

certification, medical examination procedures (49 CFR part 391, subparts B and E), and drug and alcohol testing (49 CFR part 382).

(2) Hours of service of drivers: The limitations on driving hours and the requirement to be off-duty for certain periods of time (49 CFR part 395).

(3) Driver wellness: Basic health maintenance including diet and exercise. The importance of avoiding alcohol and drug abuse. Fatigue countermeasures as a means to avoid accidents.

(4) Whistleblower protection: The right of an employee to question the safety practices of an employer without the employee's risk of losing a job or being subject to reprisals simply for stating a safety concern (29 CFR part 1978).

§ 380.505 Substitute for Driver Training.

(a) *Grandfather clause.* The driver training requirements specified in subpart E of this part do not apply to an individual who meets the conditions set forth in paragraphs (b), (c), and (d) of this section. A motor carrier must

ensure that an individual claiming eligibility to operate a CMV on the basis of this section meets these conditions before allowing him/her to operate a CMV.

(b) An individual must certify that, during the 1-year period immediately preceding the date of application for a Certificate of Grandfathering, he/she had:

- (1) A valid CDL;
- (2) No more than one driver's license;
- (3) No suspension, revocation, or cancellation of his/her CDL;

(4) No convictions for a major offense while operating a CMV as defined in § 383.51(b) of this subchapter;

(5) No convictions for a railroad-highway grade crossing offense while operating a CMV as stated in § 383.51(d) of this subchapter;

(6) No convictions for violating an out-of-service order as defined in § 383.51(e) of this subchapter;

(7) No more than one conviction for a serious traffic violation, as defined in § 383.5 of this subchapter, while operating a CMV;

(8) No convictions for a violation of State or local law relating to motor vehicle traffic control arising in connection with any traffic accident while operating a CMV; and

(9) No accident in which he/she was found to be at fault, while operating a CMV.

(c) An individual must certify and provide evidence that he/she:

(1) Is regularly employed in a job requiring the operation of a CMV that requires a CDL; and

(2) Has operated a CMV for at least 1 year immediately preceding the date of application for a Certificate of Grandfathering.

(d) An employer must issue a Certificate of Grandfathering, which is substantially in accordance with the form below, to an individual that meets the requirements of this section and maintain a copy of the certificate in his/her personnel file.

(e) The grandfather provisions of this section are available to eligible drivers for a limited period of one year after [The effective date of the final rule].

Entry-level Driver-Training Certificate of Grandfathering	
I certify that _____	
has presented evidence of meeting the prerequisites set forth in the Federal Motor Carrier Safety Regulations (49 CFR § 380.505) as a substitute for entry-level driver training and is qualified to operate a CMV.	
DRIVER NAME (First name, MI, Last name)	
Commercial Driver's License Number	STATE
ADDRESS OF DRIVER (Street Address, City, State and Zip Code)	
FULL NAME OF EMPLOYER	Telephone Number
ADDRESS OF PRINCIPAL PLACE OF BUSINESS (Street Address, City, State, and Zip Code)	
SIGNATURE OF EMPLOYING OFFICIAL	DATE ISSUED

§ 380.507 Proof of training.

(a) An entry-level driver who receives the required training must receive an original training certificate containing all the information contained in § 380.515 from the training provider.

(b) The entry-level driver must also receive a copy of the training certificate if the training provider is not the driver's employer or potential employer.

§ 380.509 Driver responsibilities.

The driver must present a training certificate, containing the information specified in § 380.515, to the employer or potential employee that the driver received training as specified in § 380.503, if the employer or potential employer is not the training provider.

§ 380.511 Employer responsibilities.

(a) Employers must ensure that all new entry-level drivers receive the

required training on or after [Insert the effective date of the final rule].

(b) Employers must ensure that entry-level drivers, who do not qualify for grandfathering, receive the required training no later than 90 days after [The effective date of the final rule].

(c) The employer must place evidence of training completion or a Certificate of Grandfathering, as appropriate, in the driver's qualification file.