

## ***Driver Qualification Information***

### **ISSUE**

During the hiring process, a motorcoach operator may not have access to critical information necessary to determine a driver's fitness to work. There are two aspects to this evaluation process: fitness of the applicant through background and medical checks and commercial drivers training and endorsement.

### **BACKGROUND**

Whether or not a company hires a driver depends on many factors. What is the candidate's prior driving and accident history? Have they ever tested positive for drug or alcohol use? Do they have a criminal record? Are they physically qualified to drive? Do they have the experience and training needed to be a safe and successful driver? The ability to evaluate these factors is difficult because of the lack of verifiable information provided by the applicant, their prior employer(s) or state agencies.

SAFETEA-LU required the establishment of both an FMCSA-managed medical review board and a national registry of DOT medical examiners. In providing this authority Congress also allowed the medical examiner community the option of "self-certifying" to the FMCSA their understanding of, and duties under, the regulations. The FMCSA has just published the proposed rules to enact these provisions.

Through court-ordered rule-making FMCSA has just published a notice of proposed rulemaking for new entrant training and CDL endorsement standards. There are significant problems with these proposed regulations and ABA and the BISC are submitting comments. The motorcoach industry has driver training curriculums that have served the industry well. The new proposed rules are not based on a successful motorcoach driver training program but on truck driver training and would, if not changed, make it extremely difficult and risky for operators to train drivers in-house. The new rules shift the assessment of competence away from the state agencies awarding the commercial drivers license endorsement and onto the organization providing the training.

### **ABA POSITION**

ABA supports implementation of the SAFETEA-LU provisions regarding medical examiners and the registry of qualified medical providers. ABA opposes the concept of medical providers' self-certification. ABA also believes that: medical review officers should be required to post positive drug and alcohol results onto a central federal database, which can be accessed by a motor carrier during the hiring process; and the FMCSA should find a means to stop the masking of a driver's history of serious driving violations which can occur when sympathetic judges plea-bargain down the violation so as not to deprive a driver of their primary employment.

ABA supports a national, centrally-controlled federal database. This database would contain all critical safety and security information on all CDL holders. This information would be accessible to motor carriers during the hiring process.

ABA is working with other interested groups to stop the implementation of the proposed changes in CDL training and testing. As is, these rules would potentially increase liability of driving schools and trainers and implement a curriculum that is not based on motorcoach driver skills and experience.

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