

LEGAL UPDATE

FMCSA Proposes Amendments to Commercial Driver's License Requirements to Increase Flexibility

On Feb. 2, 2024, the Federal Motor Carrier Safety Administration (FMCSA) announced a [notice of proposed rulemaking](#) (NPRM) to increase flexibility for State Driver Licensing Agencies (SDLAs) and commercial driver's license (CDL) applicants.

Comments on the NPRM must be received on or before April 2, 2024.

Overview of Proposed Amendments

The purpose of the NPRM is to enhance the flexibility and efficiency of the CDL program by removing certain regulatory restrictions to allow applicants to obtain a CDL and be productively employed as a commercial motor vehicle (CMV) driver in less time than it currently takes without compromising safety.

The NPRM seeks to do this by:

- Expanding applicants' ability to take a CDL skills test in a state other than their state of domicile;
- Permitting a commercial learner's permit (CLP) holder who has passed the CDL skills test to operate a CMV on public roads without having a qualified CDL holder in the passenger seat; and
- Eliminating the requirement that an applicant wait at least 14 days to take the CDL skills test following the initial issuance of the CLP.

The NPRM also proposes measures to ensure the consistency and integrity of the administration of CDL knowledge tests provided by third-party examiners and facilitate the safe transport of empty CMVs designed to transport passengers more efficiently.

In the case of CDL knowledge testing administered by third parties, the proposal seeks to improve safety by imposing applicable training and certification standards for third-party knowledge examiners currently required for State-employed knowledge test examiners and by imposing monitoring standards for third-party knowledge testers currently applicable to third-party skills testers.

The FMCSA believes these proposals would improve the efficiency and convenience of CDL issuance and improve highway safety by further ensuring the integrity of third-party CDL knowledge testing.

The NPRM also proposes to remove the requirement that CMV drivers must have a passenger (P) endorsement to transport CMVs designed to carry passengers, including school buses, when the vehicle is being transported in a driveaway-towaway operation and the vehicle is not carrying any passengers.

IMPORTANT INFORMATION

Feb. 2, 2024

The FMCSA announced its NPRM to increase flexibility for SDLAs and CDL applicants.

April 2, 2024

Comments on the NPRM are due.

Proposed Amendments

The NPRM can be found [here](#).



Next Steps

Motor carriers, employers and CDL applicants should continue to monitor the NPRM to make sure they stay informed about any changes. They should review the amendments the NPRM seeks to make to understand how they will affect each of them.

