

CDL ISSUES

1. Is there a learner's CDL? How do commercial drivers get experience driving a commercial motor vehicle (CMV)?

Currently, our regulations allow States to issue learner's permits according to State requirements for the purposes of behind the wheel training in a CMV on public roads provided the permit holder is accompanied by a holder of a valid CDL (proper class and endorsements, if needed) and the permit holder has a valid automobile driver's license or has passed the required tests for an automobile driver's license.

2. Are there commercial driving schools? Are such schools regulated and certified?

There are over 300 private and public CMV driver training schools. The Federal Motor Carrier Safety Administration (FMCSA) does not have any authority over them. They are accredited on a national or regional basis by a variety of organizations including State organizations in regard to State technical colleges that offer driving courses.

3. What is the rationale for firefighters being exempt from the CDL requirements?

The firefighters petitioned for the waiver and provided data to justify that the waiver would be in the public interest and would not diminish CMV safety. Basically, they provided documentation that the driver training and testing for firefighters at least met and possibly exceeded the CDL requirements in some aspects.

4. It is understood that 0.04 BAC is a CDL disqualifying offense, but is it a criminal offense?

Whether or not 0.04 BAC is a criminal offense is up to each State. Our only requirement is that a conviction on a first offense is at least a 1-year disqualification and a second conviction is a disqualification for life.

5. Does suspension or revocation of a personal driver's license due to impaired driving impact the CDL? What about the 0.08 BAC for personal driving versus 0.04 BAC for CDL? What happens at reinstatement?

A CDL driver can only hold one license, the CDL. The CDL provides both CMV and personal vehicle privileges. The FMCSA only has regulatory authority over the commercial driving privileges. Therefore, a person who loses his or her personal vehicle driving privileges due to a conviction that took place in the personal vehicle may or may not lose the commercial privileges, depending on the State. If a disqualifying offense did not occur in a CMV that requires the driver to have a CDL, it is a State by State call. Many States will issue a hardship license to the driver in this situation, which is legal

under our current regulations. We do, however, encourage States to disqualify the driver from all driving privileges during the disqualification period.

Note: New Federal legislation will ban hardship licenses for CDL holders in the future.

6. What is the penalty for a first conviction of a serious traffic violation (Federal regulations only address two or more violations during a 3-year period in separate incidents)?

The Commercial Motor Vehicle Safety Act of 1986 established the minimum sanctions and penalties that a State must have for serious traffic violations. The Federal regulations reflect that minimum requirement, but States are free to establish penalties and sanctions for a first conviction.

7. How can the length of disqualification be determined for a subsequent conviction for a CDL serious traffic violation, if these convictions are removed from the driver's record after three years?

The Federal requirement for disqualification for conviction of a serious traffic violation is that two or more convictions occur in any 3-year period. If the time period between any two convictions is more than 3 years, the previous conviction has no bearing on determining the length of disqualification.

For example, if the time between the 1st and 2nd conviction is 1 year and the time between the 2nd and 3rd convictions is 2.5 years, the driver should receive at least a 60-day disqualification for the most recent conviction because only two convictions occurred in the last 3 years.

8. What is the CDL requirement that drivers speak English? Are drivers with Canadian (or Mexican) CDLs required to speak English? What is the penalty if they do not?

There is no CDL requirement that a driver speak English. The CDL tests can be given in any language. We are testing the driver's safety knowledge and skills not their comprehension of English. Any one who intends to operate in interstate or foreign commerce with the CDL must meet the English speaking requirement under 49 CFR 391.11(b)(2).

The requirement under 49 CFR 391.11(b)(2) is that a person must be able to read and speak English sufficiently to converse with the general public, to understand highway traffic signs, to respond to official inquiries, and to make entries on reports and records. However, this is not intended to be a roadside enforcement issue. It is a call by the motor carrier whether the driver speaks and reads English sufficiently to meet the safety and

operational needs of the motor carrier. A motor carrier or driver not able to meet the requirement could be subject to federal civil or criminal penalties.

Any Canadian or Mexican CMV driver operating in the U.S. is subject to the same regulations as U.S. Drivers. Under NAFTA, there may be a change in the future from reading and speaking English to being able to communicate sufficiently in each country.

9. How can the Canadian CDL be impacted if the driver does not pay penalties nor show up in court for (possibly multiple) speeding violations?

This situation appears to be the same as a U.S. driver who does not appear in court or does not pay an out of State fine. The privilege to drive in the State where it occurred can be removed until it is settled in court or the fine is paid.

10. Can the names of foreign drivers be entered in a special list attached to the National Driver Register (NDR) when a law has been violated, but the driver does not show up in court or does not pay the fine?

No special list needs to be created in the NDR. If a State withdraws a privilege to driver in their State for failure to appear or failure to pay, this suspension of privilege can be entered into the NDR, regardless of where the driver is licensed.

In regard to checking the NDR when a foreign driver enters the country and arresting him or her if there is a suspension on the NDR, this is a State and not a Federal matter since the action has been taken by a State. If the driver applied for a non-resident CDL and the NDR confirmed a current suspension, a State would be prohibited from issuing the CDL under Federal requirements.

11. How does the State (officer or court) know when a driver is placed out of service?

Currently, there isn't any tracking system or data base that keeps track of out of service orders. This is being considered for the future. Usually, a driver is caught violating an out of service order through covert operations by enforcement officials that wait near an area where drivers have been put out of service and catch them leaving before the order has expired.

12. Are there Federal requirements that to be eligible to obtain a CDL, particularly one with a school bus endorsement, the applicant must not have more than a certain number of convictions or points on their driving, including those obtained while operating an automobile?

The Federal requirements are not based on the number of convictions or point accumulated in any time period. Those are State procedures and may be part of a State decision in addition to meeting the Federal requirements. Under the Federal requirements, an applicant may not be issued a CDL, renew one, transfer one from another State or upgrade one if the driver is currently under any CDL disqualification as

contained in 49 CFR 383.51 or a cancellation, suspension or revocation in any vehicle:

In regard to a school bus endorsement, it is currently not a Federally required endorsement. The basis for issuance of such an endorsement is determined on a State by State basis. The CDL passenger endorsement is more general and includes all vehicles that are designed to transport 16 or more passengers, including the driver.

Note: New Federal legislation will require Federal standards for a CDL school bus endorsement in the future.

13. Once a driver is issued a CDL with a school bus endorsement, is there a Federal requirement that if the driver accumulates a certain number of convictions or points, the school bus endorsement is withdrawn?

No. As discussed in the response to Question 12, the requirements for issuance and removal of a school bus endorsement is currently determined on a State by State basis.