



NLBMDA Regulatory Update:  
New FMCSA Entry-Level Driver Training Rule  
*Effective Date February 7, 2020*

The Federal Motor Carrier Safety Administration (FMCSA) issued a new rule for entry-level driver training. The Entry Level Driver Training (ELDT) rule applies to persons who must complete State-administered CDL skill tests. It establishes training requirements for entry-level operators of Commercial Motor Vehicles (CMVs) who are required to possess a Class A or Class B Commercial Driver's License (CDL), or a first time endorsement for hazardous materials (H), passengers (P) or school busses (S).

The new ELDT rule primarily revises FMCSA regulations found in 49 CFR part 380, Special Training Requirements. A new Subpart F – Entry-Level Driver Training Requirements On or After February 7, 2020 is now included in the regulations, adding sections 380.600 through 380.609. Previous Subpart E has been renamed as “Entry-Level Driver Training Requirements Before February 7, 2020.” There is also a new Subpart G – Registry for Entry-Level Driver Training Providers, adding sections 380.700 through 380.725. Technical conforming revisions are made to parts 383 and 384 as well. Appendixes outline the specific training curriculum requirements.

#### Background

The new rule is the result of a negotiated rulemaking. In late 2014, the FMCSA announced its intention to establish the Entry-Level Driver Training Advisory Committee (ELDTAC) of stakeholder representatives and FMCSA to implement the requirements of the 2012 legislation, Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21). MAP-21 required FMCSA to issue ELDT regulations, specifically specifying classroom and behind-the-wheel instruction. With the ELDTAC recommendations, the FMCSA issued a Notice of Proposed Rulemaking on March 7, 2016, which led to the ELDT final rule. The final rule has many, but not all of the ELDTAC recommendations.

The new rule is effective as of February 7, 2017. Its compliance date is set three years later, February 7, 2020. The three-year phase-in period is intended to give states enough time to modify their information systems to allow recording of training provider's certification information into the Commercial Driver's License Information System (CDLIS) and onto the driver's CDL record. The phase-in is also expected to give the training community time enough to develop and begin offering training program that meet the new requirements on the Training Provider Registry (TRP).

#### Basic Requirements

The ELDT rule establishes minimum training requirements for entry-level CMV operators for Class A or B CDL for the first time, an upgrade of their CDL, or a Hazardous Materials (H), Passenger (P), or School Bus (S) endorsement for the first time.

It does not apply to individuals holding a valid CDL or endorsement issued before the compliance date of February 7, 2020. Nor does the rule cover individuals for whom States have waived the CDL skill test under 49 CFR 383.

There are no new exceptions created for CDL drivers; however, all existing exceptions remain in place: those for military drivers, farmers, and firefighters.

Beginning on the compliance date, no entry-level driver may take a State-administered CDL skills test for a Class A or B CDL, or H, P or S endorsement unless he or she has successfully completed a mandatory theory (knowledge) training program and behind-the-wheel (BTW) training program. Training providers must be listed on the FMCSA's TPR.

**Note:** *As explained below, there are no minimum hours required for BTW training. This is a departure from the March 2016 FMCSA proposal that 30 hours for BTW training be split between course time and on-road time. Some groups have petitioned FMCSA to reconsider the final rule on this point, arguing in favor of a 30-hour minimum for BTW training.*

### Training Curricula

The new rule includes a prescribed theory (knowledge) curriculum to address the training needs of drivers seeking Class A or B CDLs or P or S endorsements. There is a separate theory curriculum for the H endorsement. The theory curricula would be specific to the applicable CDL class.

There is no minimum number of theory hours for the completion of any of the theory curricula. The driver-trainee must achieve an overall minimum score of 80 percent on the theory assessment. States and individual training providers may require that driver-trainees complete additional theory topics.

There is a behind-the-wheel (BTW) training for range and public roads requirement for all except the H endorsement. BTW training includes discrete maneuvers that each driver-trainee must proficiently demonstrate to the satisfaction of the training instructor. There is no minimum number of BTW hours for the completion of any of BTW requirements. However, trainers are required to document the total number of hours that each driver-trainee spends in completing all of the elements of the BTW curriculum. Proficiency of the BTW portion of the training is based solely on the training instructor's assessment of each driver-trainee's individual performance.

All BTW training must be conducted in a representative vehicle for the CDL class or endorsement being sought. The required theory and BTW training do not need to be provided by the same provider. Instead, theory and BTW may be provided by separate training providers; however, all training providers must be listed on the FMCSA's TPR.

There is no mandatory sequence in which theory, BTW-range, and BTW-public road training must be administered. However, FMCSA does expect that trainers will ensure that driver-

trainees master basic vehicle control maneuvers in a controlled environment before allowing them to operate the CMV on a public road as part of any BTW-public road training.

There is no “refresher training” requirement for CDL holders who have been disqualified from operating a CMV. However, States may have their own “reinstatement” protocols for CDL holders who have been disqualified.

### Training Providers

There are separate requirements for trainers who want to be listed on the TPR. Under the new rule, training providers self-certify that they meet the applicable eligibility requirements. The rule does not require training providers to be accredited by third-party organizations. Organizations of different types, such as training schools, educational institutions, state and local governments, owner-operators, may apply.

The rule requires the BTW instructor to hold a CDL of the same (or higher) class, and with all endorsements necessary, to operate the CMV for which training is being provided and meet all applicable State requirements for CMV instructors. The BTW instructor must also either (1) have a minimum of two years of experience driving a CMV requiring a CDL of that class or endorsement, or (2) have a minimum of 2 years experience as a BTW CMV instructor. There is an exception for BTW instructors who only train on a private range.

The rule requires the theory instructor to hold a CDL of the same (or higher) class, and with all endorsements necessary, to operate the CMV for which training is being provided, and either (1) have a minimum of two years of experience driving a CMV requiring a CDL of that class or endorsement, or (2) have a minimum of 2 years experience as a BTW CMV instructor. There is one caveat to allow retired CMV drivers to provide theory instruction: A theory instructor need not hold a CDL of the same (or higher) class, and with all endorsements necessary, to operate the CMV for which training is being provided as long as he or she previously held a CDL of that class and meets all other requirements.

### After Certification

Training providers may not issue a certification unless the driver-trainee demonstrates proficiency in performing all required BTW skills. Once proficiency is demonstrated, providers will transmit electronically the training certification information for each student to FMCSA via the TPR. FMCSA will transmit this same information to the State Driver Licensing Agency (SDLA) as proof the CDL applicant has completed the prescribed training prior to taking the State-administered CDL skills test. The SDLAs will have to modify their IT systems to receive this information from FMCSA and post that information on the applicant’s CDLIS driver record.

The new ELDT rule does not prohibit an applicant from scheduling a skills test in advance of his or her completion of the required training; however, States may not administer a skills test until a driver-trainee completes the required training.

The rule does not replace or supersede State-based ELDT requirements that exceed these federal standards. The question of what State-based ELDT requirements apply is determined by the location of the training. The new rule does not prohibit driver-trainees from obtaining training outside their State of domicile.

### Compliance Date

The ELDT rule will be enforceable on February 7, 2020, three years after the effective date of February 7, 2017. This is intended to give States time enough to make the necessary changes to their information systems. This is also intended to give training providers time enough to develop and begin offering programs that meet the new ELDT requirements.

Individuals who obtain a Commercial Learner's Permit (CLP) on or after February 7, 2020 will have to satisfy the new requirements. Individuals who obtain a CLP before February 7, 2020 are not required to meet the new ELDT as long as they obtain the CDL (or endorsement) before the CLP (or renewed CLP) expires.

More information about the rule may be found at [www.fmcsa.dot.gov/eldt](http://www.fmcsa.dot.gov/eldt). See also NLBMDA's [Summary of Class B CDL Training Curriculum](#) at [dealer.org](http://dealer.org). Please direct any questions or comments to Frank Moore, NLBMDA's Regulatory Counsel at [frank@dealer.org](mailto:frank@dealer.org).