

U.S. Department of **Transportation**



Federal Motor Carrier Safety Administration

**Update on FMCSA Rulemaking and Programs
November 28, 2018**

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Agenda



- Under 21 Military CDL Pilot Program
- Drug and Alcohol Clearinghouse
- Entry Level Driver Training
- National Registry of Certified Medical Examiners
- Diabetes Final Rule
- U.S. Custom Harvesters
- Employer Notification System



Under 21 Military CDL Pilot Program



Overview

- Study the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.
- Conduct, monitor, and evaluate the pilot program in consultation with a working group.
 - Working group to review the data collected and provide recommendations
- Submit report to Congress no later than 1 year after pilot program is concluded.

Under 21 Military CDL Pilot Program



- A covered driver is an individual who is:
 - Ages of 18, 19 and 20
 - A member of the armed forces, National Guard or reserve components
 - Qualified in 1 of 7 Military Occupational Series to operate a CMV
 - Army – 88M, 92F
 - Navy - E0
 - Air Force – 2F0, 2T1, 3E2
 - Marines - 3531
- Limitations

Under 21 Military CDL Pilot Program



Federal Register Notice

- Published July 6, 2018
- Notice sets participation standards for motor carriers & drivers
- Notice sets safety performance standards to ensure safety
- 3 year pilot - no later than one year after, report to Congress describing findings and recommendations of the working group
- FMCSA expects to need 70 motor carriers that will provide 200 drivers to each group
 - Covered driver (study group)
 - Control group

Under 21 Military CDL Pilot Program



Next Steps

- Approve the Information Collection Request
- Announce the kick off of the pilot
- Accept carrier applications

The Drug and Alcohol Clearinghouse



The Final Rule

- Published – December 5, 2016
- Compliance Date – January 6, 2020
- Requires FMCSA to establish a drug and alcohol clearinghouse for all CDL holders subject to the drug and alcohol regulations
- The Drug & Alcohol Clearinghouse will be a database containing CDL drivers' drug and alcohol program violations.

BENEFITS

- Improved motor carrier oversight
- Improved driver compliance
- Increased safety on our highways

The Drug and Alcohol Clearinghouse



The Final Rule

- Requires FMCSA-regulated entities to report test results
- It will also contain information about whether a driver has successfully completed the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- Clearinghouse requirements fall into two major categories:
 - Reporting and Querying
 - Notifying and Registering (lesser extent)

The Drug and Alcohol Clearinghouse



Querying

- Employers will be required to query the Clearinghouse for current and prospective employees' drug and alcohol violations
 - Determine if the driver is eligible to drive
- Employers will be required to annually query the Clearinghouse for each driver they currently employ.
- The National Transportation Safety Board (NTSB) will be able to access Clearinghouse information for drivers involved in a crash under investigation by the NTSB.
- The final rule did require SDLA to query the Clearinghouse when a State-licensed driver obtains, renews, upgrades, or transfers his or her license.

The Drug and Alcohol Clearinghouse



Reporting

- Employers, C/TPAs, and MROs will be required to report drug and alcohol testing program violations to the Clearinghouse.
- SAPs will be required to report information about drivers undergoing the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- Each time information is added to, modified, or removed from the Clearinghouse, FMCSA will notify the affected driver.
 - To receive electronic notification, drivers will have to register with the Clearinghouse

The Drug and Alcohol Clearinghouse



Petition for Rulemaking

- AAMVA submitted a Petition for Reconsideration
 - Asked SDLAs to be removed from the Clearinghouse process
 - Asserted that the Final Rule did not spell out the actions the SDLA must take after the Clearinghouse is queried

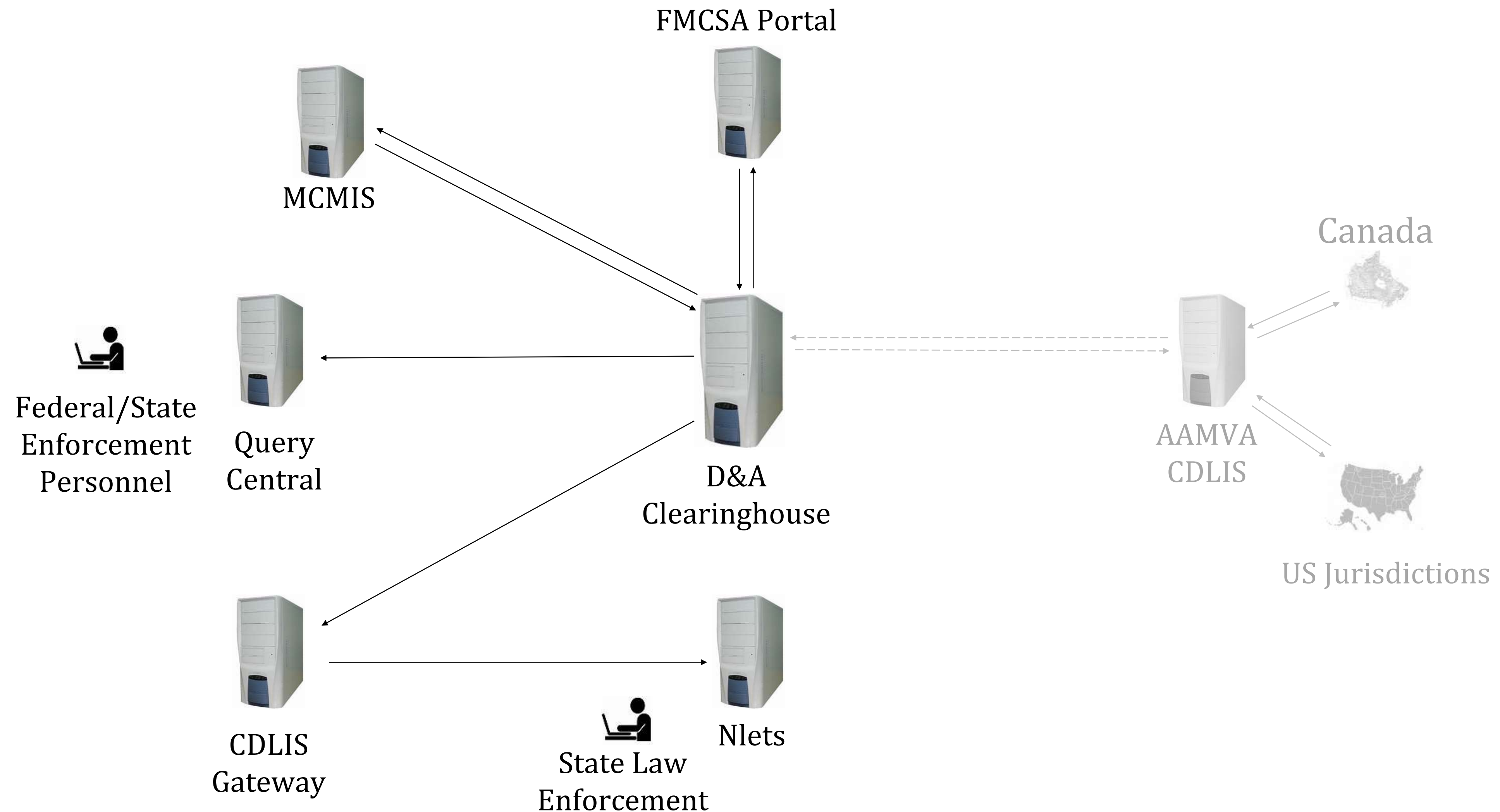
The Drug and Alcohol Clearinghouse



The Next Steps

- Between now and 2020
 - Building the Clearinghouse
 - Drafting the NPRM
- Will FMCSA require States, under the Drug and Alcohol Clearinghouse Final Rule, to query the clearinghouse even though SDLAs aren't required to take action on the results? The short answer is **“NO.” At this time, States are not required to take any action to prepare for the February 2020 compliance date.**

The Drug and Alcohol Clearinghouse



Driver Prohibition Message

CDLIS.DOT.GOV

Page 1 of 4

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History Search Results for [REDACTED]



PROHIBITED FROM DRIVING CMV - Drug and Alcohol Clearinghouse

[REDACTED]

201710231548370314D66A7WS

Driver General Information

First Name	Middle Name	Last Name	Suffix	SSN	Birth Date	Height	Weight	Eye Color	Sex
A [REDACTED]	[REDACTED]	[REDACTED]		XXXXXXXXXX	1983-01-29	509	195	BLUE	M

Residence

The Drug and Alcohol Clearinghouse



Timeline - Important Dates



Entry Level Driver Training



The Final Rule

- Published – December 8, 2016
- Compliance Date – February 7, 2020
- Required by Section 32304 of MAP-21
 - Issue regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle

Entry Level Driver Training



The Final Rule

- Entry-level driver is an individual that must complete the CDL skills test
 - A commercial driver's license (CDL) for the first time;
 - An upgrade of their CDL (e.g., a Class B CDL holder seeking a Class A CDL); or,
 - A hazardous materials (H), passenger (P), or school bus (S) endorsement for the first time.
- Individuals who intend to obtain a CLP on or after *February 7, 2020* will have to satisfy ELDT requirements.
- Individuals who obtain a CLP before *February 7, 2020* are not required to comply with the new ELDT rule as long as they obtain the CDL or endorsement before the CLP (or renewed CLP) expires.

Entry Level Driver Training



Knowledge Check Questions

Question 1: It's February 10, 2020 and you are a driver that let his or her CDL expire 2 years ago, do you need to take ELDT?

Question 2: You obtain your CLP on February 1, 2020, do you need to take ELDT?

Question 3: It's February 10, 2020 and you have been a CDL driver for 10 years. You want to start hauling HM for the first time and want an endorsement. Do you need to take ELDT?



Entry Level Driver Training



The Final Rule - The Training

- The core and endorsement curricula are subdivided into theory (knowledge) and behind-the-wheel (BTW) (range and public road) segments.
- No minimum number of hours that students must spend on the theory portions of any of the individual curricula.
- Training provider must provide instruction in all elements of the applicable theory curriculum and driver-trainees must receive an overall score of at least 80% on the theory assessment.

The Final Rule – The Training Provider Registry

- FMCSA is considering a number of system options to establish the Training Provider Registry.
- One model would be similar to the National Registry – where the Registry provider forwards successful completion of training to FMCSA, which will then forward the certificate information to SDLA

National Registry of Certified Medical Examiners



- Status
 - NR system has been down since Dec 1, 2017
 - Interim functionality developed
- Functionality Available on April 6, 2018
 - Requirements and instructions for MEs to become certified
 - Search tool
- Tools
 - Certified ME Search Tool
 - Registration tool - <https://sfm.fmcsa.dot.gov/nrcme/register>

- Functionality Available on June 22, 2018
 - Login.gov account necessary
 - All certified MEs are required to migrate their NR account to login.gov
 - Detailed instructions and FAQs provided
 - MEs able to upload results of exams
- Functionality Available on August 13, 2018
 - MEAA and third-party
 - Login.gov account necessary
 - Required to migrate MEAA account with login.gov account – detailed instructions and FAQs provided
 - Ability to upload results of exams

- Functionality Available on September 12, 2018
 - ME and MEAA NR Profile Edits
 - Contact information
 - Employer information
 - Medical profession and licensing information
 - Training information
 - New MEAA Registration
- New System Rebuild
 - Work began on September 18, 2018

- Extension of Compliance Dates for Medical Examiner's Certification Integration
 - Delayed the compliance date
 - From June 22, 2018, to June 22, 2021
 - For several provisions of the April 23, 2015, Medical Examiner's Certification Integration final rule
- Comments were due by August 20, 2018

- Work on NR II solution continues
 - Testing between AAMVA and Volpe slowed based on outage
 - Interim solution for electronic transfer of MEC information
 - Between the time the NR comes back online and 2021 – FMCSA is still willing to offer States an interim solution
 - FMCSA will provide driver MEC information directly to SDLA
 - Spreadsheet
 - Flat file

Changes to the Diabetes Standards



- Qualification of Drivers, Diabetes Standard Final Rule:
 - Publication Date - September 19, 2018
 - Effective date - November 19, 2018
- Changes apply to:
 - Insulin-treated diabetes mellitus individuals
 - Grandfathered drivers
- Changes do NOT apply to:
 - Non insulin-treated diabetes mellitus individuals

Changes to the Diabetes Standards



- Revised 49 CFR 391.41(b)(3)
 - To allow insulin use if 391.46 requirements are met
- Added 49 CFR 391.45(e)
 - To indicate certification every 12 months if taking insulin
- Added 49 CFR 391.46
 - To outline regulatory requirements for certification if taking insulin
- Removed 49 CFR 391.64(a)
 - Diabetes Grandfather rights provision removed on November 19, 2019

Changes to the Diabetes Standards



MCSA-5870

OMB Control Number: 2126-0006

Expiration Date: 09/30/2019

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

Individual's Name: _____

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately 8 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RRA, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

INSULIN-TREATED DIABETES MELLITUS ASSESSMENT FORM

Name: _____

DOB: _____

Driver's License Number (if applicable): _____

State: _____

This individual is being evaluated either to determine whether he/she meets the physical qualification standards of the Federal Motor Carrier Safety Administration (FMCSA) to operate a commercial motor vehicle or because the individual has recently experienced a severe hypoglycemic episode. A treating clinician should complete this form to the best of his/her ability based on his/her knowledge of the individual's medical history. Completion of this form does not imply that a treating clinician is making a medical certification decision to qualify the individual to drive a commercial motor vehicle. Any determination as to whether the individual is physically qualified to drive a commercial motor vehicle will be made by a certified medical examiner on FMCSA's National Registry of Certified Medical Examiners.

FMCSA defines a treating clinician as a healthcare professional who manages, and prescribes insulin for, treatment of the individual's diabetes mellitus as authorized by the healthcare professional's applicable State licensing authority.

Changes to the Diabetes Standards



Instructions to the Individual:

When you are being evaluated prior to a medical certification examination, the certified medical examiner must receive this form and begin the examination no later than 45 calendar days after a treating clinician signs this form.

When you are being evaluated after a severe hypoglycemic episode, you must retain this form and give it to the certified medical examiner at your next medical certification examination.

Insulin-Treated Diabetes Mellitus Diagnosis

1. Date insulin use began: _____

Blood Glucose Self-Monitoring Records

2. Has the individual maintained at least the preceding 3 months of ongoing blood glucose self-monitoring records while being treated with insulin that are measured with an electronic glucometer that stores all readings, records the date and time of readings, and from which data can be electronically downloaded?
_____ Yes _____ No
3. Has the individual provided at least the preceding 3 months of electronic self-monitoring records while being treated with insulin from his/her glucometer to the treating clinician for review?
_____ Yes _____ No

Changes to the Diabetes Standards



- ITDM Assessment Form retention
 - Becomes part of the Medical Examination Report Form, MCSA 5875
 - Must be retained by the Medical Examiner for three years

U.S. Custom Harvesters Exemption



Federal Register Notice

- Granted an exemption to U.S. Custom Harvesters, Inc.
- Published a notice on October 5, 2018
- Allows drivers under the age of 21 to operate in interstate commerce with a “K” restriction noted on their CDL, if driving for a custom harvester.
- Requires no special action or processing by the SDLA.

U.S. Custom Harvesters Exemption



Frequently Asked Questions

- What is a custom harvester?
- What is the purpose of the exemption notice?
- How long is the exemption effective?
- What does this mean for the driver?
- What does this mean for law enforcement?
- What does this mean to our SDLAs?

Employer Notification System



Update

- Automatic notifications sent directly to the requester
- Eighteen States have an ENS, or other system
 - Motor carrier outreach through FMCSA's website
- CDLPI 2018 Notice of Funding Opportunity
 - Set aside \$10M
 - Received 3 requests totaling \$375K
- Best Practices Guide

Contacts



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- Under 21 Military CDL Pilot Program: Under21Pilot@dot.gov
 - Drug and Alcohol Clearinghouse: clearinghouse@dot.gov
 - ELDT, U.S. Custom Harvesters Exemption, ENS: CDLcompliance@dot.gov
 - National Registry, Diabetes: FMCSAMedical@dot.gov

Contact Information



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