

ENTRY-LEVEL COMMERCIAL DRIVER TRAINING

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House Bill 5662 as introduced
Sponsor: Rep. Jack O'Malley

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5663 (proposed substitute H-2)
Sponsor: Rep. Tim Sneller

Committee: Transportation
Complete to 1-31-22

SUMMARY:

House Bills 5662 and 5663 would respectively amend the Driver Education Provider and Instructor Act and the Michigan Vehicle Code to revise provisions concerning commercial vehicle driver training in order to bring Michigan law into compliance with federal rules that establish baseline training requirements for entry-level drivers, including minimum content for theory and behind-the-wheel training curricula, and establish standards for providers of entry level driver training (ELDT).¹ The federal rules are effective February 7, 2022.

The rules, issued in 2016 by the Federal Motor Carrier Safety Administration (FMCSA),² set the baseline training requirements for those who are obtaining commercial driver license (CDL) for the first time; upgrading a Class B CDL to a Class A CDL; or obtaining a school bus, passenger, or hazardous endorsement for the first time. Those who obtained a CDL or endorsement before the rules become effective do not have to undertake new training to comply.³

In addition to requiring drivers to successfully complete applicable ELDT (theory and behind-the-wheel instruction) for the license or endorsement they are seeking, the rules also provide minimum qualification standards for training providers and instructors who conduct ELDT, and they establish a training provider registry of those who meet those standards and are qualified to provide instruction that complies with the rules.⁴

Although states can have standards that exceed the minimum federal standards for entry-level drivers, on or after February 7, 2022, a state cannot administer its own skills or knowledge tests until it has verified that the applicant has completed the federally required baseline training from a training provider listed on the registry; a state not compliant with the federal rules could not issue a CDL to individuals who obtain their commercial learner's permit on or after February 7, 2022.⁵

HB 5662: MCL 256.623 et seq.

HB 5663: MCL 257.306a, 257.312e, and 257.312f

¹ <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/entry-level-driver-training-eldt>

² <https://www.govinfo.gov/content/pkg/FR-2016-12-08/pdf/2016-28012.pdf>

For the 2022 compliance date, see: <https://www.govinfo.gov/content/pkg/FR-2021-06-30/pdf/2021-13893.pdf>

³ https://tpr.fmcsa.dot.gov/content/Resources/ELDT-Applicability-Factsheet_508.pdf

⁴ <https://tpr.fmcsa.dot.gov/> and <https://tpr.fmcsa.dot.gov/Resource/Open/tpr-factsheet>

⁵ 49 CFR 384.230: <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-384#384.230>

FISCAL IMPACT:

Implementation of the bills would have no direct fiscal impact on the Department of State or on local units of government. However, if individuals and education providers are not in compliance with federal regulations, the secretary of state would not be permitted to issue commercial driver licenses to those individuals who do not comply with federal regulations for a commercial learner's permit after February 7, 2022, and would forgo fee revenue from commercial driver's licenses being issued to those individuals. The amount of forgone revenue would depend on the number of individuals who do not comply with the new education requirements. This number is not possible to estimate at this time. Fee revenue from commercial driver licenses is deposited to the state general fund and disbursed to counties and municipalities to reimburse their costs of acting as an examining officer or bureau for commercial licenses.

Additionally, the state may risk forgoing potential future federal grants related to entry-level driver certification if the state is not in compliance with federal law. There are currently no related state grant opportunities available.

Finally, it is our understanding that failure to conform to the FMCSA requirements could result in the withholding of federal-aid highway funds.

To achieve national highway operational or safety objectives, federal law has established various requirements of the states as a condition of receiving federal-aid highway funds. Federal-aid requirements include enforcement of vehicle size/weight limitations, control of junk yards and outdoor advertising, and safety-related requirements such as mandatory safety belt laws, establishment of a national (21-year-old) minimum drinking age, zero tolerance of blood alcohol for underage drivers, restrictions on open containers of alcohol in vehicles, adoption of a .08% BAC *per se* standard for driving while intoxicated, and adoption of federal CDL standards.

Federal law establishes penalties or sanctions through the withholding of federal-aid highway funds to states that do not comply with these requirements. Note that sanctions are different for the various federal aid requirements. Some sanctions apply only to specific federal-aid categorical programs. Some sanctions are immediate, while others take effect on delayed schedules. Some funding losses are permanent, while others can be reversed.

We have not yet determined the amount of potential federal-aid sanctions related to compliance with these FMCSA requirements or when those potential sanctions would be triggered.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.