



# Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

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April 4, 2023

The Honorable Robin Hutcheson  
Administrator  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
6th Floor, West Building  
Washington, DC 20590-9898

**RE: Petition for Rulemaking – Amend Title 49 CFR § 383.25 to clarify the term “valid CDL” for the purposes of accompanying a CLP holder for behind-the-wheel training in a CMV**

Dear Administrator Hutcheson,

Pursuant to Title 49 Code of Federal Regulations (CFR) § 389.31, the Commercial Vehicle Safety Alliance (CVSA) is petitioning the Federal Motor Carrier Safety Administration (FMCSA) to amend Title 49 CFR § 383.25(a)(1) to clarify what qualifies as a “valid commercial driver’s license (CDL)” for the purposes of accompanying a commercial learner’s permit (CLP) holder for behind-the-wheel training in a commercial motor vehicle (CMV).

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

## **Justification**

Title 49 CFR § 383.25 – Commercial learner’s permit (CLP) outlines the regulations related to a CLP holder operating a CMV for behind-the-wheel training. Specifically, § 383.25(a)(1) states:

*§ 383.25 – Commercial learner’s permit (CLP)*

*(a) A CLP is considered a valid CDL for purposes of behind-the-wheel training on public roads or highways, if all of the following minimum conditions are met:*

*(1) The CLP holder is at all times accompanied by the holder of a valid CDL who has the proper CDL group and endorsement(s) necessary to operate the CMV. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle,*

*directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision.*

The CVSA Driver-Traffic Enforcement Committee was asked to discuss this issue and determined that there are a number of different interpretations as to what qualifies as a “valid CDL.” For example, inspectors have found instances roadside where a CLP holder is accompanied by a CDL holder who appears as prohibited in FMCSA’s Drug and Alcohol Clearinghouse. However, the CDL holder’s license has not been downgraded and indicates it is valid when queried in CDLIS. Does that CDL qualify as “valid” for the purposes of § 383.25, even though the driver is prohibited from performing safety-sensitive functions? To address this, CVSA is requesting that FMCSA provide clarity on what qualifies as a “valid CDL” for the purposes of this section of § 383.25. In clarifying the term, CVSA asks that FMCSA specifically address what qualifies as a “valid CDL” in the following scenarios:

- A CLP holder is accompanied by a CDL holder who appears as prohibited in FMCSA’s Drug and Alcohol Clearinghouse, but the CDL status indicates “valid” or “licensed” when queried.
- A CLP holder is accompanied by a CDL holder who has self-certified as “excepted interstate commerce” and are exempt from the requirement to have a current medical examiner’s certificate. The CDL holder is currently accompanying the CLP holder in a non-excepted interstate movement.

In addition, CVSA is asking FMCSA to clarify whether or not the accompanying CDL holder must be qualified and authorized to perform safety-sensitive functions in order to qualify as having a “valid CDL” for the purposes of this section of § 383.25.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency’s commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or [collin.mooney@cvsa.org](mailto:collin.mooney@cvsa.org).

Respectfully,



Collin B. Mooney, MPA, CAE  
Executive Director  
Commercial Vehicle Safety Alliance