



Federal Motor Carrier Safety Administration (FMCSA) Responses to Questions Asked During NBWA's Entry-Level Driver Training (ELDT) Webinar

Acronym Key:

BTW = Behind-the-Wheel
CDL = Commercial Driver's License
CLP = Commercial Learner's Permit
CMV = Commercial Motor Vehicle
EAP = Employee Assistance Program
ELDT = Entry-Level Driver Training
FMCSA = Federal Motor Carrier Safety Administration
HOS = Hours of Service
TPR = Training Provider Registry

Q: Will ELDT be delayed?

A: Because these regulations have been delayed previously, and are under the watchful eyes of Congress, it is not anticipated that there will be another delay.

Q: Do the new training requirements apply to existing licensed CDL drivers?

A: The ELDT regulations apply only to first-time CDL applicants as of February 7, 2022.

Q: How does this affect a beverage wholesaler with CDL drivers? We generally hire drivers who already have CDLs.

A: This rule only applies to individuals newly applying for a CDL. If the individual already has a CDL, the ELDT regulations do not apply.

Q: Does the trainer need to be certified in states that do not require certifications for entry-level driver training currently?

A: The ELDT regulations and Training Provider requirements and certification go into effect on February 7, 2022 for all states. Prior to that date, current state and federal laws apply.

Q: At what point does a trainee obtain their Commercial Learner's Permit (CLP)?

A: An individual must obtain their CLP before operating a commercial motor vehicle (CMV) on a public road or highway for purposes of behind-the-wheel (BTW) training. The ELDT regulations do not require a CLP holder to be tested at a third-party testing site. The CDL skills test may be administered by state personnel or by authorized third-party testers, depending on the requirements of the state.

Q: Will a CDL holder be required to retest BTW if only adding endorsements?

A: Beginning February 7, 2022, entry-level drivers applying for a passenger (P) or school bus (S) endorsement for the first time must complete the applicable ELDT. If the endorsement related ELDT is completed as required, the entry-level driver will be eligible to take the skills test to add the endorsement.

Q: Will ELDT be needed to remove an airbrake, manual transmission, or automatic only restriction?

A: No. CMV drivers who apply for removal of a restriction in accordance with 49 CFR 383.135(b)(7) are not subject to the training requirements set forth in the ELDT regulations. (§ 380.603(a)(4)).

Q: Does an in-house (employees only) CDL training school need to have Employee Assistance Program (EAP) approval?

A: ELDT regulations do not require, or even address, EAP approval for ELDT training programs. To be listed on the TPR, a Training Provider (whether or not in-house) must comply with the requirements set forth in 49 CFR 380.703.

Q: Will a practice permit test qualify as the written test if it covers all criteria?

A: ELDT theory training does not replace the state-administered knowledge test. The regulations require that driver-trainees be assessed on all units of instruction included in the Appendix on which the driver receives training. Some of these topics may not be covered on the CLP knowledge test. The CLP knowledge test and ELDT theory training serve separate and distinct functions in CMV driver education. Theory training is designed to provide a driver-trainee with a substantive understanding of the operating characteristics of the vehicles they intend to operate, safe driving practices and the legal and medical requirements related to CMV driving. The CLP knowledge test is designed to assess whether CDL applicants have sufficient knowledge of basic concepts related to the safe operation of CMVs. It is up to the Training Provider to determine how the material will be tested, e.g., by each section or on the entire curriculum, once all sections and units have been covered. The term

“overall score” refers to the score *on the* written assessment(s). If the material is tested by section, for example, the driver-trainee must score a minimum of 80% on the assessment for each section. Similarly, if the driver-trainee is tested on the entire Class A theory curriculum after completing all sections, they must achieve a minimum score of 80% on that assessment.

Q: Is there a standardized written assessment for the theory portion of ELDT?

A: There are not standardized written assessments or examples provided by FMCSA. It is the responsibility of the Training Provider to ensure all required topics are covered and the trainee receives at least an 80% score on the theory portion of the ELDT.

Q: Are the JJ Keller training manuals still of use?

A: FMCSA does not endorse any outside vendors. If JJ Keller plans to offer training, the company will be required to first register on the TPR.

Q: Do new drivers need to first pass the state CLP test, then pass the ELDT theory test, followed by the skills test to obtain a CDL?

A: No. The ELDT regulations do not require driver-trainees to obtain theory training prior to taking the state-administered knowledge test (except for H endorsement applicants). The CLP knowledge test and ELDT theory training serve separate and distinct purposes in CMV driver education. Theory training is designed to provide a driver-trainee with a substantive understanding of the operating characteristics of the vehicles they intend to operate, safe driving practices, and the legal and medical requirements related to CMV driving. The CLP knowledge test is designed to assess whether CDL applicants have sufficient knowledge of basic concepts related to the safe operation of CMVs. Additionally, individuals who obtain a CLP before February 7, 2022, are not subject to ELDT *if* they obtain a CDL before the CLP or renewed CLP expires.

The applicant can take the state-administered knowledge test before or after completing theory training (except for the H endorsement); however, a driver-trainee must obtain their CLP prior to driving a CMV on a public road for BTW training.

Q: We train many of our own drivers. With the new rules, can we continue doing so as long as we are registered with FMCSA? Will states continue conducting the final examinations of the driver to receive the CDL A?

A: Yes. Training providers, including motor carriers, that wish to provide entry-level driver training must comply with the requirements set forth in 49 CFR 380.703 to be listed on the Training Provider Registry (TPR). States will continue to administer the CDL skills test(s) in accordance with current regulations. Beginning February 7, 2022, states must not administer the skills test(s) unless the applicant has completed ELDT.

Q: Can a beer distributor register a location that could conduct the theory training on-site but then use a separate location for range training?

A: Yes. However, both locations/prospective Training Providers must register separately on the TPR.

Q: As an employer, can I have an employee register as a trainer or does ELDT training need to be conducted by a trainer outside of my company?

A: If, as a motor carrier, your company wishes to provide ELDT, you must register as a Training Provider on the FMCSA TPR. To be listed on the TPR, you must meet the requirements set forth in 49 CFR 380.703. Your company may utilize an employee as a trainer if the employee meets the driver training instructor qualification criteria in 49 CFR 380.713.

Q: If more than one Training Provider is registered on the TPR at an organization, is the same instructor required to conduct both the range and road training?

A: Yes, the same instructor must conduct the range and BTW training.

Q: We are a motor carrier that trains internal candidates to acquire their CDL. We already report training data to our state. Will we need to continue state reporting or will the states have access to that information from the TPR?

A: As a motor carrier, if your company plans to provide ELDT to new CDL applicants after February 7, 2022, then the company must register as a Training Provider to be listed on the TPR. If your company is in a state that requires state driver training reporting, check with the State Driver Licensing Agency to determine whether the state requirement will continue after the ELDT regulations take effect on February 7, 2022.

Q: Is the ELDT trainer required to hold a Class A?

A: The trainer must hold the same class of CDL as the training offered as well as at least two years of experience.

Q: Will driver trainees be able to drive trucks with someone other than a certified trainer?

A: Drivers must obtain ELDT from a Training Provider listed on the TPR. To be eligible for listing on the TPR, the Training Provider must use theory and BTW instructors as defined in 49 CFR 380.605. On a private driving range, a driver-trainee may operate a CMV with someone other than a certified trainer in the truck, if a qualified BTW instructor is present on the range. To complete the BTW training on a public road, the driver-trainee must possess a CLP and be accompanied by a CDL holder in the front seat next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the front row behind the driver (49 CFR 383.25(a)). Nothing prohibits other driver-trainees or trainers from also being in the CMV, if the requirements of 383.25(a) are met.

Q: Will the hours-of-service (HOS) training, in the theory portion of the new rules, apply to drivers who or companies that are exempt from HOS logs, i.e., 100 air-mile radius of "home base"?

A: Yes. Regardless of an applicant's intentions at the time they obtain a CDL or endorsement, the individual is in fact credentialed to operate a range of CMVs falling within the CDL class or endorsement that the driver may operate in the future while subject to the HOS requirements. It is, therefore, important for entry-level drivers to receive theory training in the HOS regulations, one of FMCSA's core safety initiatives, prior to obtaining a CDL.

Q: Will private third-party testers (such as beer wholesalers) be required to train people from outside of their company?

A: No. There is no requirement for a company to train employees from other companies. Additionally, there is no limit or restriction on who a registered trainer may train. Trainers will be able to designate whether they are private/in-house or open to the public. CDL applicants who are seeking a trainer can contact trainers on the TPR, but the trainer is not required to accept the request from the prospective student.

Q: Can a company outsource all the ELDT requirements to a private contractor? Is the same individual trainer required to be the only trainer with whom the candidate may train? Can the candidate drive with another individual trainer?

A: Yes, the theory and behind-the-wheel training can be outsourced to an entity listed on the TPR. The same trainer is required to perform range and BTW training. A separate trainer may administer the theory portion of ELDT.

Q: Is a Training Provider defined as the company or the individual?

A: The actual entity must register. The trainer is then responsible for the ELDT theory and BTW requirements.

Q: Please elaborate on the range requirements.

A: A range can be an empty parking lot. It must be free of obstruction and allow the driver trainee to move freely without other vehicles or hazards in the way.

Q: Will there be a delay from when the last component/assessment is uploaded in the TPR to when the trainee can take their CDL test?

A: FMCSA does not anticipate delays, if the driver certification information submitted by the Training Provider is accurate.

Q: After an entry-level driver has successfully completed their training can the Training Provider be held liable for any damages/issues that may arise with said driver in the future?

A: The ELDT regulations do not address the issue of Training Provider liability. The answer to this question depends on applicable state laws.