

NPTC LEGISLATIVE & REGULATORY POLICY POSITIONS

Updated September 1, 2022

Issue	Agency/Govt. Entity	Status	NPTC Policy/Action	Major Questions/Comments
1. Driver Hours of Service	FMCSA; Congress	FMCSA issued Final Rule on June 1, 2020; expands short-haul exception to 14 hours and 150 air-miles; split sleeper berth of 7/3; extra 2 hours of drive time for adverse driving conditions; on duty not driving for 30-minute rest break after 8 hours driving; appeals court dismissed lawsuit claiming short-haul exemption and 30-minute break rule were arbitrary and capricious	NPTC petitioned for reconsideration of short-haul exception to include driver salesmen; FMCSA will consider it as a petition for rulemaking	FMCSA no longer reconsidering expanded short-haul exception
2. Electronic Logging Devices	FMCSA; Transport Canada	FMCSA mandate effective Dec. 2017 for all CMV drivers in interstate commerce except short-haul drivers and transporters of agricultural commodities	NPTC supported adoption of the ELD requirements	Mandate for ELDs in Canada effective June 12, 2021, but enforcement has been delayed until January 1, 2023 to allow sufficient number of devices to be certified as compliant
3. Qualification of 18 Year-Old CMV Drivers	FMCSA; Congress	Per congressional mandate, FMCSA is implementing a pilot program to allow drivers to qualify to operate CMVs at 18 years of age after completing two apprenticeships with 400 hours of training	NPTC supported this effort as a prudent method to address the driver shortage and encourage younger drivers to enter the industry	Despite opposition from highway safety advocacy groups, Biden Administration supports this approach as means to ease supply chain crisis; will not allow drivers to transport hazmat or passengers
4. Speed Limiting Devices	FMCSA	Advance Supplemental	NPTC comments questioned	Issue of whether FMCSA will

		NPRM issued May 4, 2022 to require all vehicles 26,000 lbs. GVW and over equipped with an electronic engine control unit capable of governing the maximum speed to have speed limiters set at some level to be determined	need for nationwide limit due to variances in geography, traffic congestion	propose a single nationwide speed limit, and at what level
5. Entry-Level Driver Training Requirements, Learner's Permits	FMCSA	Final rule became effective February 7, 2022 on driver training curriculum for entry-level CDL drivers; applicants for Class A or B CDL, or hazmat endorsements, required to complete knowledge and behind-the-wheel training from an instructor under FMCSA standards		List of certified training entities included in online Training Provider Registry and are searchable by location
6. Medical Examiner Forms, Driver Certification	FMCSA	Final rule issued June 2015; requires all MEs to electronically submit results of driver exams to FMCSA, which will forward to state driver licensing agency for inclusion in CDL	NPTC supports uniform and efficient incorporation of medical exam data into CDLs	June 22, 2018 deadline was further delayed to June 22, 2025; delay due to lack of state readiness and security breach of National Registry of Certified Medical Examiners
7. Liability Insurance	FMCSA; Congress	Unified Registration System requires filings by hazmat carriers but not yet in effect	Accept minimum coverage for private fleets in same current amounts as for-hire carriers	FMCSA withdrew ANPRM to revise minimum insurance requirements for for-hire and hazmat carriers on June 2, 2017; this rulemaking might be pursued by FMCSA
8. Drug and Alcohol Testing Clearinghouse	FMCSA	Final rule implemented Jan. 6, 2020; requires employers	NPTC supports clearinghouse as a means to obtain more	Once three years of data is in the database, FMCSA will eliminate

		to submit positive drug or alcohol tests or refusals to online database; prospective employers must query database to see driver applicant testing history and make annual query for all current drivers	accurate and comprehensive data about driver drug and alcohol testing history	requirement to request drug and alcohol test results directly from prior employers
9. Sleep Apnea Screening Standards	FMCSA	New Infrastructure Law does not mandate regulations for sleep apnea screening		FMCSA still considering whether to impose screening requirements for drivers in regulations instead of discretion for Medical Examiners
10. Revision of Carrier Safety Fitness Standards	FMCSA; Congress	NPRM issued January 21, 2016 was withdrawn March 23, 2017; standards were to be based on CSA BASIC scores and roadside inspection data	FMCSA response to National Academy of Sciences report on SMS and Corrective Action Plan released in August 2018; agency is proceeding with SMS revisions as suggested by NAS	Need to improve data on carrier exposure and crashes; whether to use absolute or percentile scale for carrier evaluation; use of non-fault crash data in crash BASIC
11. Compliance, Safety, Accountability (CSA) Program	FMCSA; Congress	National Academy of Sciences report in July 2017 recommended FMCSA adopt item response theory model to identify high risk carriers, improve carrier data; IRT model was supposed replace current SMS BASICS	NPTC opposed rulemaking on safety fitness standards based on CSA scores until study is completed and issues in data collection and analysis are addressed	FMCSA no longer considering using IRT model to revise or replace SMS BASICS
12. HOS Exemption for Agricultural Commodities	FMCSA	In 2018 FMCSA issued revised guidance on scope of exemption from 49 CFR Part 395 for transport of agricultural commodities; complete HOS exemption within 150 air-mile radius;	NPTC supports additional flexibility for motor carriers of livestock and other agricultural commodities, and clarity in the definition	Prior ICC and FMCSA definitions of agricultural commodities have been piecemeal and inconsistent

		new Interim Final Rule published Nov. 24, 2020 clarified and expanded definition of agricultural commodities		
13. Highway Tolls	Congress/States	New Infrastructure Law has \$250 million grant program for congestion management systems, high occupancy vehicle toll lanes or pricing strategies, and incentive programs that encourage carpooling, nonhighway travel during peak periods, or travel during nonpeak periods; provides for tolling on the Interstate System	NPTC opposes new tolls on existing highways; OK for new highways to cover costs of construction, keep Highway Trust Fund mechanism	Rhode Island has imposed truck-only toll on I-95; ATA challenging in federal court; decision expected in September 2022
14. Infrastructure Funding	Congress	New Infrastructure Law enacted in 2021 kept the same federal fuel and excise taxes for next five years	NPTC supported increased fuel taxes dedicated to Highway Trust Fund; NPTC on advisory committee for Eastern Transportation Coalition to review vehicle miles traveled tax structure for CMVs; NPTC also supports repeal of 12% Federal Excise Tax on trucks, tractors and trailers	Next highway reauthorization bill will likely transition to Vehicle Miles Traveled Tax structure for personal and commercial vehicles in lieu of fuel taxes
15. Qualification of CMV Drivers with Monocular Vision	FMCSA	FMCSA issued final rule January 21, 2022 to allow drivers who cannot meet either the current distant visual acuity or field of vision standard, or both, in one eye to be physically qualified to operate a CMV;	New standards went into effect March 22, 2022	

		requires medical exam of driver and road test, and eliminates waiver program		
16. Vehicle Size and Weight	Congress/FHWA/ States	New Infrastructure Law does not include allowances for additional truck weights or lengths; issue is dormant at the moment due to opposition	NPTC supports use of 91,000 lbs. or more GVW with 6 axles (with adjusted bridge formula, if necessary); 33-foot double trailers	UMTRI study completed in April 2009 showing economic benefits of heavier vehicles
17. Electric Vehicles	Congress/FHWA	New Infrastructure Law provides \$7.5 billion for network of EV charging stations along federally-funded highways		No federal mandate to adopt EV technology; outstanding questions about sourcing of minerals for batteries, battery disposal, capacity needs for electric grid
18. Underride Guards	Congress/FMCSA	Infrastructure Law did not mandate standards for underride guards on trucks, tractors and trailers; FMCSA final rule on Nov. 9, 2021 requires annual inspections for rear underride guards		No current design standard for front underride guards for conventional tractor
19. Worker Classification	Congress, States	House has passed ABC test for independent contractor classification; effectively precludes use of owner-operators except as employees; California and New Jersey have adopted ABC test as State law	U.S. Supreme Court denied review of appeals court decision holding federal law does not preempt use of ABC test for truck drivers (NPTC had joined ATA amicus brief asking Court to hear the case)	Senate passage of ABC test is unlikely, but effect of California law on trucking operations is unsettled