

§ 384.226

(2) Secretary of Transportation—All information on all CDLIS driver records.

(3) Driver—All information on that driver's CDLIS driver record obtained on the CDLIS Motor Vehicle Record from the State according to its procedures.

(4) Motor Carrier or Prospective Motor Carrier—After notification to a driver, all information on that driver's, or prospective driver's, CDLIS driver record obtained on the CDLIS Motor Vehicle Record from the State according to its procedures.

(f) Ensure the content of the report provided a user authorized by paragraph (e) of this section from the CDLIS driver record is comparable to the report that would be generated by a CDLIS State-to-State request for a CDLIS driver history, as defined in the "CDLIS State Procedures Manual" (incorporated by reference, see §384.107(b)), and must include the medical certification status information of the driver in paragraph (a)(2) of this section. This does not preclude authorized users from requesting a CDLIS driver status.

[67 FR 49762, July 31, 2002, as amended at 73 FR 73125, Dec. 1, 2008; 76 FR 26895, May 9, 2011; 78 FR 58480, Sept. 24, 2013; 79 FR 59456, Oct. 2, 2014; 86 FR 55743, Oct. 7, 2021]

§ 384.226 Prohibition on masking convictions.

The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP or CDL holder's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State.

[76 FR 26895, May 9, 2011]

§ 384.227 Record of digital image or photograph.

The State must:

(a) Record the digital color image or photograph or black and white laser engraved photograph that is captured as part of the application process and

49 CFR Ch. III (10–1–23 Edition)

placed on the licensing document of every person who is issued a CDL, as required under §383.153. The digital color image or photograph or black and white laser engraved photograph must either be made part of the driver history or be linked to the driver history in a separate file.

(b) Check the digital color image or photograph or black and white laser engraved photograph on record whenever the CDL applicant or holder appears in person to renew, upgrade, or transfer a CDL and when a duplicate CDL is issued.

(c) Check the digital color image or photograph or black and white laser engraved photograph on record whenever the CLP applicant or holder appears in person to issue, renew or upgrade a CLP and when a duplicate CLP is issued.

(d) If no digital color image or photograph or black and white laser engraved photograph exists on record, the State must check the photograph or image on the base-license presented with the CLP or CDL application.

[76 FR 26895, May 9, 2011, as amended at 78 FR 17881, Mar. 25, 2013]

§ 384.228 Examiner training and record checks.

For all State and third party CDL test examiners, the State must meet the following 10 requirements:

(a) Establish examiner training standards for initial and refresher training that provides CDL test examiners with a fundamental understanding of the objectives of the CDL testing program, and with all of the knowledge and skills necessary to serve as a CDL test examiner and assist jurisdictions in meeting the Federal CDL testing requirements.

(b) Require all State knowledge and skills test examiners to successfully complete a formal CDL test examiner training course and examination before certifying them to administer CDL knowledge and skills tests.

(c) The training course for CDL knowledge test examiners must cover at least the following three units of instruction:

(1) Introduction to CDL Licensing System:

- (i) The Commercial Motor Vehicle Safety Act of 1986.
- (ii) Drivers covered by CDL program.
- (iii) CDL vehicle classification.
- (iv) CDL endorsements and restrictions.
- (2) Overview of the CDL tests:
 - (i) CDL test, classifications, and endorsements.
 - (ii) Different examinations.
 - (iii) Representative vehicles.
 - (iv) Validity and reliability.
 - (v) Test maintenance.
- (3) Knowledge tests:
 - (i) General knowledge tests.
 - (ii) Specialized knowledge tests.
 - (iii) Selecting the appropriate tests and test forms.
 - (iv) Knowledge test administration.
- (d) The training course for CDL skills test examiners must cover at least the following five units of instruction:
 - (1) Introduction to CDL Licensing System:
 - (i) The Commercial Motor Vehicle Safety Act of 1986.
 - (ii) Drivers covered by CDL program.
 - (iii) CDL vehicle classification.
 - (iv) CDL endorsements and restrictions.
 - (2) Overview of the CDL tests:
 - (i) CDL test, classifications, and endorsements.
 - (ii) Different examinations.
 - (iii) Representative vehicles.
 - (iv) Validity and reliability.
 - (v) Test maintenance.
 - (3) Vehicle inspection test:
 - (i) Test overview.
 - (ii) Description of safety rules.
 - (iii) Test scoring procedures.
 - (iv) Scoring standards.
 - (v) Calculating final score.
 - (4) Basic control skills testing:
 - (i) Setting up the basic control skills course.
 - (ii) Description of safety rules.
 - (iii) General scoring procedures.
 - (iv) Administering the test.
 - (v) Calculating the score.
 - (5) Road test:
 - (i) Setting up the road test.
 - (ii) Required maneuvers.
 - (iii) Administering the road test.
 - (iv) Calculating the score.
 - (e) Require all third party skills test examiners to successfully complete a formal CDL test examiner training course and examination before certi-

fyng them to administer CDL skills tests. The training course must cover at least the five units of instruction in paragraph (d) of this section.

(f) Require State and third party CDL test examiners to successfully complete a refresher training course and examination every four years to maintain their CDL test examiner certification. The refresher training course must cover at least the following:

(1) For CDL knowledge test examiners, the three units of training described in paragraph (c) of this section.

(2) For CDL skills test examiners, the five units of training described in paragraph (d) of this section.

(3) Any State specific material and information related to administering CDL knowledge and skills tests.

(4) Any new Federal CDL regulations, updates to administering the tests, and new safety related equipment on the vehicles.

(g) Complete nationwide criminal background check of all skills test examiners prior to certifying them to administer CDL skills tests.

(h)(1) Complete nationwide criminal background check of all State and third party test examiners at the time of hiring.

(2) Complete nationwide criminal background check of any State and third party current test examiner who has not had a nationwide criminal background check.

(3) Criteria for not passing the criminal background check must include at least the following:

(i) Any felony conviction within the last 10 years; or

(ii) Any conviction involving fraudulent activities.

(i) Maintain a record of the results of the criminal background check and CDL examiner test training and certification of all CDL test examiners.

(j) Rescind the certification to administer CDL tests of all test examiners who do not successfully complete the required refresher training every 4 years.

(k) The eight units of training described in paragraphs (c) and (d) of this section may be supplemented with

§ 384.229

State-specific material and information related to administering CDL knowledge and skills tests.

[76 FR 26895, May 9, 2011, as amended at 78 FR 17882, Mar. 25, 2013; 79 FR 59456, Oct. 2, 2014; 80 FR 59073, Oct. 1, 2015]

§ 384.229 Skills test examiner auditing and monitoring.

To ensure the integrity of the CDL skills testing program, the State must:

(a) At least once every 2 years, conduct unannounced, on-site inspections of third party testers' and examiners' records, including comparison of the CDL skills test results of applicants who are issued CDLs with the CDL scoring sheets that are maintained in the third party testers' files;

(b) At least once every 2 years, conduct covert and overt monitoring of examinations performed by State and third party CDL skills test examiners.

(c) Establish and maintain a database to track pass/fail rates of applicants tested by each State and third party CDL skills test examiner, in order to focus covert and overt monitoring on examiners who have unusually high pass or failure rates;

(d) Establish and maintain a database of all third party testers and examiners, which at a minimum tracks the dates and results of audits and monitoring actions by the State, the dates third party testers were certified by the State, and name and identification number of each third party CDL skills test examiner;

(e) Establish and maintain a database of all State CDL skills examiners, which at a minimum tracks the dates and results of monitoring action by the State, and the name and identification number of each State CDL skills examiner; and

(f) Establish and maintain a database that tracks skills tests administered by each State and third party CDL skills test examiner's name and identification number.

[76 FR 26896, May 9, 2011, as amended at 78 FR 58481, Sept. 24, 2013; 79 FR 59456, Oct. 2, 2014]

§ 384.230 Entry-level driver certification.

(a) Beginning on February 7, 2022, a State must comply with the require-

49 CFR Ch. III (10–1–23 Edition)

ments of § 383.73(b)(11) and (e)(9) of this subchapter to verify that the applicant completed the training prescribed in subpart F of part 380 of this subchapter.

(b)(1) A State may issue a CDL to individuals who obtain a CLP before February 7, 2022, who have not complied with subpart F of part 380 of this subchapter so long as they obtain a CDL before the CLP or renewed CLP expires.

(2) A State may not issue a CDL to individuals who obtain a CLP on or after February 7, 2022, unless they comply with subpart F of part 380 of this subchapter.

[81 FR 88803, Dec. 8, 2016, as amended at 85 FR 6101, Feb. 4, 2020; 86 FR 34636, June 30, 2021]

§ 384.231 Satisfaction of State disqualification requirement.

(a) *Applicability.* The provisions of §§ 384.203, 384.206(b), 384.210, 384.213, 384.215 through 384.219, 384.221 through 384.224, and 384.231 of this part apply to the State of licensure of the person affected by the provision. The provisions of § 384.210 of this part also apply to any State to which a person makes application for a transfer CDL.

(b) *Required action*—(1) *CLP or CDL holders.* A State must satisfy the requirement of this subpart that the State disqualify a person who holds a CLP or a CDL by, at a minimum, disqualifying the person's CLP or CDL for the applicable period of disqualification.

(2) *A person required to have a CLP or CDL.* A State must satisfy the requirement of this subpart that the State disqualify a person required to have a CLP or CDL who is convicted of an offense or offenses necessitating disqualification under § 383.51 of this subchapter. At a minimum, the State must implement the limitation on licensing provisions of § 384.210 and the timing and recordkeeping requirements of paragraphs (c) and (d) of this section so as to prevent such a person from legally obtaining a CLP or CDL from any State during the applicable disqualification period(s) specified in this subpart.