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**UNITED STATES DEPARTMENT OF TRANSPORTATION  
Federal Motor Carrier Safety Administration**

**49 CFR Parts 380, 383 and 384**

**[DOT DMS Docket No. FMCSA-2007-22748]**

**RIN 2126-AB06**

**Minimum Training Requirements for Entry-Level Commercial Motor Vehicle  
Operators**

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**COMMENTS BY MISSOURI DEPARTMENT OF TRANSPORTATION  
IN RESPONSE TO NOTICE OF PROPOSED RULEMAKING**

The following comments are submitted on behalf of the Missouri Department of Transportation (**MoDOT**), in response to the Notice of Proposed Rulemaking (**NPRM**) and request for comments published by the Federal Motor Carrier Safety Administration (**FMCSA**) on December 26, 2007, at 72 Federal Register 73326 to 73249.

Generally, MoDOT supports FMCSA's proposal to require that commercial motor vehicle (**CMV**) operators shall submit proof that they have received training to operate a commercial motor vehicle from an accredited training institution, before a State Driver's Licensing Agency (**SDLA**) may issue a commercial driver's license (**CDL**) to those drivers. The current training regulations cover driving qualifications, hours of service limitations, wellness and whistleblower protection, but do not establish requirements for classroom and "behind-the-wheel" training. FMCSA's proposed amendments to 49 Code of Federal Regulations (**CFR**) Parts 380, 383 and 384 would promote public safety by requiring independent verification of the training received by CDL applicants through filing a copy of Driver Training Certificates with the SDLA.

However, FMCSA's notice of proposed rulemaking does not acknowledge or take into account the fact that Missouri and many other States have adopted State laws and/or regulations that incorporate by reference all or substantial parts of the FMCSRs, and made them applicable to commercial motor vehicle operations within the State, whether in interstate or intrastate commerce. Even though 49 CFR Part 382 and Part 383 are expressly applicable to certain commercial motor vehicle operations in intrastate commerce, as well as in interstate or foreign commerce—and notwithstanding that 49 CFR Parts 350 and 355 substantially promote or require the imitation or adoption of the FMCSRs by State governments, as a condition of participating in FMCSA's Motor Carrier Safety Assistance Program funding and assistance to State commercial motor vehicle safety enforcement programs—the rest of the FMCSRs tend to overlook the fact that many States have made the FMCSR requirements applicable to commercial motor vehicles operating in intrastate commerce within their boundaries (with or without certain exceptions or other variances from the original FMCSR provisions). Instead, FMCSA and the FMCSRs otherwise tend to strictly interpret the applicability of those regulations exclusively as provided in Title 49 CFR, irrespective of whether any State has made those same regulations applicable to CMV drivers pursuant to State law that incorporates or adopts the FMCSRs.

As a result, it is sometimes very confusing for motor carriers, drivers, and State officials alike, when FMCSA publishes regulations and notices of rulemaking, which presuppose that these requirements are only applicable to interstate or foreign commerce. In so doing, FMCSA's rulemaking documents and regulations frequently obscure the fact that Federal or State law, or both, may make the same Federal regulations equally applicable to intrastate vehicles, drivers and motor carriers, and may require State officials to enforce those regulations against intrastate motor carriers and drivers. FMCSA's proposed rules concerning training programs for CDL applicants will significantly add to this confusion, if FMCSA goes forward with its current proposal to require drivers who are subject to the CDL requirements in 49 CFR Part 383 to prove that they have successfully completed training from an accredited training institution **only if they operate in interstate commerce, but not if they operate exclusively in intrastate commerce.**

MoDOT agrees with FMCSA that requiring a CDL driver to prove to the SDLA in his/her State of domicile that he/she has received entry-level driver training as required by 49 CFR Part 380, as a precondition to that agency's issuance, renewal or transfer of a CDL permitting that driver to operate CMVs in interstate commerce, will promote public safety. **However, because the FMCSRs already require a driver to obtain a CDL to conduct similar CMV operations exclusively in intrastate commerce, MoDOT thinks it will further promote public safety if the same requirements for proof of driver training are made equally applicable to all CDL drivers—even when they operate CMVs exclusively in intrastate commerce.**

In addition, MoDOT believes that the worthy objectives of this rulemaking would be better achieved if FMCSA were to require that the training instructors who have certified that the CDL drivers have completed their entry-level training requirements shall electronically file those certifications directly with a single, **National Driver Training Registry (NDTR)**, which should be established and operated by FMCSA, or by a FMCSA contractor that is responsible for these recordkeeping functions and subject to FMCSA's oversight and control. This national database system should be maintained so that every SDLA can verify the training certification status of each CDL driver or applicant before issuing, renewing, or transferring a CDL.

To reduce the possibility of fraud, the training instructors should be responsible for submitting the Driver Training Certificates directly to the NDTR for all drivers that they train and certify. The NDTR should receive the required Driver Training Certificates for all CDL drivers who operate in interstate, intrastate, or foreign commerce within the United States, and should keep the essential information associated with these training certificates in the national database. All SDLAs should be granted appropriate electronic access to the NDTR, and should be required by the regulations in 49 CFR to verify—through appropriate inquiries to, and affirmative responses from, the NDTR—that a driver who has applied for the issuance, renewal, or transfer of a CDL has received a Driver Training Certificate. MoDOT proposes that this NDTR should be created, operated and maintained by a single, national entity, such as FMCSA, or the American Association of Motor Vehicle Administrators (AAMVA) as a FMCSA contractor. AAMVA is already responsible for maintaining the Commercial Drivers License Information System (CDLIS) database, and may have valuable experience and the ability to maintain and administer this proposed NDTR database.

FMCSA's proposed establishment of a centralized NDTR, with the authority and responsibility to receive, process, verify and maintain training certificates relating to all CDL drivers, would provide numerous benefits, as compared to having each CDL driver file Driver Training Certificates with his/her SDLA. This alternative would promote nationwide consistency. NDTR personnel could be trained to recognize the required documents, and to handle the associated recordkeeping requirements on a consistent basis, and in accordance with uniform, national standards. FMCSA could directly oversee the performance of this centralized registry, could ensure that required data changes are carried out within the prescribed time limits, and could otherwise assure the quality of these recordkeeping functions more directly, instead of having to rely on State agencies to do this for FMCSA. This would reduce the potential for State-to-State variances or discrepancies in the processing, verification, use, and storage of this information. It could also help to prevent unscrupulous drivers from filing fraudulent Driver Training Certificates with different States. In addition, this could significantly expedite the process for CDL

drivers to transfer their CDLs from one SDLA to another, because the training certification would already be on file with the NDTR, so that the transferee State could quickly verify the driver's training certification by electronically checking with the NDTR, without having to wait for the filing of another copy of the training certificate. Furthermore, this could eliminate the duplication of costs that would probably result from requiring every State independently to implement the additional recordkeeping duties proposed by the FMCSA.

MoDOT has not attempted to revise the proposed rule to incorporate these recommended changes. However, in most of the affected rules, this would simply require FMCSA to replace the term "State Driver Licensing Agency" with the term "National Driver Training Registry", or to replace "SDLA" with "NDTR".