

## NPTC LEGISLATIVE & REGULATORY POLICY POSITIONS

Updated September 2, 2020

Issue	Agency/Govt. Entity	Status	NPTC Policy/Action	Major Questions/Comments
1. Driver Hours of Service	FMCSA	FMCSA issued Final Rule on June 1, 2020; expands short-haul exception to 14 hours and 150 air-miles; allows split sleeper berth of 7/3, grant extra 2 hours of drive time for adverse driving conditions, allows on duty not driving for 30-minute rest break after 8 hours driving. FMCSA also proposed pilot program to allow one break up to 3 hours to extend 14-hour duty window	NPTC petitioned for reconsideration of short-haul exception to include driver salesmen; FMCSA will consider it as a petition for rulemaking	FMCSA willing to grant carriers greater flexibility in operations if safety not jeopardized; data collected from pilot program on split break might lead to new rulemaking
2. Electronic Logging Devices	FMCSA	FMCSA mandate effective Dec. 2017 for all CMV drivers in interstate commerce except short-haul drivers; Dec. 2019 for AOBDRs	NPTC supported TRALA petition to exempt short-term rental vehicles from ELD rule due to problems of non-compatible telematics in different vendor systems	
3. Qualification of 18 Year-Old CMV Drivers	Congress	DRIVE Safe Act reintroduced in House (H.R. 1374) and Senate (S. 569); would allow drivers to qualify to operate CMVs at 18 years of age after completing two	NPTC supports this effort as a prudent method to address the driver shortage and encourage younger drivers to enter the industry	Opposition from highway safety advocacy groups makes this issue unlikely to pass in this Congress

		apprenticeships with 400 hours of training		
4. Speed Limiting Devices	NHTSA/FMCSA; Congress	Joint NPRM issued Sept. 7, 2016 to require all vehicles 26,000 lbs. GVW and over to have speed limiters set at some level to be determined; S. 2033 would require limiters be set at 65 mph nationwide	Prior NPTC comments questioned need for nationwide limit due to variances in geography, traffic congestion	ATA had petitioned for the rulemaking in 2007 but now questions whether uniform national policy is necessary; final rule will not be pursued by current administration
5. Entry-Level Driver Training Requirements, Learner's Permits	FMCSA	Final rule issued Dec. 8, 2016 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; no minimum hours for knowledge or BTW components; self-certification requirements for training entities	List of certified training entities will be listed on FMCSA website on the Training Provider Registry when rule is implemented	Compliance date extended to February 7, 2022; delay gives FMCSA time to develop the online Training Provider Registry, and States time to modify their information technology systems and procedures to accommodate their receipt of driver-specific ELDT data from the TPR
6. Medical Examiner Forms, Driver Certification	FMCSA	Final rule issued June 2015; by June 22, 2018 all MEs were supposed 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 delayed to June 22, 2021; delay due to lack of state readiness and security breach of National Registry of Certified Medical Examiners
7. Liability Insurance	FMCSA;	Unified Registration System	Accept minimum coverage in	FMCSA withdrew ANPRM to

	Congress	requires filings by hazmat carriers but not yet in effect; FMCSA might consider insurance for non-hazmat private fleets in separate rulemaking; House highway reauthorization bill would raise minimum levels for for-hire carriers from \$750,000 to \$2 million; no Senate provision	same current amounts as for-hire carriers; NPTC opposed insurance filings as part of UCR registration	revise minimum insurance requirements for for-hire and hazmat carriers on June 2, 2017; will not be pursued by current administration
8. Unified Carrier Registration Plan	FMCSA	On August 27, 2019 FMCSA proposed reduced fees for 2020 and 2021	NPTC opposes any increased fees, supports stronger enforcement of current fees	NPTC would prefer repeal of UCR program and fees and replace revenue by increasing MCSAP funding to states
9. Drug and Alcohol Testing Clearinghouse	FMCSA	Final rule implemented Jan. 6, 2020; requires employers 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	NPTC supports clearinghouse as a means to obtain more accurate and comprehensive data about driver drug and alcohol testing history	Once three years of data is in the database, FMCSA will eliminate requirement to request drug and alcohol test results directly from prior employers
10. Employment Application	FMCSA	FMCSA issued Advance NPRM on March 8, 2019 seeking input on whether to revise or withdraw requirement for CMV driver application form		Other DOT agencies do not mandate specific forms for employment applications
11. Revision of Carrier Safety Fitness Standards	FMCSA	NPRM issued January 21, 2016 was withdrawn March 23, 2017; standards were to	FMCSA response to National Academy of Sciences report on SMS and Corrective Action	Need to improve data on carrier exposure and crashes; whether to use absolute or percentile scale

		be based on CSA BASIC scores and roadside inspection data	Plan released in August 2018; agency intends to go forward with SMS revisions as suggested by NAS	for carrier evaluation; use of non-fault crash data in crash BASIC
12. Compliance, Safety, Accountability (CSA) Program	FMCSA	National Academy of Sciences issued report in July 2017 recommending FMCSA adopt item response theory model to identify high risk carriers, improve carrier data; agency decision on adopting the IRT model expected in September 2020; if successful, IRT model will replace current SMS BASICs	NPTC opposed rulemaking on safety fitness standards based on CSA scores until study is completed and issues addressed	
13. 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; new ANPRM published July 29, 2019 on definition of agricultural commodities	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
14. Highway Tolls	Congress/States	Trump Administration proposed infrastructure investment using mostly private funding; would have required expanded tolls to generate additional revenue, but was not enacted	NPTC opposes tolls on existing highways; OK for new highways to cover costs of construction, keep Highway Trust Fund mechanism; working with Alliance for Toll-Free Interstates	Rhode Island has imposed truck-only toll on I-95; ATA challenging in court
15. Infrastructure Funding	Congress	House has passed bill to reauthorize highway and	NPTC, ATA and U.S. Chamber all support increased	Many Congressional Republicans remain opposed to

		bridge program; Senate bill out of committee; neither bill has any provision for raising additional revenue for programs	fuel taxes if dedicated to Highway Trust Fund; NPTC now on advisory committee for Eastern Transportation Coalition to review vehicle miles traveled tax structure; NPTC also supports repeal of 12% Federal Excise Tax on trucks, tractors and trailers	any increase in fuel taxes or other new taxes, even if dedicated to HTF
16. Qualification of CMV Drivers with Diabetes	FMCSA	FMCSA issued final rule effective November 2018 to allow drivers with insulin-treated diabetes to be medically qualified for up to one year, with monitoring of treatment; withdrew individual waiver program		
17. Vehicle Size and Weight	Congress/FHWA/ States	FAST Act did 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; provision unlikely to be included in highway reauthorization legislation this year	UMTRI study completed in April 2009 showing economic benefits of heavier vehicles
18. Automatic Emergency Braking	Congress	H.R. 3773 would require automatic emergency technology on all new trucks/tractors; must be operational; no retrofit requirement		
19. Underride Guards	Congress	H.R. 1511/S. 665 would require standards for rear, side and front underride		No current design standard for front underride guards for conventional tractor

		guards on trucks, tractors and trailers; daily and annual inspections		
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