDL disqualification periods for certain offenses along with a description of the Federal Motor Carrier Safety Regulations (FMCSR). Note that AAMVA documentation refers to disqualifications as “withdrawals.”

### ***13.6 Disqualification Processes***

An SDLA must impose a disqualification and include it as part of the **Driver History Record (DHR)** as mandated by 49 CFR § [383.51](#).

States must use the date of conviction or a later date, rather than the citation date (the date the offense occurred), as the basis for calculating the starting and ending dates for the driver disqualification period. The State may allow the driver additional time after the conviction date to appeal the conviction before the disqualification period begins.

The use of the conviction date (or a later date when all appeals are exhausted) allows the driver to receive due process of law even if the conviction is upheld, as may be the case with appeals. It also ensures that he/she still serves the full disqualification period that 49 CFR §383.51 requires. For example, a driver is cited for a disqualifying offense on March 9 and is convicted of the offense on May 9. If the offense date were used for the starting date of the disqualification, it would shorten the actual disqualification by two months.

Let’s learn more about **three key dates** in the **disqualification process**.

- **Disqualification Effective Date**  
The date the license is disqualified. There may be a delay between when the State of Record (SOR) is notified of a conviction and when it imposes a disqualification. This is so the State may give the mandated notification to the driver and for the driver to have an opportunity to request an administrative hearing.
- **Disqualification Eligibility Date**  
The earliest date the driver may satisfy any conditions to end the disqualification, such as paying any fees.
- **Disqualification Reinstatement Date**  
The actual date the driver’s driving privileges are reinstated. This date is typically blank when the disqualification is first posted and must never be a future date.

Now we’ll examine the processes for in-State and out-of-State disqualifications.

#### **In-State Disqualification Process**

When the disqualifying jurisdiction is the **State of record (SOR)** and the driver holds a CDL, the

disqualification is posted to the DHR and any necessary driver control actions are taken, including the addition of a Problem Driver Pointer System (PDPS). If the driver is a base license holder (non-CDL) and convicted of an offense requiring a CDL, the disqualification and underlying conviction must be posted to the DHR and the SDLA must create a Master Pointer Record at the CDLIS Central Site.

### **Out-of-State Disqualification Process**

You previously learned that a State must notify a driver's SOR when it has convicted a CDL or CLP holder of an offense. The **State of conviction (SOC)** may disqualify out-of-State drivers, but this is not required by the FMCSRs. However, **disqualifications must be reported accurately and completely by the SOC to the SOR within 10 days (Federal time limit) of the disqualification effective date** if the driver is a CDL or CLP holder, the disqualification has an ACD code, and the disqualification duration is for at least 60 days or an indefinite period.

The disqualification must be sent to the SOR to be applied to the DHR. A jurisdiction must send required disqualifications to the SOR either via CDLIS or by mail (using paper forms with a tracking sheet attached, per Appendix C of the CDLIS State Procedures Manual). The SOR is not required to impose its own disqualification just because another State did so. However, SORs are required to act on the underlying convictions and impose a disqualification if it is mandated by 49 CFR § 383.51.

Disqualifications must be reinstated by the State that disqualified the driver. This may result in drivers being required to reinstate their license in both the SOC and their SOR. Some circumstances will result in a lifetime disqualification from operating CMVs, with potential eligibility for reinstatement after 10 years. However, reinstatement for a lifetime disqualification will **not** apply if the SOR does not allow this process.

### **Record Retention**

States are required to record all convictions, disqualifications and other licensing actions for violations for a driver within his or her DHR. AAMVA documentation establishes the retention periods for all disqualifications related to 49 CFR § [383.51](#). View the ACD Manual for a list of minimum retention periods. Jurisdictions may choose to keep records longer than the stated retention requirements. All other disqualifications must be retained for a minimum of 3 years per 49 CFR § [384.225\(d\)](#). Jurisdictions must retain records of convictions and associated disqualifications to ensure the reason for the disqualification is maintained (in addition, the requirement allows jurisdictions to select longer disqualification periods within their jurisdiction).

In many cases the penalties for a second conviction are different than those for a first conviction, so the original conviction must be retained to allow the jurisdiction to check whether there is a prior conviction. Disqualifications should be retained for the length of time the record of any underlying conviction is retained and for a minimum of 3 years from the effective date, eligibility date, or reinstatement date, whichever is later. This process helps to ensure that a new SOR will not impose a second disqualification on an underlying conviction. Refer to the ACD Manual for additional information regarding retention periods.

## 13.7 Categories of Disqualifications

A driver can be legally disqualified from driving a CMV when convicted of any applicable Federal, State or local offense. This includes many instances when the offense occurs while operating a non-CMV. The following sections will provide information on disqualifying **Federal** and **State** offenses including special topics.

Note that not all vehicles that meet the Federal definition of a CMV require a CDL. For the purposes of this training, a CMV implies a CMV whose operation requires a CDL.<sup>1</sup>

All Federal offenses apply to CLP and CDL holders operating any vehicle (unless the offense stipulates operation of a CMV only), and non-CLP/CDL holders operating a CMV that requires a CDL. For example, if a lawn maintenance company buys a tractor for mowing and then uses a truck and trailer above the minimum gross combination weight rating thresholds to haul it (as defined in §383), the driver of the truck and trailer would be subject to the processes and penalties outlined in 49 CFR Part 383 and 49 CFR Part 384, even if they do not hold a CDL.

<sup>1</sup>To review which CMVs require a CDL, please see FMCSA's description of [Classes of Commercial Licenses and Learner's Permits](#).

## 13.8 Federally-Mandated Offenses

There are four categories of disqualifying Federally-mandated offenses. The period of disqualification for each category is based on the statute established by U.S. Congress. The disqualification period for Federally-mandated offenses must be in addition to any other previous period of disqualification (run consecutively), as stated in 49 CFR §383.51(a)(5).

Let's examine the categories of Federally-Mandated Offenses and the associated disqualification and record retention periods.

Note that "Federally-mandated" means that these offenses result in a Federally-required disqualification, not that they are processed in a Federal jurisdiction. A DUI conviction, for instance, is generally processed in a State court. You can learn more about disqualifying Federal offenses by reviewing 49 CFR § [383.51 \(b\)](#).

<b>Major Offenses</b>	<p>There are three potential disqualification periods for qualifying major offenses. A first conviction results in a one-year disqualification. A first conviction in a CMV with hazmat results in a three-year disqualification. A second conviction results in a lifetime disqualification. There is no time limitation between the first and second major offense. The record retention period for major offenses is 55 years from the conviction date (life).</p> <p>Important Notes:</p> <ul style="list-style-type: none"><li>• A State may allow a driver who has been disqualified for life to reinstate his or her CDL privileges after 10 years if the State follows the guidance in 49 CFR §383.51(a)(6).</li></ul>
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<b>Major Offenses</b>	<ul style="list-style-type: none"> <li>• The State must require the driver to successfully complete an appropriate rehabilitation program approved by the State and may impose any other conditions it sees fit.</li> <li>• If a driver is convicted of any major offense after being reinstated, he or she must be disqualified for life without the possibility of reinstatement.</li> <li>• Using a motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, results in a lifetime disqualification for a first conviction without possibility of reinstatement.</li> </ul> <p>Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons<sup>1</sup>, as defined and described in 22 U.S.C. 7102(11), results in a lifetime disqualification for a first conviction without possibility of reinstatement.</p>
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**Major Offenses (Table 1 to § 383.51)**

<b>Type of Offense</b>	<b>First Conviction in a CMV</b>	<b>First Conviction in a Non-CMV</b>	<b>First Conviction in a CMV While Driving Hazardous Materials</b>	<b>Second Conviction in a CMV</b>	<b>Second Conviction in a Non-CMV</b>
(1) Driving under the influence of alcohol, as prescribed by State Law	1 year	1 year	3 years	Life	Life
(2) Driving under the influence of a controlled substance	1 year	1 year	3 years	Life	Life
(3) Operating a CMV with a blood alcohol concentration of 0.04 or greater	1 year	Not applicable	3 years	Life	Not applicable

<b>Type of Offense</b>	<b>First Conviction in a CMV</b>	<b>First Conviction in a Non-CMV</b>	<b>First Conviction in a CMV While Driving Hazardous Materials</b>	<b>Second Conviction in a CMV</b>	<b>Second Conviction in a Non-CMV</b>
(4) Refusing to take an alcohol test as required by law, as defined in 49 CFR § 383.72	1 year	1 year	3 years	Life	Life
(5) Leaving the scene of an accident	1 year	1 year	3 years	Life	Life
(6) Using a vehicle to commit a felony, other than a felony described in sections (9) and (10) of this table	1 year	1 year	3 years	Life	Life
(7) Driving a CMV with a disqualified CLP or CDL, as a result of prior violations committed while operating a CMV	1 year	Not applicable	3 years	Life	Not applicable
(8) Causing a fatality through the negligent operation of a CMV	1 year	Not applicable	3 years	Life	Not applicable

<b>Type of Offense</b>	<b>First Conviction in a CMV</b>	<b>First Conviction in a Non-CMV</b>	<b>First Conviction in a CMV While Driving Hazardous Materials</b>	<b>Second Conviction in a CMV</b>	<b>Second Conviction in a Non-CMV</b>
(9) Using a vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)
(10) Using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons <sup>1</sup> , as defined and described in 22 U.S.C. 7102(11)	Life (Not eligible for 10-year reinstatement)	Not applicable	Life (Not eligible for 10-year reinstatement)	Life (Not eligible for 10-year reinstatement)	Not applicable

<sup>1</sup>Note that the Federal effective date for using a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons is September 23, 2022.

<b>Serious Traffic Violations</b>	There are three potential disqualification periods for qualifying serious traffic violations. A first conviction results in no disqualification. A second conviction in a three-year period results in a 60-day disqualification. A third conviction in a three-year period results in 120-day disqualification. The record retention period for serious traffic violations is four years from the conviction date or for as long as any resulting disqualification is retained, whichever is longer.
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<b>Serious Traffic Violations</b>	<b>Important Note:</b> <ul style="list-style-type: none"> <li>The State must use the citation date to determine if two or more serious traffic convictions fall within the three-year period.</li> </ul>
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**Serious Traffic Violations (Table 2 to §383.51)**

<b>Type of Offense</b>	<b>Second Conviction in a Three-Year Period in a CMV</b>	<b>Second Conviction in a Three-Year Period in a Non-CMV<sup>1</sup></b>	<b>Third Conviction in a Three-Year Period in a CMV</b>	<b>Third Conviction in a Three-Year Period in a Non-CMV<sup>1</sup></b>
(1) Excessive speeding (15 mph or more above posted speed limit)	60 days	60 days	120 Days	120 Days
(2) Reckless driving, as defined by State or local law	60 days	60 days	120 Days	120 Days
(3) Making improper or erratic traffic lane changes	60 days	60 days	120 Days	120 Days
(4) Following the vehicle ahead too closely	60 days	60 days	120 Days	120 Days
(5) Violating State or local law or regulation relating to motor vehicle traffic control (other than a parking violation) in connection with a fatal accident	60 days	60 days	120 Days	120 Days

<b>Type of Offense</b>	<b>Second Conviction in a Three-Year Period in a CMV</b>	<b>Second Conviction in a Three-Year Period in a Non-CMV<sup>1</sup></b>	<b>Third Conviction in a Three-Year Period in a CMV</b>	<b>Third Conviction in a Three-Year Period in a Non-CMV<sup>1</sup></b>
(6) Driving a CMV without obtaining a CLP or CDL	60 days	Not applicable	120 Days	Not applicable
(7) Driving a CMV without a CLP or CDL in the driver's possession <sup>2</sup>	60 days	Not applicable	120 Days	Not applicable
(8) Driving a CMV without the proper class of CLP or CDL and/or endorsements	60 days	Not applicable	120 Days	Not applicable
(9) Violating a State or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a CMV. <sup>3</sup>	60 days	Not applicable	120 Days	Not applicable
(10) Violating a State or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a CMV. <sup>3</sup>	60 days	Not applicable	120 Days	Not applicable



## **Additional Information**

<sup>1</sup>While operating a non-CMV, a CLP or CDL holder must be disqualified from operating a CMV, if the conviction results in the revocation, cancellation, or suspension of the CLP or CDL holder's license or non-CMV driving privileges.

<sup>2</sup>If a driver provides proof to the enforcement authority that issued the citation (by the date the driver must appear in court or pay any fine for such a violation) that he/she held a valid CLP or CDL on the date the citation was issued, the driver shall not be found guilty of this offense.

<sup>3</sup> For the purpose of these disqualification offenses, “driving” means operating a CMV on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. It does not include situations in which the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

## **13.9 Scenarios**

Based on what you’ve learned so far about Federal offenses, examine the following two scenarios and determine whether or not the driver should be disqualified and for how long.

### **Scenario One**

A CDL holder is convicted of a DUI in his own personal vehicle (non-CMV) in 2016. The driver hits another vehicle while driving a CMV in 2018 and leaves the scene of the accident without reporting it. The driver is convicted of a hit-and-run.

Should the driver be disqualified?

Answer: Yes, the driver should be disqualified for life. The driver’s first conviction of a DUI in 2016 is applicable because the driver is a CDL holder. When combined with the second conviction in 2018, the driver is now disqualified for life.

### **Scenario Two**

A CDL holder is convicted of speeding after receiving a citation while driving a CMV in January 2010. The driver receives a second conviction in which the driver was cited for an improper lane change in May 2013.

Should the driver be disqualified?

Answer: No, the driver should not be disqualified. Although the driver received a second conviction for a serious traffic violation, the second citation did not occur within the required three-year time frame of the initial citation date.

### 13.10 Federally-Mandated Offenses (Continued)

<b>Railroad Highway Grade Crossing Offenses</b>	<p>There are three potential disqualification periods for qualifying railroad highway grade crossing offenses. A first conviction results in a disqualification of no less than 60 days. A second conviction in a three-year period results in a disqualification of no less than 120 days. A third conviction in a three-year period results in a disqualification of no less than one year. The record retention period for railroad highway grade crossing offenses is four years from the conviction date or for as long as any resulting disqualification is retained, whichever is longer.</p> <p>Important Notes:</p> <ul style="list-style-type: none"><li>• Only applicable when the offense occurred in a CMV.</li><li>• Drivers transporting hazardous materials (HM) or carrying passengers are always required to stop at a railroad-highway grade crossing when operating a CMV.</li></ul>
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**Railroad-Highway Grade Crossing Offenses (Table 3 to § 383.51)**

<b>Type of Offense</b>	<b>First Conviction</b>	<b>Second Conviction in a Three-Year Period</b>	<b>Third Conviction in a Three-Year Period</b>
(1) Failure to slow down and check that tracks are clear of an approaching train	No less than 60 days	No less than 120 days	No less than 1 year
(2) Failure to stop before reaching the crossing, if the tracks are not clear	No less than 60 days	No less than 120 days	No less than 1 year
(3) Failure to stop before driving onto the crossing	No less than 60 days	No less than 120 days	No less than 1 year
(4) Failure to have sufficient space to drive completely through the crossing without stopping	No less than 60 days	No less than 120 days	No less than 1 year
(5) Failure to obey a traffic control device or the directions of an enforcement official at the crossing	No less than 60 days	No less than 120 days	No less than 1 year

<b>Type of Offense</b>	<b>First Conviction</b>	<b>Second Conviction in a Three-Year Period</b>	<b>Third Conviction in a Three-Year Period</b>
(6) Failure to negotiate a crossing because of insufficient undercarriage clearance	No less than 60 days	No less than 120 days	No less than 1 year

<b>Violating Out-of-Service Order Offenses</b>	<p>There are five potential disqualification periods for qualifying violating out-of-service order offenses. A first conviction results in a disqualification of no less than 180 days or more than one year. A first conviction with hazmat or in a vehicle designed to transport 16 or more passengers results in a disqualification of no less than 180 days or more than two years. A second conviction in a 10-year period results in a disqualification of no less than two years or more than five years. A second conviction with hazmat or in a vehicle designed to transport 16 or more passengers results in a disqualification of no less than three years or more than five years. A third conviction in a 10-year period results in a disqualification of no less than three years or more than five years. The record retention period for violating out-of-service order offenses is 15 years from the conviction date, or for as long as any resulting disqualification is retained, whichever is longer.</p> <p>Important Notes:</p> <ul style="list-style-type: none"> <li>• Only applicable when the offense occurred in a CMV.</li> <li>• For a second or subsequent conviction involving enhanced penalties (hazmat and passengers), the circumstances of the triggering conviction dictate the penalty.</li> </ul>
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**Violating Out-of-Service Order Offenses (Table 4 to §383.51)**

<b>Type of Offense</b>	<b>First Conviction</b>	<b>Second Conviction in a 10-Year Period</b>	<b>Third Conviction in a 10-Year Period</b>
(1) Violating a driver or vehicle out-of-service order while transporting nonhazardous materials	No less than 180 days or more than 1 year	No less than 2 years or more than 5 years	No less than 3 years or more than 5 years

Type of Offense	First Conviction	Second Conviction in a 10-Year Period	Third Conviction in a 10-Year Period
(2) Violating a driver or vehicle out-of-service order while transporting hazardous materials, as defined in 49 CFR § 383.5, or while operating a vehicle designed to transport 16 or more passengers, including the driver	No less than 180 days or more than 2 years	No less than 3 years or more than 5 years	No less than 3 years or more than 5 years

### ***13.11 Category of Disqualifications: Special Topics***

In addition to the four categories of disqualifying **Federally-mandated offenses**, there are five Federal special offenses that also result in a disqualification.

<b>Falsify/Fraud Offenses</b>	<p>A driver is subject to disqualification if a State determines that the driver falsified or misrepresented information required to obtain a CLP/CDL or when convicted of fraud relating to obtaining a CLP/CDL.</p> <p>Each determination by a State of misrepresentation of information on CLP or CDL application results in a disqualification of no less than 60 days. Each conviction of fraud related to CLP or CDL issuance results in a disqualification of no less than one year. The record retention period is three years from the conviction date, or as long as any resulting disqualification is retained, whichever is longer.</p> <p>Note that the disqualification period must be in addition to any other previous period of disqualification (run consecutively), as stated in 49 CFR §383.51(a)(5).</p>
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<b>USA Patriot Act Offense</b>	<p>A conviction for violating the USA PATRIOT Act results in the removal of a hazmat endorsement only. However, a State may disqualify a driver until the driver surrenders his or her hazmat endorsement. A CMV driver may not obtain, renew, upgrade, or transfer a hazmat endorsement until the Transportation Security Administration (TSA) determines the driver meets the security threat assessment standards contained in 49 CFR 1572. The State of Record (SOR) must revoke or deny the driver's hazmat endorsement if TSA serves the State with a "Final Determination of Threat Assessment."</p> <p>The record retention period is three years from the conviction date, or for as long as any resulting disqualification is retained, whichever is longer.</p>
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<p><b>Failure to Appear/Pay/Comply (FTA/FTP/FTC)</b></p>	<p>The Failure to Appear/Pay/Comply (FTA/FTP/FTC) Program is designed to prevent drivers from avoiding the penalties of prior offenses (court costs, fines, etc.). Under the FTA/FTP/FTC Program, an SDLA may deny the renewal of a CDL if the driver has failed to appear for a citation or pay a fine. Depending on the State, a CDL may be disqualified or denied renewal until the reported citations or violations are cleared and reported by the court(s) to the SDLA.</p> <p>Most States, but not all, have a process for dealing with in-State FTA/FTP/FTC convictions. Some jurisdictions base their in-State FTA/FTP/FTC disqualification on an underlying citation/conviction. States are required to process an out-of-State FTA/FTP/FTC as if it was received from an in-State court. FTA/FTP/FTC is transmitted using ACD Codes D45, D53, or D56. The message must include a valid ACD Code in the detail field.</p> <p>When the driver clears the FTA/FTP/FTC, the State of conviction (SOC)/State of withdrawal<sup>1</sup> (SOW) is not required to send a Negate Out-of-State Conviction message nor a Negate Out-of-State Withdrawal message to the State of record (SOR).<sup>2</sup> The SOC/SOW reinstates the disqualification and provides the driver with proof of compliance. When the driver offers the proof of compliance to the State of record (SOR) and pays any applicable reinstatement fee, the SOR reinstates the driver and updates the driver history record with the reinstatement date for the disqualification from the SOR.</p> <p><sup>1</sup> Note that ACD Codes use the term “withdrawal” to refer to a disqualification.</p> <p><sup>2</sup>What is negation? CDLIS uses a process called negation to reverse convictions and disqualifications sent to an SOR. Negation is used to remove transactions sent to an SOR in error or to remove transactions with errors and replace them with a corrected transaction.</p>
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<p><b>Imminent Hazard</b></p>	<p>Any driver who is determined to constitute an imminent hazard, as defined in 49 CFR § <a href="#">383.5</a>, can receive a disqualification without a conviction. The FMCSA Assistant Administrator or his/her designee must disqualify the driver from operating a CMV. Imminent hazard means: the existence of any condition of vehicle, employee, or CMV operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment.</p> <p>The disqualification must be transmitted by the FMCSA to the jurisdiction where the driver is licensed, and it must also become a part of the driver's record maintained by that jurisdiction. Note that a driver who is simultaneously disqualified under Imminent Hazard and under categories of conviction, or under any additional State law or regulations, will serve those disqualification periods concurrently. A driver is reinstated from an imminent hazard disqualification by FMCSA after they have completed the requirements outlined in the disqualification document.</p> <p>The period of disqualification may not exceed 30 days unless FMCSA complies with the following provisions:</p> <ul style="list-style-type: none"> <li>• The FMCSA Assistant Administrator or his/her delegate may provide the driver an opportunity for a hearing after issuing a disqualification for a period of 30 days or less.</li> <li>• The Assistant Administrator or his/her delegate must provide the driver notice of a proposed disqualification period of more than 30 days and an opportunity for a hearing to present a defense to the proposed disqualification.</li> <li>• A disqualification imposed under this paragraph may not exceed one (1) year in duration.</li> <li>• The driver, or a representative on his/her behalf, may file an appeal of the disqualification issued by the Assistant Administrator's delegate.</li> </ul> <p>The record retention period is three years from the conviction date, or as long as any resulting disqualification is retained, whichever is longer.</p>
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<b>Admin Per Se</b>	<p>An Admin Per Se disqualification occurs based on administrative process (rather than a criminal conviction) after a person refuses to be tested under a State's implied consent laws or for a Driving Under the Influence (DUI) arrest. These are included as convictions because they are determined by an authorized administrative tribunal based on a breath, blood, or urine test; or a refusal. Admin Per Se<sup>1</sup> determinations constitute a conviction, and a disqualification usually goes into effect after a State-defined period of time during which the driver can request an administrative hearing. This disqualification is required irrespective of whether the determination was made in the State of Record (SOR) or any other State.</p> <p>States must take action and impose a one year disqualification for either an Admin per se conviction or a DUI conviction regardless of whether they are reported together or independently and regardless of whether the other is adjudicated in favor of the driver. For example, an adjudication of not guilty for a DUI does not impact the disqualification for the administrative process for the same incident. However, a State should never treat the administrative conviction and the criminal conviction as two separate incidents requiring a lifetime disqualification.</p> <p>To impose the one-year disqualification requirement for an Admin Per Se arising from a single incident without requiring the driver to serve longer than a one year disqualification, States may adjust the reinstatement eligibility date of the disqualifications to end both disqualifications on the same date.</p> <p>If the violation occurred while the driver was operating a vehicle transporting hazardous materials, as defined in §383.5, the disqualification should be for no less than three years.</p> <p>For more information and examples of this process, view Appendix F of the <a href="#">AAMVA Code Dictionary</a>.</p> <p><sup>1</sup>Admin Per Se is a major offense. We will discuss it separately for clarity.</p>
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### ***13.12 Category of Disqualifications: State Offenses***

Some States impose disqualifications for non-driving offenses or actions such as a failure to pay child support, possession of illegal drugs, point disqualifications (accumulation of convictions), or Boating Under the Influence (BUI). It is important to remember that a disqualification of the underlying driving privileges also affects the CDL privileges, even if the offense does not specifically require a disqualification under Federal regulations.



As a reminder, **during a period in which an individual's base driving privileges are disqualified, the State must also disqualify the commercial privileges.**

Furthermore, there are instances in which the Federally-established minimum period of disqualification for the CDL exceeds the minimum period of disqualification of the non-commercial privileges (according to State law). In these instances, a non-commercial disqualification may end before the CDL disqualification. The State can reinstate the non-commercial privileges but cannot reinstate the CDL privileges until the minimum period of disqualification has passed.

To evaluate the differences in these two periods of disqualification, one must examine the table of disqualifications in the Federal regulations compared to the minimum disqualification periods for non-CDL privileges provided within State laws or regulations. You can perform a CDLIS status check to confirm the status of a driver's CDL.

### ***13.13 Common Problems for States***

Throughout this training, you have learned about times when there is a breakdown in the system. In such cases, the *State as a whole* is held accountable for non-compliance, regardless of the stage in the process that the problem(s) occurred. From local law enforcement officers to the clerk at the SDLA, each person at every step of the process plays a crucial role when it comes to making sure our roads are safe.

As you have seen, processing CDL convictions and disqualifications always begin and ends the same way. However, each State has its own system and practices for issuing, processing, and adjudicating citations. As a CDL Coordinator, or someone with similar duties, it is your responsibility to know your unique State processes in order to ensure complete, accurate, and timely record processing. When there is a breakdown in the system (such as the incorrect use of ACD codes) and States do not correctly implement the disqualification process, the following problems can occur:

- The required period of disqualification for each offense is not served
- Serious disqualifications are allowed to run concurrently (instead of consecutively)
- The enhanced disqualification for multiple convictions is not served
- The enhanced disqualification related to hazardous materials (HM) or the number of passengers being transported is not served
- No disqualification period is served

### ***13.14 Compliance Procedures***

Now that we've looked at the types of disqualifications that States are required or choose to post and common problems that can occur, let's look at what it means for a State to maintain compliance.

As you learned in Module 10: Introduction to Convictions and Disqualifications, the SDLA is responsible for transmitting driver records via CDLIS. CDLIS is a pointer system that directs an inquiry to the correct driver information. In order to maintain Federal compliance, disqualifications imposed by a State against a driver licensed in another State must be reported accurately and completely to the State of record (SOR) **within 10 days of the disqualification effective date** per 49 CFR § [384.208](#).

This applies to disqualifications of no less than 60 days. The notification must include the violation that resulted in the disqualification and all information provided must be recorded on the Driver History Record (DHR). The State of conviction (SOC) is responsible for the CMV, Hazmat, and passenger indicators on the conviction. The SOR is responsible for the CDL indicator on the conviction. The SOR uses the citation date (the date on which an offense occurred) when calculating whether Federally-defined multiple convictions occurred within a Federally-defined time period requiring a disqualification.

### ***13.15 Congratulations!***

Congratulations. You have completed **Module 13: Disqualifications**. In this module, you learned about the role of disqualifications in the National CDL Program, disqualification and retention periods, common State problems, and State compliance procedures. Continue to **Module 14: Procedures for Determining State Compliance**.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## **Module 14: Procedures for Determining State Compliance**

### ***14.1 Introduction***

The purpose of 49 CFR [Part 384](#) is to ensure that the States comply with Federal Motor Carrier Safety Administration (FMCSA) Commercial Driver's License (CDL) regulations by establishing procedures to measure State compliance and specifying the consequences of noncompliance.

In this module, we will explore the standards for State compliance, including:

1. How States may achieve compliance standards
2. The Annual Program Review (APR) and Skills Test Review (STR)
3. The roles and responsibilities of States and FMCSA Division Offices
4. Preventing, identifying, and addressing fraud

### ***14.2 Definitions***

Before we examine the Annual Program Review, let's discuss the meanings of some key terms. For additional definitions and guidance, please view the [Glossary and Acronym Guide](#) or see 49 CFR § [383.5 - Definitions](#).

Let's learn how FMCSA defines each of these key terms.

**American Association of Motor Vehicle Administrators (AAMVA):** Founded in 1933, AAMVA is a tax-exempt, nonprofit organization that develops and maintains programs for motor vehicle administration, law enforcement, and highway safety. AAMVA partners with FMCSA to support the shared mission of improving highway safety. AAMVA represents the State, provincial, and territorial officials in the United States and Canada who administer and enforce motor vehicle laws. Its membership includes associations, organizations, and businesses that support motor vehicle administration.

**Annual Program Review (APR):** Conducted annually by FMCSA in each State to confirm compliance with Federal CDL regulations. States determined to be noncompliant are required to submit a corrective action plan (CAP) to achieve compliance.

**Commercial Driver's License (CDL):** A type of driver's license required to operate most large or heavy vehicles. Obtaining a CDL requires a higher level of knowledge, experience, skills, and physical abilities than what is required for a non-commercial license. Thus, CDL holders are held to a higher standard when operating any type of vehicle on public roads.

**Commercial Driver's License Information System (CDLIS):** Developed pursuant to section 12007 of the Commercial Motor Vehicle Safety Act of 1986, CDLIS enables each State to ensure that each CMV driver has only one driver's license and one complete Driver History Record. States use CDLIS to complete various procedures, including:

- Transmitting out-of-State convictions and disqualifications;
- Transferring the driver record when a CDL holder moves to another State; and
- Responding to requests for driver status and history.

CDLIS is currently operated by AAMVA.

**CDLIS Specifications:** The technical requirements published by AAMVA that States must follow when sending messages via the AAMVA network (AAMVAnet). While States are not required to maintain information on their database according to CDLIS specifications, all information exchanged across the AAMVA network, or provided in response to a request for a driver history record, must be formatted according to CDLIS specifications.

**Corrective Action Plan (CAP):** A plan provided by a State to FMCSA through the State Compliance Records Enterprise (SCORE) in response to a compliance finding. The plan will provide the actions and timeline the State will take to correct the deficiencies. In SCORE, this is referred to as an "action plan."

**Covert Monitoring:** An observation and evaluation of a CDL knowledge or skills test conducted without informing the applicant or examiner. For knowledge testing, States may monitor through observation from afar or implement other undercover methods, such as using cameras

or having someone complete the test as an applicant. Covert activity for skills testing is usually achieved through observation from afar of the pre-trip inspection examination and the basic control skills exercises. Observation of the on-the-road component of the skills test is usually achieved by the observer following the testing vehicle or by the observer moving to specific locations along the testing route to observe specific components of the on-the-road test.

**Finding:** A documented deficiency in a State's CDL program because it does not meet the minimum regulatory provisions of 49 CFR Part 384. Repeat findings are those which have been previously documented by FMCSA to the State and have not been corrected or the corrective action failed to fully satisfy the minimum regulatory provision.

**Good Faith Effort:** A determination by FMCSA that a State has submitted an acceptable corrective action plan (CAP) to resolve the finding(s) and the State's progress is compliant with their approved schedule.

**Overt Monitoring:** An observation and evaluation of a CDL knowledge or skills test for which the applicant or examiner being observed is informed. For knowledge testing, States may monitor through direct observation. Overt activity for skills testing is usually achieved through direct observation of the pre-trip inspection examination and the basic control skills exercises. Observation of the on-the-road component of the skills test is usually achieved through either riding along in the testing vehicle, following the testing vehicle by the observer, or by the observer moving to specific locations along the testing route to observe specific components of the on-the-road test. This process may be used to evaluate the road test route being used for the test. In overt monitoring sessions, a qualified observer has the opportunity to engage in direct co-scoring of the test to compare to the final score provided by the examiner. Overt monitoring may also consist of a retest of applicants in all or part of a skills test.

**Skills Test Review (STR):** The evaluation of a State's CDL skills testing processes using either overt or covert methods to detect and reduce fraud and determine a State's compliance with 49 CFR Part 384.

**State Compliance Records Enterprise (SCORE) System:** An FMCSA database that:

1. Catalogs findings of noncompliance by States, and includes suggestions for CDL program improvements, notices of fraud vulnerabilities, and lists of noteworthy practices;
2. Maintains a repository of documents related to FMCSA oversight of the CDL program;
3. Delivers electronic mail notifications informing users of some of the required pending actions;
4. Allows users to generate detailed reports related to State compliance and the national CDL program; and
5. Tracks completion of annual program requirements.

**State Driver Licensing Agency (SDLA):** The organization within a State responsible for issuing driver licenses. Sometimes referred to as "Registry of Motor Vehicles (RMV)" or "Department of Motor Vehicles (DMV)."

**Substantial Compliance:** A designation by FMCSA that a State has no finding(s) of noncompliance or that a State is making a good faith effort to address the finding(s). To be in substantial compliance with 49 U.S.C. 31311(a), a State must meet each and every standard of 49 CFR [Part 384, Subpart B](#) by means of the demonstrable combined effect of its statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, and personnel), and enforcement practices

### ***14.3 Procedures for Determining State Compliance***

Any number of systems and processes can work together to help a State realize and evaluate compliance. Through these pieces, a State can build an operational and legal structure that demonstrates an ability to meet the minimum standards laid out in the Federal Motor Carrier Safety Regulations (FMCSRs), and thus achieve compliance. State compliance can be attained and determined by means of:

- Statutes
- Regulations
- Administrative Procedures and Practices
- Organizational Structures
- Internal Control Mechanisms
- Resource Assignments (facilities, equipment, and personnel)
- Enforcement Practices

### **Evaluating State Compliance**

FMCSA performs Annual Program Reviews (APRs), reviews American Association of Motor Vehicle Administrators (AAMVA) reports, and monitors complaints, news articles, and other information as it becomes available to ensure compliance with the CDL Program.

### **Annual Program Preview (APR) Process**

One of the ways that FMCSA evaluates a State's level of compliance is through performing an Annual Program Review (APR). During an APR, the FMCSA Division for a State will work with the State Driver Licensing Agency (SDLA) to conduct the review. Click the arrow to the right to learn more about each step in the APR process.

Note that FMCSA may conduct additional program reviews and analyses throughout the year.

### **APR Process Overview**

Let's examine how the APR process works.

#### **Step 1: State Prepares for its APR**

Before the FMCSA Division Office begins conducting the APR, there are actions a State can take to prepare.

If, in the previous year, the FMCSA Division Office reported any compliance findings as a result of the APR, the State would have been required to submit and implement a corrective action plan (CAP). In preparation for the upcoming APR, the State can review that CAP and ensure it is up to date.

Additionally, the State receives AAMVA reports that can be used as a resource to help determine any possible compliance issues. In preparation for the APR, the State can review its open compliance issues and latest data quality reports and be prepared to explain to the FMCSA Division Office what it is doing to fix these issues, if they are not resolved by the time the APR is conducted.

### **Step 2: FMCSA Division Office Conducts APR**

The FMCSA Division Office works with the State to perform an APR, which includes a Skills Test Review (STR). The FMCSA Division Office may check each minimum standard of substantial compliance in 49 CFR [Part 384, Subpart B](#) during the APR. Skills test reviews require onsite visits to the SDLA, while program reviews may be done virtually. Reviews must be completed by December 31 of each calendar year.

### **Step 3: FMCSA Division Office Records APR Completion, Findings, and Supporting Documentation in SCORE**

The FMCSA Division Office records the APR completion, any findings, and supporting documentation in the State Compliance Records Enterprise (SCORE). A State should receive notification from the FMCSA Division Office during the closeout discussion if any draft findings have been submitted; however, draft findings will not be visible to the State.

### **Step 4: FMCSA CDL Division Reviews Findings in SCORE**

Once the FMCSA Division Office has documented findings, the FMCSA Service Center will review the findings and provide recommendations for approval or rejection. From there, the findings are moved to the FMCSA CDL Division for final review and approval or rejection. If any finding is approved, the State will receive an email notification via SCORE.

Note that if the review does not result in any findings, the reviewer may indicate this in the APR closeout discussion. The State will not receive a notification if there are no findings.

### **Step 5: State Creates and Implements Corrective Action Plan (CAP)**

Once notified of a finding, States have up to 30 calendar days to respond, per 49 CFR [§ 384.307\(c\)](#). States can either contest a finding or provide an acceptable CAP to resolve the finding. The State can work with FMCSA to develop a CAP to meet the needs of both the State and FMCSA.

## ***14.4 Roles and Responsibilities in the APR Process***

Now let's break down the APR process in more detail and examine the roles and responsibilities of States and FMCSA Division Offices.

### **Step 1: State Prepares for its APR**

Before the FMCSA Division Office begins conducting the APR, there are actions a State can take to prepare.

Note: States are expected to monitor their compliance year-round, not just when participating in an APR. It is important for States to have internal controls in place to ensure effectiveness and efficiency of operations, reliability of reporting, and compliance with applicable laws and regulations

### **State Updates its Current CAP in SCORE**

As mentioned above, a CAP is a plan provided by a State to FMCSA in response to a compliance finding. The CAP will provide the actions and timeline the State will take to correct the deficiencies found.

If, in previous years, the FMCSA Division Office reported any compliance findings as a result of the APR, the State would have been required to submit and implement a CAP. In preparation for the upcoming APR, the State can review any CAPs that have not been completed and make sure they are up to date. For information on how to update a CAP, view the "Action Plans" section in the [FMCSA SCORE User Guide](#). Note that you must be logged in to SCORE access this resource.

If the FMCSA Division Office reported no compliance findings during the last APR, the State would not have been required to submit a CAP; therefore, no updates would need to be made in preparation for the upcoming APR.

### **State Reviews All Open AAMVA Compliance Tickets and Latest Data Quality Reports**

The State receives weekly, monthly, and quarterly AAMVA reports listing possible compliance issues. It is important that the State investigate and resolve these issues before they are reported to FMCSA on a monthly or quarterly basis.

In preparation for the APR, the State should review its open compliance issues and latest data quality reports from CDLIS and be prepared to explain to the FMCSA Division Office what it is doing to fix these issues, if they are not resolved by the time the APR is conducted. The State should also note any questions it may have for the FMCSA Division Office.

For information on best practices related to CDLIS reporting, see Appendix A of the **CDLIS Reports User Guide**. To access additional resources, log into your AAMVA account. Under "MY AAMVA," click the **Access IT Training Portal** section to view all available materials.

## **Step 2: FMCSA Division Office Conducts APR**

Now it is time for the FMCSA Division Office to conduct the APR. The FMCSA Division Office may check each minimum standard of substantial compliance in 49 CFR [Part 384, Subpart B](#) during the APR. These items may be reviewed using group and individual discussions, State-provided documents, visits to State Licensing offices, attendance at State training, and other methods, as appropriate.

### **FMCSA Division Office Reviews State's Current CAP in SCORE**

The FMCSA Division Office reviews the State's current CAP to determine if the State is resolving all findings according to the approved timeline. As mentioned above, the State is encouraged to ***update its CAPs prior to the start of the APR.***

### **FMCSA Division Office Conducts Assessment of State Compliance with the Requirements to Report Convictions and Disqualifications**

The FMCSA Division Office conducts an assessment to determine if the State is in compliance with the timeliness requirements to report convictions and disqualifications. To do this, the FMCSA Division Office reviews the latest monthly Timeliness and Accuracy Report. The reviewer adds any findings to SCORE. The FMCSA Division Office also uses selected convictions on the CD90.4.1 report to determine if they were posted to the Driver History Record and correct disqualifications imposed.

### **FMCSA Division Office Reviews Sampling of Driver Records that Show Incoming Convictions and Disqualifications**

The FMCSA Division Office reviews a sampling of driver records that show incoming convictions and disqualifications that the State received. This includes the Medical Examiner Certification recordkeeping requirements review. To do this, the FMCSA Division Office reviews the CD90.4.1 AAMVA Out of State Transactions Report. The reviewer adds any findings to SCORE.

The CDL Statutes and Records Analysis Project aims to provide enhanced data for convictions, disqualifications, and broken and missing pointers through the use of tested algorithms. This process will identify any discrepancies and help determine if there are any findings.

### **FMCSA Division Office Reviews Medical Certification Records**

The FMCSA Division Office may choose to use driver records from a variety of sources, including the convictions and disqualifications sampling, to verify the medical certification requirements. This may include medical variances (i.e., skill performance evaluation [SPE], vision, etc.). For more information on State recordkeeping requirements, view **Module 6: Medical Certification Requirements**.

### **State and FMCSA Division Office Discuss Proposed or Newly Enacted State Statutory, Regulatory, or Administrative Changes**



The State shares with the FMCSA Division Office any proposed or newly enacted State statutory, regulatory, or administrative changes that may impact the State's CDL program. The FMCSA Division Office confirms compliance with FMCSA requirements.

**FMCSA Division Office Validates State's Annual Certification in SCORE**

Prior to January 1 of each year, the State must review and certify its compliance with Part 384, Subpart B. It should review its latest CAPs to determine if any findings are still unresolved, as well as review each of the 36 requirements contained in Part 384, Subpart B to ensure it has not made any changes to its CDL program since its last annual certification that would result in the State not being in substantial compliance.

If the State is in substantial compliance, the Governor or an official designated by the Governor shall submit a written and signed certification. If a State is in substantial compliance except for the outstanding compliance issues identified in its CAPs that it is working to resolve, the Governor or an official designated by the Governor shall submit a written and signed alternative certification.

Below are the templates for the annual certification and alternative certification.

<b>Annual Certification:</b>	<b>Alternate Certification:</b>
"I (name of certifying official), (position title), of the State (Commonwealth) of ___, do hereby certify that the State (Commonwealth) has continuously been in substantial compliance with all requirements of 49 U.S.C. 31311(a), as defined in 49 CFR § <a href="#">384.301</a> since [the first day of the current Federal fiscal year], and contemplates no changes in statutes, regulations, or administrative procedures, or in the enforcement thereof, which would affect such substantial compliance through [the last date of the current Federal fiscal year]."	"I (name of certifying official), (position title), of the State (Commonwealth) of ___, do hereby certify that the State (Commonwealth) has continuously been in substantial compliance with all requirements of 49 U.S.C. 31311(a), as defined in 49 CFR § <a href="#">384.301</a> since [the first day of the current Federal fiscal year], except as noted below and contemplates no changes in statutes, regulations, or administrative procedures, or in the enforcement thereof except as noted below, which would affect such substantial compliance through [the last date of the current Federal fiscal year]."

**Submitting a Certification**

View the information below to learn how to submit an annual certification or alternate certification.

- Log in with your username and password at <https://score.fmcsa.dot.gov/user>
- In the top menu, select **Annual Certifications** and click **Add Annual Certification**.
- Fill out the form.

1. Give the annual certification a **name**.
2. Select the **State Office**.
3. Select the **year**.
4. Upload the **certification** and any **supporting documents**.
5. Add any necessary **details**.
6. Click **Save**.

For more information on how to submit annual certification letters, view the “Annual Certification Letters” section of the [FMCSA SCORE User Guide](#). Note that you must be logged in to your account to access this resource.

### **FMCSA Division Office Conducts Skills Test Review(s)**

As part of the APR, the FMCSA Division Office conducts at least one Skills Test Review (STR) per year. An STR is a review of a State’s CDL Skills Testing Program and may be overt or covert. Below are the steps involved in an STR.

1. **FMCSA Division Office Conducts Analysis of Examiner Performance:** Prior to the skills test monitoring session, the FMCSA Division Office conducts an analysis of examiner performance. The State provides information to the FMCSA Division Office on examiner pass/fail rates and other examiner data from the Commercial Skills Test Information Management System (CSTIMS) or another tool, as needed.
2. **State Provides Road Test Route, Instructions/Forms, and Third Party Agreements:** Once the FMCSA Division Office identifies an examiner (or examiners) to observe, the reviewer asks the State to provide the road test route, instructions, forms, and third party agreements (if the examiner is a third party examiner).
3. **FMCSA Division Office Documents Examiner Practices that Violate Requirements of the Skills Test:** During either the observed test or the covert monitoring session, the FMCSA Division Office documents examiner practices that violate the requirements of the skills test. During the covert monitoring session, if any part of the skills test cannot be observed from afar, the reviewer requires the applicant be reevaluated after all other activities associated with the skills test are complete.
4. **FMCSA Division Office Conducts Exit Briefing:** After the FMCSA Division Office completes the STR, the State and examiners participate in an exit briefing with the FMCSA Division Office. However, if this exit briefing would compromise the covert monitoring session, the FMCSA Division Office may instead report its findings to the State’s CDL testing coordinator who would then follow up with the examiners.
5. **FMCSA Division Office Records STR Completion, Findings, and Supporting Documentation in SCORE:** The FMCSA Division Office records the STR completion, any findings, and supporting documentation. States can review STR information in SCORE, as needed.

### **State and FMCSA Division Office Conduct Closeout Discussion**

After the FMCSA Division Office has completed the Annual Program Review and Skills Test Review, the reviewer sits down with State personnel to discuss noteworthy observations and all proposed findings. Note: findings are not confirmed until they are approved by the FMCSA CDL Division.

As part of this closeout discussion, the FMCSA Division Office reminds the State of the annual certification requirements. For more information on annual certification, view the “FMCSA Division Office Validates State’s Annual Certification in SCORE” section of this module.

#### **Step 4: FMCSA CDL Division Reviews Findings in SCORE**

Once the FMCSA Division Office has documented findings, the FMCSA Service Center will review the findings and provide recommendations for approval or rejection. From there, the findings are moved to the FMCSA CDL Division for final review and approval or rejection. If any finding is approved, the State will receive an email notification via SCORE.

Note that if the review does not result in any findings, the FMCSA Division Office may indicate this in the APR closeout discussion. The State will not receive a notification if there are no findings.

#### **Step 5: State Creates and Implements Corrective Action Plan (CAP)**

If any findings are approved by the FMCSA CDL Division, the State will be notified via email. Per 49 CFR § [384.307\(c\)](#), the State will have up to 30 calendar days to respond once notified of a finding. States can either contest a finding or provide an acceptable CAP to resolve the finding.

Below are the steps involved in the CAP process.

1. **State Conducts Root Cause Analysis:** First, the State conducts a root cause analysis of its findings to determine if they are due to human, IT, or systematic error(s). This involves reviewing individual files and looking for patterns to identify possible causal factors. The State is encouraged to continually ask “Why?” for each possible causal factor until all responses have been exhausted and the root cause emerges. Then, the State determines the solution it plans to implement to mitigate this finding.
2. **State Writes and Submits CAP:** After the State analyzes the root cause of each finding and identifies solutions, the State writes and submits a CAP *for each finding* by following the steps below.
  - Log in with your username and password at <https://score.fmcsa.dot.gov/user>.
  - In the top menu, click **Findings** and scroll down to view the list of findings. Approved findings that still need CAPs will have the status “Finding Complete (SCORE).”

- Click on the **finding title** to open it.
- Review the details and click **Add an action plan for this finding** under the “Action Plans” section.
- Provide the required information.
  1. Enter a **title** for the CAP.
  2. Select the **State Office**.
  3. The “Findings this is addressing” field should already be populated.
  4. Enter the **CAP** in the “Action Plan Description” field. When writing a CAP, it can be helpful to use the SMART goals framework below, though this is not a requirement.

**S**pecific: Contains detailed information

**M**easurable: Progress can be tracked

**A**chievable: Sets realistic goals

**R**elevant: Addresses the finding

**T**ime-bound: Indicates a reasonable time frame

5. Upload any **supporting documents**.
6. Enter the **proposed completion date**. Do not enter the Actual Completion Date at this time.
7. Click Save. The Revision State will be “Action Plan Draft (SCORE).”  
**Note that this means a draft has been saved but no notification has been sent to FMCSA that the CAP is ready for review.**

When the CAP is ready for review, click the “**Set moderation state**” dropdown menu and select **Action Plan Review (SCORE)**. Click **Apply** to save your change. This will send a notification to FMCSA to review the CAP.

For more information on how to submit a CAP, view the “Action Plans” section of the [FMCSA SCORE User Guide](#). Note that you must be logged in to your SCORE account to access this resource.

3. **FMCSA CDL Division Approves/Rejects CAP:** After the State submits its CAP, the FMCSA CDL Division accepts or rejects it. If rejected, the State updates its CAP according to feedback from the FMCSA CDL Division and resubmits it.
4. **State Implements CAP:** When the State’s CAP is accepted by the FMCSA CDL Division, it’s time for the State to begin implementing the solutions identified in its CAP according to its proposed timeline.

In extenuating circumstances, the State may request a single extension of no more than 180 days to mitigate its existing findings, provided that the current estimated

completion date has not passed. For more information, view the “Action Plan Extension Process” section of the [FMCSA SCORE User Guide](#).

5. **State Updates SCORE After CAP is Implemented:** After the State has implemented a CAP successfully, it should update the actual completion date. To make this change within SCORE, go to **Findings and Action Plans** in the top menu and click **Action Plans**. Click on the **Action Plan Title** to open it, click **Edit Draft**, and update the CAP’s actual completion date. The State can also upload any supporting documentation to help the FMCSA Division Office validate the CAP’s completion.

Click **Save** to notify FMCSA. Upon approval, FMCSA will close out the CAP and finding.

### ***14.5 Preventing, Identifying, and Addressing Fraud***

SDLAs play a crucial role in preventing, identifying, and addressing fraud. It is important that everyone involved in the CDL licensing process follows the standards for internal control and implements continuous monitoring to promote safety and ensure that unqualified drivers are prevented from operating on our Nation’s roadways.

Let’s examine the different types of fraud.

1. **Misappropriation of Assets:** Theft of an entity’s assets. This could include theft of property, embezzlement of receipts, or fraudulent payments.
2. **Corruption:** Bribery and other illegal acts.

#### **Fraud Risks**

Although fraud risk factors don’t necessarily confirm that fraud exists, they are often present when fraud occurs and should be considered. While the risk of fraud may be greatest when all three risk factors below are present, one or more of these factors may also indicate a risk. Now let’s examine the types of fraud risk factors.

- **Incentive/Pressure** – Management or other personnel have an incentive or are under pressure, which provides a motive to commit fraud.
- **Opportunity** – Circumstances exist, such as the absence of controls, ineffective controls, or the ability of management to override controls, that provide an opportunity to commit fraud.
- **Attitude/Rationalization** – Individuals involved are able to rationalize committing fraud. Some individuals possess an attitude, character, or ethical values that allow them to knowingly and intentionally commit a dishonest act.

Additional factors, such as allegations of fraud or suspected fraud, may also be used to identify potential fraud risks

## ***14.6 CDL Program Fraud Cases***

Let's take a look at two specific fraud cases.

### **Lisa Terraciano and Kari Scattaglia**

On November 3, 2017, Lisa Terraciano and Kari Scattaglia pleaded guilty to their roles in a conspiracy to sell Class A CDLs without the buyer having to take or pass the required tests. Both Terraciano and Scattaglia were DMV employees. In exchange for money, they accessed the DMV's database and altered the records of applicants to fraudulently show that they passed the required written tests. However, the applicants had not passed or, at times, even taken the written tests. Scattaglia also fraudulently altered records to show that applicants had passed driving tests when they had not. This caused the DMV to issue permits and CDLs to unqualified CMV drivers, posing a risk to public safety. The investigation revealed that Terraciano caused at least 148 fraudulent CDLs, including permits, to be issued, and Scattaglia caused at least 68. Terraciano was sentenced to three years and four months in prison, and Scattaglia was sentenced to two years and eight months in prison.

### **Donald Freeman and Juan Arturo Arroyo Gomez**

On December 14, 2017, Donald Freeman and Juan Arturo Arroyo Gomez pleaded guilty to charges related to their role in a conspiracy to sell CDLs. Freeman was a DMV employee who accessed and altered DMV records while Arroyo Gomez was a broker in this scheme. Arroyo Gomez told students at truck driving schools that he would help them get CDLs in exchange for money. Arroyo Gomez then paid Freeman to change records in the DMV's database to fraudulently show that CDL applicants had passed the required written tests when they had not; in some cases, they didn't even take the tests. On August 1, 2019, Freeman was sentenced to 37 months in prison and Arroyo Gomez to 12 months. Each defendant also received two years of supervised release and were ordered to pay a \$100 special assessment.

## ***14.7 Preventing, Identifying, and Addressing Fraud***

### **Preventing and Identifying Fraud**

Fraud can take many forms within a State's CDL program. It is important for States to determine risks for fraud in their processes, procedures, and systems so that they can develop plans to prevent, identify, and address fraud. Annual Program Reviews and FMCSA investigations are helpful methods for identifying fraud, but States are encouraged to conduct their own internal audits, as well. Additionally, developing employee training, a code of ethics, and anonymous reporting methods can help prevent and identify fraud.

For more information on reducing the risks of fraud, view AAMVA's **Fraud Detection & Remediation Training Program (FDR)** resources, including its **Deference and Detection of Fraud Best Practices**. To access these resources, log into your AAMVA account. Under "MY AAMVA," click the **Access IT Training Portal** section to locate the materials.

## Addressing Fraud

Per 49 CFR § [383.73\(k\)](#), States must have policies in effect to address fraudulent testing and issuance of a CLP or CDL. If fraud is detected, the SDLA may implement the following procedures that have proven effective:

1. Determine the extent of fraud (i.e., an individual case versus the potential for multiple cases).
2. Conduct an administrative investigation.
3. Notify FMCSA Division Office.
4. Conduct a criminal investigation in collaboration with FMCSA and the Office of Inspector General (OIG).
5. Take further action, if needed.

Note that additional or alternate procedures may apply for certain instances of fraud. In some cases, the applicant may be an unknowing participant in a fraudulent testing scheme. Depending on the outcome of a criminal investigation, the SDLA may require an applicant to retake one or more applicable tests and, in more serious cases, will cancel the applicant's CLP or CDL.

## 14.8 SCORE

As you learned earlier in this course, the State Compliance Records Enterprise system, or SCORE, is a compliance tracking system owned and operated by FMCSA. The FMCSA CDL Division, Service Centers, Division Offices, and States use SCORE when participating in Annual Program Reviews (APR) and Skills Test Reviews (STR).

States view APR and STR findings submitted by the FMCSA Division Office and approved by the FMCSA CDL Division. Based on these findings, States write and submit corrective action plans (CAP) and then update these CAPs with completion dates after successful implementation. States also use the system to submit annual certification letters.

For instructions on how to submit a CAP or annual certification letter in SCORE, view the "State Writes and Submits CAP in SCORE" and "FMCSA Division Office Validates State's Annual Certification in SCORE" sections of this module. For more information on SCORE, view the [FMCSA SCORE User Guide](#). Note that you must be logged into your account to access this resource.

## 14.9 Potential Consequences of Noncompliance

If a State fails to comply with the requirements and regulations of the CDL Program, and the State is found to be in substantial noncompliance, they may be subject to the following consequences:

Withholding Funds (First Year)	Withholding Funds (Second/Subsequent Year)	Decertification of State CDL Program
An amount of up to 4 percent of certain Federal-aid highway funds can be withheld from a State on the first day of the fiscal year following such State's first year of substantial noncompliance.	An amount of up to 8 percent of certain Federal-aid highway funds can be withheld from a State on the first day of the fiscal year following such State's second or subsequent year(s) of substantial noncompliance.	FMCSA may prohibit a State found to be in substantial noncompliance from issuing, renewing, transferring, or upgrading CDLs.

### 14.10 Congratulations!

Congratulations. You have completed **Module 14: Procedures for Determining State Compliance**. In this module, you learned about the standards for State compliance, how States may achieve those standards, and how they are evaluated. Select **Module 15: Minimum Standards for Compliance with the CDL Program** to continue to the final module in this course.

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).

## Module 15: Minimum Standards for Compliance with the CDL Program

### 15.1 Minimum Standards for Compliance

This final section is intended to give a holistic view of the minimum standards for State compliance with the Commercial Driver's License (CDL) Program outlined in 49 CFR [Part 384](#). **Each section that follows will provide more information about these requirements.** You will also find references to the relevant areas in this course where you can find more information, if applicable.

#### 1. Testing Program & Standards

- **Requirement:** The State shall adopt and administer a program for testing and ensuring the fitness of persons to operate commercial motor vehicles (CMVs) in accordance with the minimum Federal standards contained in 49 CFR Part 383 (49 CFR § [383.131 Test manuals](#); 49 CFR § [383.133 Test methods](#); and 49 CFR § [383.135 Passing knowledge and skills tests](#)).
- **Part 384 Regulations:** 49 CFR § [384.201 Testing program](#); 49 CFR § [384.202 Test standards](#)
- **Determining Compliance:** Is the SDLA using the required model manual, test questions, score sheets, and examiner's manual? This is verified by reviewing SDLA test questions, score sheets, and driver and examiner manuals. The reviewer may also observe at the driver exam station counter to determine what materials the SDLA uses.



## 2. Driving Under the Influence

- **Requirement:** The SDLA must have the disqualifications prescribed in 49 CFR § [383.51\(b\)](#) for driving a CMV with a 0.04 alcohol concentration in effect and enforce them through licensing sanctions.
- **Part 384 Regulation:** 49 CFR § [384.203](#) Driving while under the influence
- **Determining Compliance:** A reviewer may verify that these licensing sanctions and disqualifications are in effect by viewing the following American Association of Motor Vehicle Administrators (AAMVA) Reports: Out of State Transactions (CD90.4.1) or Disqualifying Convictions Received (CD90.4.3). A reviewer can conduct a CDLIS check on a driver with a conviction in those reports. The SDLA may also be required to show a conviction for a 0.04 DUI in a CMV with the accompanying disqualification.

## 3. CLP/CDL Issuance & Information

- **Requirement:** The State shall authorize a person to operate a CMV only by issuance of a CLP/CDL, which contains, at a minimum, the information specified in 49 CFR [Part 383, Subpart J](#).
- **Part 384 Regulation:** 49 CFR § [384.204](#) CLP or CDL issuance and information
- **Determining Compliance:** A reviewer may look at a sample CLP or recently issued initial CDLs to ensure they contain all the required information. They may also check CDLIS to ensure that a permit has been issued. Additionally, a reviewer may observe an exam station to see if certain checks and balances are in place, such as an error message for an expiration date in excess of 180 days or appropriate restrictions required for P, S, or N endorsements.
- **Learn More:** View Module 4: CMV Groups, Endorsements, and Restrictions and Module 7: CLP and CDL Issuance Process for more information.

## 4. Required Record Check

- **Requirement:** Prior to issuing a CLP or issuing, transferring, renewing or upgrading CDL, a State must complete a check of the applicant's driving record. The record check must include, but is not limited to, checks of the applicant's driving record as maintained by their current State of licensure; CDLIS; the Problem Driver Pointer System (PDPS); and the applicant's complete 10-year driving record from all States where they were licensed.
- **Part 384 Regulations:** 49 CFR [384.205 CDLIS information](#); 49 CFR [384.206 State record checks](#)
- **Determining Compliance:** A reviewer may observe the process at the counter to verify the SDLA is performing the required checks.
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information on State record checks.

## 5. Notification of Licensing

- **Requirement:** The SDLA must notify the CDLIS operator of CLP or CDL issuance, transfer (Change State of Record), renewal, or upgrade within 10 days of the action, per 49 CFR § [383.73\(h\)](#).
- **Part 384 Regulation:** 49 CFR § [384.207 Notification of licensing](#)
- **Determining Compliance:** A reviewer may look at a CLP or CDL issued in the last few days and confirm correct Master Pointer Records (MPRs) in CDLIS. The reviewer may also view the Master Pointer Record Verification Report (CD31) to confirm that there are no missing or broken pointers.
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information on MPRs and missing and broken pointers.

## 6. Notification of Disqualification & Convictions

- **Requirement:** Within 10 days of a CLP or CDL holder from another State being convicted of a violation relating to motor vehicle traffic control, the State must notify the State of Record (SOR) of the conviction. Within 10 days of disqualifying a CLP or CDL holder licensed by another State, the State must notify the SOR of the disqualification and the violation.
- **Part 384 Regulations:** 49 CFR § [384.208 Notification of disqualification](#); 49 CFR § [384.209 Notification of traffic violations](#)
- **Determining Compliance:** A reviewer may look at the AAMVA Report for CDLIS Timeliness and Accuracy, which contains information about timeliness and data quality for convictions and withdrawals.
- **Learn More:** View the convictions and disqualifications section (Modules 10-13) for more information.

## 7. Limitation on Licensing

- **Requirement:** The SDLA may not issue a CLP or CDL to any person who is under any type of disqualification.
- **Part 384 Regulation:** 49 CFR § [384.210 Limitation on licensing](#)
- **Determining Compliance:** A reviewer may ask the SDLA to issue a CDL to a non-eligible driver to confirm that their system can detect and prevent fraud, as outlined in 49 CFR § [383.73\(n\)](#), when a driver record check returns suspect results.
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information on State record check requirements.

## 8. Surrender of Old Licenses

- **Requirement:** The SDLA may not issue, transfer, or upgrade a CDL unless the driver surrenders any previously issued drivers' licenses (CDL or non-CDL) and CLPs.
- **Part 384 Regulation:** 49 CFR § [384.211 Surrender of old licenses](#)
- **Determining Compliance:** A reviewer may observe this process at the exam station.

- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information on the requirements for CLP and CDL issuance, transfer, renewal, and upgrade.

## 9. Domicile

- **Requirement:** The State may issue CDLs or CLPs only to persons for whom the State is the State of domicile as defined in 49 CFR § [383.5](#); except that the State may issue a non-domiciled CLP or CDL under the conditions specified in 49 CFR §§ [383.23\(b\)](#), [383.71\(f\)](#), and [383.73\(f\)](#). The State must require any person holding a CDL issued by another State to apply for a transfer CDL from the State within 30 days after establishing domicile in the State, as specified in 49 CFR § [383.71\(c\)](#).
- **Part 384 Regulation:** 49 CFR § [384.212 Domicile requirement](#)
- **Determining Compliance:** The reviewer may discuss domicile with the SDLA during the on-site visit.
- **Learn More:** View Module 5: Legal Presence, Domicile, and Reciprocity for more information.

## 10. Reciprocity

- **Requirement:** The State must allow any individual to operate a CMV in that State provided that person is not disqualified from operating a CMV and holds a CLP/CDL that was issued by his or her State of domicile and is valid for the type of vehicle driven.
- **Part 384 Regulation:** 49 CFR § [384.214 Reciprocity](#)
- **Determining Compliance:** The reviewer may discuss reciprocity with the SDLA during the on-site visit.
- **Learn More:** View Module 5: Legal Presence, Domicile, and Reciprocity for more information.

## 11. Penalties for CMV Drivers

- **Requirement:** The State must disqualify from operating a CMV each person who is convicted, as defined in 49 CFR § [383.5](#), in any State or jurisdiction, of a disqualifying offense specified in 49 CFR § [383.51](#).
- **Part 384 Regulation:** 49 CFR § [384.213 State penalties for drivers of CMVs](#); 49 CFR § [384.215 First offenses](#); 49 CFR § [384.216 Second offenses](#); 49 CFR § [384.217 Drug offenses](#); 49 CFR § [384.218 Second serious traffic violation](#); 49 CFR § [384.219 Third serious traffic violation](#)
- **Determining Compliance:** A reviewer may utilize AAMVA CD90.4.1 to determine if the SDLA is applying appropriate disqualifying penalties.
- **Learn More:** View the convictions and disqualifications section (Modules 10-13) for more information.

## 12. Problem Driver Pointer System (PDPS)

- **Requirement:** The State must utilize PDPS to perform a check of the driver and, if penalties are found, implement proper disqualifications.
- **Part 384 Regulation:** 49 CFR § [384.220 Problem Driver Pointer System information](#)
- **Determining Compliance:** A reviewer may examine driver transactions and determine if a PDPS check was performed. The SDLA should be able to verify that there was a send and receive for a PDPS query.
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information on State record check requirements.

## 13. Out-of-Service Regulation—Alcohol

- **Requirement:** The State shall adopt and enforce on CMV operators the provision of 49 CFR § [392.5](#) in accordance with the Motor Carrier Safety Assistance Program (MCSAP) and applicable policy.
- **Part 384 Regulation:** 49 CFR § [384.221 Out-of-service regulations \(intoxicating beverage\)](#)
- **Determining Compliance:** A reviewer may check to see that the proper authorities can place a driver OOS as specified in 49 CFR § 392.5(a) and (c), which pertain to use and possession of alcohol while operating a CMV and the use of the 24-hour Out-of-Service Order (OOSO), respectively.

## 14. Violation of Out-of-Service Orders (OOSOs)

- **Requirement:** The State must have and enforce laws/regulations applicable to drivers of CMVs and their employers, pertaining to violations of Out-of-Service Orders (OOSOs) which meet the requirements of 49 CFR § 383.37(d), 49 CFR § 383.51 Table 4, and 49 CFR § 383.53(b).
- **Part 384 Regulation:** 49 CFR § [384.222 Violation of out-of-service orders](#)
- **Determining Compliance:** A reviewer may conduct a legal and operational review to ensure that the State has authority and is enforcing it. They may view the Out of State Transactions (CD90.4.1) AAMVA Report to search for OOSOs.
- **Learn More:** View the convictions and disqualifications section (Modules 10-13) for more information.

## 15. Railroad Grade Crossing (RRGC) Violations

- **Requirement:** The State must have and enforce laws/regulations applicable to CMV drivers and their employers which meet the minimum requirements of 49 CFR § 383.37(e), 49 CFR § 383.51 Table 3, and 49 CFR § 383.53(b).
- **Part 384 Regulation:** 49 CFR § [384.223 Railroad-highway grade crossing violation.](#)
- **Determining Compliance:** A reviewer may conduct a legal and operational review to ensure that the State has authority and is enforcing it. They may view

the Out of State Transactions (CD90.4.1) AAMVA Report to search for RRGV violations.

#### 16. Noncommercial Motor Vehicle (MV) Violations

- **Requirement:** The State must have and enforce laws/regulations applicable to drivers of non-CMV's compliant with the minimum requirements of 49 CFR § 383.51 Tables 1 and 2. These tables contain language that ensures individuals who would need to hold a CDL to operate a CDL are appropriately disqualified even if they do not hold a CDL.
- **Part 384 Regulation:** 49 CFR § [384.224 Noncommercial motor vehicle violations.](#)
- **Determining Compliance:** A reviewer may conduct a legal and operational review to ensure that the State has the authority to issue disqualifications for this violation and is able to take appropriate action.

#### 17. CDLIS Driver Recordkeeping

- **Requirement:** The State must keep, post, maintain convictions and medical information, and make that information available to users as designated.
- **Part 384 Regulation:** 49 CFR § [384.225 CDLIS driver recordkeeping.](#)
- **Determining Compliance:** A reviewer may review CDLIS records and State records to determine if the State is posting information for drivers. In particular, a reviewer may check that the CDLIS records contain all required medical information.
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information on CDLIS and State Record Check procedures.

#### 18. Prohibition on Masking

- **Requirement:** The State may not mask, defer imposition of judgement, or allow a CLP/CDL holder to enter into a diversion program that would prevent a conviction for any violation from appearing on his or her Commercial Driver's License Information System (CDLIS) driver record.
- **Part 384 Regulation:** 49 CFR § [384.226 Prohibition on masking convictions](#)
- **Determining Compliance:** The reviewer may ask the SDLA to engage in a discussion about examples of masking.
- **Learn More:** View Module 12: Masking for more information.

#### 19. Record of Digital Image or Photograph

- **Requirement:** The State must record a digital color image, photograph, or black and white laser engraved photograph from the application process. That image must be recorded on the licensing document, pursuant to 49 CFR § 383.153.
- **Part 384 Regulation:** 49 CFR § [384.227 Record of digital image or photograph.](#)
- **Determining Compliance:** A reviewer may check to see that CDLs have an appropriate photo, the photo is on file and can be verified through the licensing

process, and that it is part of the driver history or can be linked to the driver history.

## 20. Examiner Training and Record Checks

- **Requirement:** Regarding State and third party testers, the State must establish the 10 requirements listed in regulations.
- **Part 384 Regulation:** 49 CFR § [384.228 Examiner training and record checks.](#)
- **Determining Compliance:** A reviewer may check that the State provides training for its staff, that the training covers required areas, and that the State has completed background checks on its examiners.

## 21. Skills Test Examiner Auditing & Monitoring

- **Requirement:** To ensure the integrity of the CDL skills testing program, the State must audit skills test examiners, establish and maintain a database to track exam scores, and establish and maintain a database to track certifications of examiners.
- **Part 384 Regulation:** 49 CFR § [384.229 Skills test examiner auditing and monitoring.](#)
- **Determining Compliance:** A reviewer may check to see if a State has the required databases, and that those databases are used to monitor testing.

## 22. Satisfaction of State Disqualification Requirement

- **Requirement:** The State must satisfy the requirement that the State disqualify a person who holds a CLP/CDL by, at a minimum, disqualifying the person's CLP/CDL for the applicable period of disqualification per 49 CFR § 383.51. The State must disqualify a driver as expeditiously as possible and must conform to the requirements of the CDLIS State Procedures Manual (49 CFR § 384.107(b)). Two key parts to this are 1) the withdrawal itself and 2) the recording of the withdrawal.
- **Part 384 Regulation:** 49 CFR § [384.231 Satisfaction of State disqualification requirement.](#)
- **Determining Compliance:** A reviewer may check to see that the State is sending, receiving, and posting convictions and withdrawals.
- **Learn More:** View the convictions and disqualifications section (Modules 10-13) for more information.

## 23. Required Timing of Record Checks

- **Requirement:** The State shall perform record checks no earlier than 24 hours prior to issuance if the license is issued to a driver who does not currently possess a valid CDL from the same State, and no earlier than 10 days prior to issuance for all other drivers.
- **Part 384 Regulation:** 49 CFR § [384.232 Required timing of record checks.](#)

- **Determining Compliance:** A reviewer may check transaction histories to see that the State is running the required checks prior to issuance, and when those checks are being done. They may view the CD90.5.3 AAMVA Report, which shows drivers that have not had the requisite check within the time periods.
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information on CDL issuance and State Record Check procedures.

#### 24. Background Records Check

- **Requirement:** The State shall comply with TSA requirements concerning background record checks for drivers seeking to obtain, renew, transfer, or upgrade a hazardous materials endorsement (HME). The State shall comply with each requirement of 49 CFR § 383.141.
- **Part 384 Regulation:** 49 CFR § [384.233 Background records checks.](#)
- **Determining Compliance:** A reviewer may check that the State is complying with all parts of 49 CFR § 383.141, including notifying drivers a minimum of 60 days prior to expiration of a CDL with an HME, requiring drivers to pass a TSA security threat assessment, and requiring renewal of a CDL with an HME at least every 5 years. This could include viewing examples of letters sent to drivers or looking at the SDLA's system to ensure they apply and record background checks.
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information on CDL issuance, renewal, transfer, and upgrade requirements.

#### 25. Driver Medical Certification Recordkeeping

- **Requirement:** A State is required to maintain records for each CLP/CDL holder. These recordkeeping requirements include a driver's self-certification, medical examiner's certificate, medical certification status, medical variance, and CDL downgrades.
- **Part 384 Regulation:** 49 CFR § [384.234 Driver medical certification recordkeeping](#)
- **Determining Compliance:** A reviewer may ask the SDLA to discuss their procedures for managing the medical certification process including verifying a driver's self-certification, posting information to CDLIS, retaining copies of appropriate documentation, and conducting CLP/CDL downgrades.
- **Learn More:** View Module 6: Medical Certification Requirements for more information on State recordkeeping requirements.

#### 26. Drug and Alcohol Clearinghouse

- **Requirement:** No later than November 18, 2024, States must request information from the Clearinghouse, in accordance with 49 CFR § [383.73](#), in order to determine whether a driver is qualified to operate a commercial motor vehicle. This request for information, referred to as a "query," provides information about a CLP/CDL holder before the SDLA completes certain commercial driver's license transactions for that individual. SDLAs must query



the [FMCSA Drug and Alcohol Clearinghouse \(Clearinghouse\)](#) before issuing, renewing, upgrading, or transferring a CDLs and before issuing, renewing, or upgrading CLPs. The SDLA must also review a driver's information when notified by the Clearinghouse of a status change. In addition, the SDLA must remove the CLP or CDL privilege from the driver's license of an individual subject to the CMV driving prohibition, which would result in a downgrade of the license until the driver complies with return-to-duty (RTD) requirements. States must achieve compliance as soon as possible but no later than November 18, 2024.

- **Part 384 Regulation:** 49 CFR § [384.235 Commercial driver's license Drug and Alcohol Clearinghouse](#)
- **Determining Compliance:** A reviewer may request proof of queries conducted prior to the completion of licensing transactions, such as the issuance, renewal, transfer, and upgrade of a CLP or CDL or issuance, renewal, and upgrade of a CLP.
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information about the Drug and Alcohol Clearinghouse or visit <https://clearinghouse.fmcsa.dot.gov/Resource/Page/SDLA-Resources>.

## 27. Entry Level Driver Training (ELDT)

- **Requirement:** As of February 7, 2022, States must comply with the State procedures requirements and of 49 CFR § [383.73](#) to verify that the applicant completed the training prescribed in [Part 380, Subpart F](#) (Entry-Level Driver Training Requirements). States must also meet the ELDT provider notification requirement of 49 CFR § [383.73\(p\)](#). As of February 7, 2022, the State must notify FMCSA that a training provider in the State does not meet applicable State requirements for CMV instruction.
- **Part 384 Regulation:** 49 CFR § [384.230 Entry-level driver certification](#); 49 CFR § [384.236 Entry-level driver training provider notification](#).
- **Learn More:** View Module 7: CLP and CDL Issuance Process for more information about ELDT and FMCSA's Training Provider Registry or visit <https://tpr.fmcsa.dot.gov>.

## 15.2 Helpful Resources

There are a number of tools and systems that support data quality and the National CDL Program. Let's review some of the resources States can use for ensuring compliance.

### 1. AAMVA

The [American Association of Motor Vehicle Administrators \(AAMVA\)](#) hosts and maintains a number of National CDL Program tools and systems. It provides reports containing the convictions and disqualifications sent to and from States using CDLIS. These reports can be used to check that convictions and disqualifications were correctly posted to the DHR and ensure that required enforcement action was imposed. It also provides training on the use



of systems and procedures to ensure commercial driver safety and compliance with regulations.

## **2. AAMVA Code Dictionary**

The AAMVA Code Dictionary (ACD) provides uniform codes to identify the type of driver **conviction** and the reason for a driver **disqualification**. Note that AAMVA documentation refers to disqualifications as “withdrawals.” Appendix A of this manual contains an alphabetized list of the ACD codes used to communicate convictions and disqualifications and is grouped by category of violations. Appendix C contains CDL disqualification periods for certain offenses along with descriptions of the Federal Motor Carrier Safety Regulations (FMCSRs) and ACD Codes. AAMVA documentation also establishes the record retention periods for all disqualifications related to 49 CFR § [383.51](#). All other disqualifications must be retained for a minimum of three (3) years per 49 CFR § [384.225\(d\)](#). Refer to the ACD manual for more information.

## **3. CDLIS Procedures Manual**

The CDLIS State Procedures Manual (SPM) outlines the standard administrative practices required of the fifty States and the District of Columbia when participating in CDLIS. View this resource for procedural guidance, including the specifics of license issuance, renewal, transfer, reinstatement, and processing of convictions and disqualifications.

## **4. CDLIS Master Specifications Document**

Also known as Master Specs or CDLIS System Specs, this document provides guidance on the technical aspects required to operate and maintain CDLIS.

## **5. Commercial Driver’s License Program Implementation (CDLPI) Grant**

The [CDLPI Grant](#) provides funding to support State Driver Licensing Agencies (SDLAs) and other agencies and organizations working to achieve compliance with the requirements of 49 CFR [Parts 383](#) and [384](#) and improve the National CDL Program in an effort to ensure safety on our Nation’s roads.

## **6. Electronic Code of Federal Regulations (eCFR)**

The [eCFR](#) is an editorial compilation of CFR material and amendments published in the daily Federal Register. This training focuses on 49 CFR Parts 383 and 384, the two sections of the Federal regulations responsible for establishing and maintaining the CDL Program.

- 49 CFR [Part 383: Commercial Driver’s License Standards; Requirements and Penalties](#)
- 49 CFR [Part 384: State Compliance with Commercial Driver’s License Program](#)

## **7. Internal State Systems**

There are a number of internal State systems that support CDL compliance. This training does not outline the uses of each system or their benefits, which may vary by State. Please seek training locally to learn about your State-specific systems, tools, and processes.

### ***15.3 Congratulations!***

Congratulations. **You have completed the final module of this course.** By taking the time to complete this training and understand the safety goals, regulatory requirements, and standards of compliance of the National CDL Program, you help keep our roads safer for everyone. You can navigate through the left-hand menu to re-take a module or review a particular section of the course. You can also return to this course at any time to review the tools, systems, and resources that support data quality and the National CDL Program.

**Thank you for all that you do to support safety!**

To provide feedback, please [complete this questionnaire](#). You may also contact the FMCSA CDL Division at [cdlcompliance@dot.gov](mailto:cdlcompliance@dot.gov).