

**Montana Department of Justice, Motor Vehicle Division****Docket No. FMCSA-2022-0174****Comments on the Federal Motor Carrier Safety Administrative Information Collection Request:
“Effectiveness of Third-Party Testing and Minimum Standards for Commercial Driver License (CDL)
Knowledge and Skills Tests”**

Thank you for allowing Montana’s Department of Justice, Motor Vehicle Division to provide comments on the proposed agency information collection activities as it relates to third-party testing programs and minimum standards for CDL skills and knowledge tests. Montana fully supports the collection of the information to help determine the effectiveness of entry level driver training (ELDT) and third-party CDL tests.

The Information Collection Request (ICR) does not clearly distinguish the difference between the state and federal requirements for overseeing of the two programs: ELDT and third-party testing organizations. The way the proposed ICR is worded it appears to state driver licensing agencies (SDLA) are responsible to monitor and audit ELDT providers. For instance, starting on the third column of page 57749 through the top of page 57750, it appears SDLAs would be required to monitor and audit training providers.

The section references the provisions of 49 CFR 384.228 and 384.229: “The provisions of 49 CFR 384.228 and 384.229 are intended to provide states with a mechanism for detecting potential fraud and ensuring that all requirements are being addressed. Maintaining proper oversight and auditing third-party training providers remains a challenge for SDLAs.” Those regulations are specific to third-party CDL testing examiners and programs, not third-party training providers (ELDT).

Granted, if a jurisdiction had its own state mandated CDL training program, those training providers could become part of ELDT. The state would be responsible for monitoring and auditing those programs. Not all states have state regulated CDL training providers. The ICR does not make a distinction between states with their own training providers and those who do not.

Based on the eight research questions on page 57750 it appears the ICR intends to evaluate the effectiveness of ELDT on third-party CDL testing programs, including fraud detection, testing pass/fail rates, and safety benefits. Montana believes the information collection and research will be valuable in the furtherance of highway safety. We suggest it would be helpful not to use the term “third-party trainers” in the proposal. It is too easy to get confused between “third-party trainers” and “third-party test examiners”. The reference of 49 CFR 384.228 and 384.229 and its requirements is fine, as long as it is used in the context of third-party test examiners, and not used when referring to ELDT. With this clarification in mind, it might be valuable to review the full request for additional updates.

Again, Montana supports this research project. It is always good to evaluate new programs so its impact on safety can be measured and validated.