



TEAMSTERS

Safety & Health FACTS

Safety and Health Department, International Brotherhood of Teamsters
25 Louisiana Avenue, NW, Washington, DC 20001 ♦ 202/624-6960 ♦ ibtsafety@teamster.org

School Bus Endorsement; Commercial Driver's License Standards

49 CFR Parts 383 and 384

Interim Final Rule

Effective September 28, 2005, the Federal Motor Carrier Safety Administration (FMCSA) has issued an interim final rule (IFR) affecting school bus ("S") endorsement for the commercial driver's license (CDL). The rule affects 49 CFR Parts 383 and 384. The IFR implements changes mandated by Congress in the recently enacted Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU or the Act). This rule provides the relief sought by the States and school bus transportation industry and helps avoid any adverse impact on school bus driver availability.

The amendments are as follow:

- ♦ A driver who passed FMCSA-approved knowledge and skills tests for a Commercial Driver's License (CDL) school bus endorsement prior to Sept. 30, 2002, meets the requirements of §383.123(a). States may require school bus driver training in addition to taking the knowledge and skills tests.
- ♦ States are provided with an additional year, until Sept. 30, 2006, to fully administer to all school bus drivers knowledge and skills tests required by §383.123(a). Some states may expect the school bus drivers to meet the old deadline of September 30, 2005 or an earlier deadline than the one set by FMCSA for 2006.
- ♦ The expiration date for allowing states to waive the driving skills test provided in 49 CFR 383.123(b), has also been extended for one year, to Sept. 30, 2006.

Background

In 1999 Congress directed the FMCSA to establish a special CDL endorsement for drivers of school buses, prescribing minimum standards for written and driving tests.

States were allowed up to 3 years, until September 30, 2005, to implement the new CDL requirements contained in 49 CFR 383.123, which require that the endorsement must include the following:

- (1) A driving skills test in a school bus of the same vehicle group as the school bus applicant will drive.
- (2) A knowledge test covering at least the following three topics:
 - a. Loading and unloading children, including the safe operation of stop signals, external mirror systems, flashing lights and other warning devices and passenger safety devices required for school buses by State or Federal law or regulation;
 - b. Emergency exits and procedures for safely evacuating passengers in an emergency; and
 - c. State and Federal laws and regulations related to safely traversing highway rail grade crossings.

49 CFR 383.123(b) allows a State to waive the driving skills test requirement for currently licensed school bus drivers who meet certain conditions during the two-year period immediately prior to applying for the school bus endorsement. The provisions in paragraph (b) were to expire after September 30, 2005. In the new rule, the FMCSA has extended the sunset date to September 30, 2006.

Tests for school bus drivers, administered by 11 States prior to September 30, 2002, were found by the FMCSA to be compatible with the current Federal regulations. On July 14, 2005, FMCSA proposed to grant 2-year exemptions from FMCSA's testing requirements to drivers identified by in these approved States. The 11 States with approved tests were: Alabama, Delaware, Illinois, Minnesota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin.

Congress directed, in section 4140(a), of the recently enacted SAFETEA-LU that the FMCSA recognize any driver who had passed, prior to September 30, 2002, a test approved by FMCSA as meeting the knowledge and skills tests requirements of 49 CFR 383.123. Therefore, FMCSA's 2-year exemptions for such drivers in the 11 approved States are no longer necessary.

Congress also directed, in section 4140(b), of SAFETEA-LU that all States be given an additional year, until September 30, 2006, rather than September 30, 2005, to comply with the Federal testing requirement 49 CFR 383.123. Therefore, the compliance date in Section 384.301(b) for full implementation and enforcement of the requirements in 49 CFR 383.123 is extended to September 30, 2006.