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Sequence Number: 03-12-21
Notice ID(s): 3258
File Date: 3/5/2021

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Safety & Homeland Security
Division:	Commercial Driver Licenses
Contact Person:	Elizabeth Stroecker
Address:	312 Rosa L. Parks Ave, Nashville, TN 37243
Phone:	615-251-5199
Email:	Elizabeth.Stroecker@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Elizabeth.Stroecker@tn.gov
Address:	312 Rosa L. Parks Ave, Nashville, TN 37243
Phone:	615-251-5199
Email:	Elizabeth.Stroecker@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Virtual Hearing – Microsoft Teams		
Address 2:			
City:			
Zip:			
Hearing Date:	05/14/2021		
Hearing Time:	10:00a.m.	<input type="checkbox"/> XCST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

https://teams.microsoft.com//meetup-join/19%3ameeting_YjFiNWRhMWUtODU3Zi00MGNmLTijMTgtNDY4N2VkOGU0YTM0%40thread.v2/0?context=%7b%22Tid%22%3a%22f345bebf-0d71-4337-9281-24b941616c36%22%2c%22Oid%22%3a%223e65be46-f4e6-4e59-a553-6097b28641fd%22%7d

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1340-01-13	CLASSIFIED AND COMMERCIAL DRIVERS LICENSES AND TEMPORARY DRIVER LICENSES
Rule Number	Rule Title
1340-01-13-.25	COMMERCIAL ENTRY LEVEL DRIVER TRAINING REQUIREMENTS

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

The Department of Safety rules regarding the issuance of commercial driver licenses are being amended to include a reference to 49 CFR § 380.600 et. seq. This is a new federal initiative to create uniform entry level training for commercial drivers across the entire country. Currently each state creates its own requirements for commercial driver training. Once this federal regulation goes into place February 7, 2022, the Department must comply with the new regulation or be placed out of compliance, potentially putting TDOT road money at risk.

Amendments:

1340-01-13-.25 COMMERCIAL ENTRY LEVEL DRIVER TRAINING REQUIREMENTS

- (1) As used in this section,
 - (a) "FMCSA" means the Federal Motor Carrier Safety Administration.
 - (b) "Approved FMCSA Training provider" means an entity that is listed on the FMCSA Training Provider Registry. Training providers may include, but are not limited to, training schools, educational institutions, rural electric cooperatives, motor carriers, State/local governments, school districts, joint labor management programs, owner-operators, and individuals.
 - (c) "Entry-level driver training" means training a driver receives from an entity listed on FMCSA's Training Provider Registry prior to:
 1. Taking the CDL skills test required to receive the Class A or Class B CDL for the first time;
 2. Taking the CDL skills test required to upgrade to a Class A or Class B CDL; or
 3. Taking the CDL skills test required to obtain a passenger and/or school bus endorsement for the first time or the CDL knowledge test required to obtain a hazardous materials endorsement for the first time.
- (2) Issuance Requirements
 - (a) Commercial Driver Licenses and Endorsements
 1. On or after February 7, 2022, an applicant must have completed both a theory and behind the wheel training (range and public road) entry level driver training program from an Approved FMSCA Training Provider in order to be eligible to be issued a new Class A, B, or C CDL or to upgrade to a Class B or Class A CDL.
 2. On or after February 7, 2022, an applicant seeking to obtain a passenger (P), school bus (S), or hazardous materials (H) endorsement for the first time, must complete the training related to that endorsement from an Approved FMSCA Training Provider in order to be eligible to be issued the requested endorsement(s).
 3. Except for entry level drivers seeking the hazardous materials (H) endorsement, the theory and behind the wheel training (range and public road) portions of any entry level driver training program must have been completed within one (1) year of each other.
 - (b) Commercial Learner Permits

1. Applicants who obtain a Commercial Learner Permit (CLP) before February 7, 2022, are not required to comply with this rule if they obtain a CDL before the CLP or renewed CLP expires.
 2. Applicants who obtain a CLP on or after February 7, 2022, are required to complete the entry level driver training course before being issued a CDL or a passenger (P), school bus (S), or hazardous materials (H) endorsement.
- (c) The following applicants are not required to comply with the requirements of subsection 1340-01-13-.25(2)(a):
1. Drivers who were issued a Class A CDL, Class B CDL, or a passenger (P), school bus (S), or hazardous materials (H) endorsement before February 7, 2022, who are applying for renewal of their CDL or endorsement(s).
 2. Applicants who are eligible for a military skills test waiver under T.C.A. § 55-50-322(b)(2).
 3. Applicants who are seeking to remove a restriction in accordance with 49 C.F.R. §383.135(b)(7)
- (d) An applicant who applies for a commercial driver license, commercial learner permit or any endorsement for a commercial driver license or commercial driver permit shall be required to comply with the requirements of 49 C.F.R. §380.600 et. seq. in addition to any other federal or state regulations, and all subsequent amendments thereto, promulgated, approved and adopted by the Federal Motor Carrier Safety Administration.

Authority: T.C.A. §§4-3-2009; 55-50-202; and 55-50-410

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: March 5, 2021

Signature: *Elizabeth R. Stroecker*

Name of Officer: Elizabeth Stroecker

Title of Officer: Director of Legislation & Assistant General Counsel

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Filed with the Department of State on: 3/5/2021



Tre Hargett
Secretary of State

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- (8) Renewals and Duplicates
- (a) Persons holding a Federally Compliant License shall be required to renew their license or obtain a duplicate in person if the previous renewal or duplicate was not obtained in person.
 - (b) Persons holding temporary Federally Compliant Licenses shall be required to renew in person to present updated lawful presence documents.
 - (c) The Department shall take an updated photograph of the applicant at any in person transaction.
 - (d) The Department shall re-verify the renewal applicant's SSN and lawful status, if applicable, prior to renewing the Federally Compliant License.
 - (e) Any material change of name or other personally identifiable information shall require a person to renew or obtain a duplicate in person, and the person shall present acceptable documentation of the change.
- (9) Federally Compliant License Documents
- (a) Any Federally Compliant License card shall conform to the requirements of 6 C.F.R. Part 37.
 - (b) Any driver license or photo identification license, including temporary driver license or temporary photo identification license that is not Federally Compliant shall clearly state on the face of the card that it is not acceptable for official purposes and shall be distinguishable from Federally Compliant Licenses.
- (10) The Tennessee Department of Safety, Division of Driver License Issuance hereby adopts the REAL ID Driver Licenses and Identification Cards regulations, and all subsequent amendments thereto, promulgated, approved, and adopted by the United States Department of Homeland Security and contained in Title 6 of the C.F.R. Part 37.

Authority: T.C.A. §§ 4-3-2009; 55-50-202; 55-50-321; and 55-50-331. **Administrative History:** Original rule filed January 31, 2019; to have become effective May 1, 2019. However, the Government Operations Committee filed a 60-day stay of the effective date of the rule; new effective date June 30, 2019.

1340-01-13-.25 COMMERCIAL ENTRY LEVEL DRIVER TRAINING REQUIREMENTS

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Authority: T.C.A. §§4-3-2009; 55-50-202; and 55-50-410