

ISSUE NUMBER

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ISSUE NAME

OOSC, Part I, Item 3. b. Commercial Learner's Permit (1) - Guidance for Restrictions on Accompanying Driver CDL

STATUS

Closed

Driver-Traffic Enforcement Committee

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Commercial Learner Permit (CLP) requirements are outlined in 49 CFR 383.25, which requires the CLP holder to be accompanied by a Commercial Driver's License (CDL) holder who has the proper CDL group and endorsements necessary to operate the CMV. The requirement makes no mention of the CDL holder restrictions.

§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.

For example, a CLP holder could possess a valid CLP Class A with no restrictions, but the accompanying CDL holder could possess a valid CDL Class A with restriction L (no air brakes) and restriction K (intrastate driving only). In this scenario, consider the vehicle driven is an air brake equipped CMV that requires a CDL, and it's engaged in interstate commerce.

Since 383.25 does not refer to the restrictions, there appears to be no violation in the above scenario. However, some enforcement personnel would record a violation for the CLP holder for violating the restrictions of their CLP and declare the driver out of service. Other enforcement personnel read 383.25 as written and would not record a violation. Logically the CDL holder in the passenger seat should be properly licensed and capable of taking control of the vehicle if necessary, but as written, 383.25 does not make that clear.

JUSTIFICATION OR NEED

Since the regulation is strictly referring to the CDL group and endorsements, there needs to be clear guidance either way as to whether the above scenario, or one similar, would constitute a violation so the appropriate enforcement will be taken.

REQUEST FOR ACTION

CVSA Driver Committee review the issue request, confer with FMCSA regulators if necessary, and add guidance to the CVSA out of service criteria, under Part I, Item #3.b.(1), Commercial Learner's Permit further explaining whichever answer is received.

ACTION TAKEN BY COMMITTEE

Consensus of the committee was that the CDL holder is not qualified to train if he does not have the proper endorsements or if he is operating outside of his/her restrictions. Therefore, if the driver with the CLP is stopped with a CDL driver that is outside of his restrictions/endorsements, the CLP driver does not have an appropriate accompanying driver.

There was no edits to the OOSC required, so no action taken.