

"P" 5 (2015)

Albany, New York

May 20, 2015

TO: All Enforcement Agencies

SUBJECT: Commercial Learner's Permit Rule, Chapter 58 of the Laws of 2015

Chapter 58 of the Laws of 2015 makes changes to the Vehicle and Traffic Law (VTL) in relation to federal commercial learner's permit (CLP) and commercial driver's license (CDL) standards.

CDL Permit Rule Changes - Effective June 4, 2015

CLPs will only be allowed the federal Passenger (P), School Bus (S), and Tank Vehicle (N) endorsements, provided the applicant has taken and passed the knowledge test for the specified endorsement. NYS will continue to issue CLPs with Metal Coil (M) and Tow Truck (W) endorsements.

All CLPs issued with a Passenger (P) or School Bus (S) endorsement will automatically get a new federally mandated "No Passengers in CMV Bus" (P) restriction. All CLPs issued with a Tank Vehicles (N) endorsement will automatically get a new federally mandated "No Cargo in CMV Tank Vehicle" (X) restriction.

The federal standards added 5 new restrictions as illustrated in the Restriction Change Table below, which required New York State to change the letter assigned to existing restrictions. Any license with re-lettered restrictions will have the restriction(s) automatically revised on the next CDL license application.

<b>Restriction</b>	<b>Old</b>	<b>New</b>	<b>Change</b>
No Manual Transmission Equipped CMV		E	New
Outside Mirror		F	New
No Passengers in CMV Bus		P	New
No Cargo in CMV Tank Vehicle		X	New
No Full Air Brake Equipped CMV		Z	New
Automatic Transmission	E	E1	Re-Lettered
Hearing Aid / Full-View Mirror	F	F1	Re-Lettered
Power Brakes	P	P1	Re-Lettered
Full Hand Control	X	X1	Re-Lettered
Wheel Spinner	Z	Z1	Re-Lettered
No Air Brakes Class A Vehicle	L1		Removed
No Air Brakes Class B Vehicle	L2		Removed

*Restriction Change Table*

New York State will be removing the L1 and L2 restrictions. Any license with these restrictions on it will have the restriction(s) removed on the next CDL license application.

All endorsements and restrictions will be visible on permits and licenses issued to the driver as well as on the driver's record.

You will continue to see existing CLP and CDL documents with the old restrictions until drivers are phased over at their next CLP or CDL application. There will be a short period of time from June 4, 2015 until paper stock is replaced where Temporary documents (MV-1) may have the old restrictions pre-printed on the back, but new restrictions identified on the front, if any.

Interim (non-photo) licenses and permits will only be valid for 60 days from the date they are issued.

#### CDL Permit Rule Changes - Effective June 18, 2015

CLP and CDL documents for drivers who are not U.S. Citizens or Lawful Permanent Residents (i.e., Temporary Visitors) will have the legend "NON-DOMICILED" displayed on documents issued on or after June 18, 2015. The legend "TEMPORARY VISITOR" and the expiration date of their legal status documentation will continue to be displayed on the CLP and/or CDL document.

CLPs will have the warning "VALID ONLY WHEN ACCOMPANIED BY NYS LICENSE" printed on them.

### CDL Permit Rule Changes - Effective July 8, 2015

NYS is now required to apply CDL holder federally mandated suspensions and revocations to CLP holders. Federally mandated suspensions and revocations that affect a driver's commercial privilege will now run consecutive (one to follow the other) with any other open commercial suspension or revocation on record.

New federally mandated one year commercial revocations shall be issued for drivers that are found guilty, or convicted of, falsifying, misrepresenting, or fraud in connection with:

- ◆ an application for a CLP/CDL;
- ◆ self-certification driving type;
- ◆ Medical Examiner's Certificate.

The following federally mandated changes will be made to commercial documents:

- ◆ CLPs will be valid for only 180 days with one renewal for an additional 180 days, after which the holder will have to apply for a new CLP, including retaking any required knowledge tests;
- ◆ NYS will void and return an applicant's current CLP or CDL when issuing a new CLP/CDL document.

### Transportation Law - Effective July 8, 2015

Section 140(2)(c) of the Transportation Law is amended to provide that no employer shall allow an employee to operate a commercial motor vehicle during any period in which the operator:

- ◆ Does not have a valid CLP or CDL;
- ◆ Does not have a CLP or CDL with the proper class or endorsement;
- ◆ Violates any restriction on the CLP or CDL;
- ◆ Has a suspended, revoked, or disqualified CLP or CDL;
- ◆ Has more than one CLP or CDL.

A violation of this section is punishable by a fine of \$200 to \$1,000.

### Reference

The federal standards can be found in its entirety in 49 CFR Parts 383, 384, and 385 and as posted on the Federal Register (Vol. 76, No. 89 / Monday, May 9, 2011 / Rules and Regulations).

Please share this information with staff. Thank you.

Gregory Kline  
Deputy Commissioner