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August 27, 2019

This issue contains information on the following:

1. **FMCSA Entry Level Driver Training**
2. **FMCSA ELDT stakeholder meeting at OSBA**
3. **FMCSA Drug and alcohol test clearinghouse**

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### 1. FMCSA Entry Level Driver Training

In December of 2016 the Federal Motor Carrier Safety Administration adopted a new rule that establishes new training standards for individuals applying for commercial driver's licenses, including school bus drivers.

The rule requires CDL applicants to complete a prescribed program of instruction presented by an entity listed on FMCSA's Training Provider Registry prior to taking the state-administered CDL skills test. This registry will include all entities that register with FMCSA and self-certify they meet the requirements for providing CDL training. These agencies can include public and private CDL training programs as well as fleet-operated training programs

The elements of the training are also identified in the rule and include theory (knowledge) and behind-the-wheel segments. There is no minimum number of hours required for either of the segments, but the training provider must provide instruction in all elements of the provided curriculum. Successful completion is obtained by scoring 80 percent on the theory assessment and demonstrating proficiency in the behind-the-wheel skills.

The training provider is required to transmit the student's results electronically to FMCSA when they complete the course. That information will then be transmitted electronically from FMCSA to each state's driver licensing agency as proof of completion. CDL candidates are not allowed to take the state's skills test unless the licensing agency has FMCSA's proof of training completion .

The scheduled implementation of this rule is February 7, 2020.

The impact of this rule is that all potential school bus drivers without a CDL and/or school bus endorsement must complete a CDL training course from an entity registered with FMCSA before they can take the CDL skills test with Ohio's BMV. While there are no minimum hours listed for any part of the training program, the candidate must successfully demonstrate competence in both the written and driving skills. Since FMCSA has indicated that public and private entities are eligible to register as training providers (provided they self-certify that they

will follow FMCSA's curriculum) there are countless opportunities for agencies that we could work with to become CDL training agencies. Driver candidates will not necessarily be limited to attending commercial driver training schools.

With the deadline quickly approaching, FMCSA has proposed deferring the implementation of the electronic reporting portion of the rule for 2 years (taking effect February 7, 2022). This action is the result of a failure to have the electronic reporting mechanisms in place and ready to use by this coming February.

In their public rule action to propose deferring the electronic reporting, they also indicate they wish all other portions of the ELDT rule to remain in place. Federal rulemaking allows for public comment, and several comments have been submitted to FMCSA suggesting that all elements of the rule should be deferred for 2 years, on the premise that if the recordkeeping portions are not ready, the ability of the agency to ensure compliance with any part of the rule is compromised. We will continue to monitor federal action on this rule to determine what the final implementation schedule will be.

Regardless if the implementation is February 2020 or February 2022, all public schools in Ohio need to be informed on this new requirement. It is possible that we will need FMCSA approved CDL training for our driver candidates in just a few months. If the entire rule is postponed, we will have more time, but ultimately will still need to find or develop a source for that training.

To view FMCSA's powerpoint on ELDT, go to this link: [ELDT powerpoint](#)

## **2. FMCSA ELDT stakeholder meeting at OSBA**

OSBA is hosting a stakeholder's roundtable for public school district representatives to discuss the impact of the ELDT requirements. We will discuss what the training should look like, what might be the best resources to turn to for assistance, and how this new training requirement fits into the extensive training that already exists for Ohio's school bus drivers.

This is a free session and will be moderated by several of Ohio's school transportation directors. If you are interested in attending, please join us on Thursday, September 19 at 10:00 A.M.

If you plan on attending, please consider reviewing the FMCSA powerpoint on ELDT prior to attending.

## **3. FMCSA Drug and alcohol test clearinghouse**

A new federal rule establishing a clearinghouse for drug and alcohol test results for CDL holders was made effective on January 4, 2017, with a compliance date of January 6, 2020. The rule requires that employers conduct queries of the clearinghouse as part of any preemployment driver application investigation and at least annually for every CDL driver currently employed.

This process centralizes the results of all CDL drug and alcohol tests into a federal database.

Drug and alcohol test results are reported to this clearinghouse by the MRO's as they complete the test. This provides a way for employers to easily access information on their driver candidates, as well as monitor their existing drivers. After the clearinghouse has been in use for two years, this also eliminates the requirement for employers to perform drug and alcohol background checks with previous employers.

Beginning this fall, employers will be able to establish an account that will allow access to the clearinghouse once it becomes operational on or before January 6, 2020. Registered employers will then log into their clearinghouse account to purchase a 'query plan'.

For additional information on the clearinghouse, query plans and availability, follow this link: [Federal Clearinghouse](#).

To sign up with FMCSA for email updates, follow this link: [Clearinghouse updates](#)

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