

## Quarterly Legal Updates

The Commission recognizes that both statutes and case law can change frequently and throughout the year. While officers take mandatory Legal Update training, many times the officers would have benefitted from knowing about the changes when they happened rather than waiting months to attend the class. To help reduce the time it takes for officers to hear about recent changes to the law, the Commission's quarterly newsletter now includes a synopsis of the most significant recent changes.

### Important Changes to CDL Training Effective 2022

The Federal Motor Carrier Safety Administration's Entry-Level Driver Training (ELDT) regulations will take effect on February 7, 2022 and will serve to enhance the safety of commercial motor vehicle (CMV) operations by establishing new minimum training requirements for commercial driver's license (CDL) and passenger (P), school bus (S), and hazardous materials (H) endorsement holders and applicants.

These changes require CDL holders, and P, H, and S endorsement holders to successfully complete a mandatory theory (knowledge) and behind-the-wheel (BTW) training program. Training must be provided by an entity listed on FMCSA's Training Provider Registry (TPR). The State Driver Licensing Agency (SDLA) will be required to verify the entry-level driver has completed the required training before allowing the driver to proceed to the next step.

In addition, all driving schools providing training are required to register their program with the FMCSA and self-certify that their program meets or exceeds all ELDT requirements and all federal, state, and local laws.

### Who the Changes Apply to:

The ELDT regulations apply to all entry-level CMV operators in interstate and intrastate commerce who are applying for a Class A or Class B CDL, upgrading their CDL, and applying for a P, S, or H endorsement for the first time.

These requirements are not retroactive and will not affect the license status of those currently holding a valid CDL or a P, S, or H endorsement. The compliance date is set for February 7, 2022.

The training provider registry was opened to training providers beginning the summer of 2021 and was made publicly available in the fall of 2021.

Beginning February 7, 2022, training providers will be able to submit training certification information and states will begin verifying driver training certification information.

To meet ELDT requirements, drivers are required to choose a training provider from those listed on the TPR. Students who are trained by a provider not listed on the TPR will not be eligible to test for a CDL.

The ELDT regulations don't specify the order of training for CDL applicants. Training providers can choose which form of training to provide first and in what order. In addition, the new regulations don't require applicants to complete theory training before obtaining a commercial learner's permit (CLP).

### Operation of Side-by-Side (SXS) Utility Task Vehicles (UTVs) on Public Streets and Highways:

In several areas of the Commonwealth, municipal police departments have been encountering off-road vehicles (SXS-UTVs/Quads/ATVs) bearing registrations from Montana (MT), and owners claiming that they can drive on Pennsylvania (PA) roadways due to reciprocity agreements. The MT registrations are being obtained by PA residents who are forming (shell) out-of-state LLCs to circumvent the PA law, as these off-road vehicles are not eligible to obtain PA registration from the Pennsylvania Department of Transportation (PennDOT) for on-highway use. Encounters with these vehicles registered under MT LLCs is becoming more frequent due to sharing of the information via social media.

The PennDOT Chief Counsel provides guidance for officers encountering these situations. The following information is provided:

1. Registering an ATV/SXS/UTV/Quad in a state that does allow on-road use does not affect the prohibition against operation on the Commonwealth's streets and highways.
2. Unless posted to allow ATV use, operation on a public street/highway is prohibited and would be a violation of the Vehicle Code.
3. Appropriate enforcement is determined by whether the vehicle is an ATV by definition and, therefore, Chapter 77 of the Vehicle Code applies, or it is not an ATV and Chapter 13 applies.