

Legal*focus*

New York Implements “Under the Hood” CDL Testing Exemption to Enhance Driver Recruiting and Retention

In January 2024, New York Governor Kathy Hochul directed the state Department of Motor Vehicles to implement the Federal Motor Carrier Safety Administration’s (“FMCSA”) Under the Hood (“UTH”) CDL Testing Exemption, in an effort to enhance school bus driver recruiting. This initiative is also known as the “School Bus Only CDL” because it allows school bus operators to simplify the CDL training process for candidates who are obtaining their CDL for the purpose of driving a “School Bus Only”. Continue reading for more information about how the Under the Hood CDL Testing Exemption and School Bus Only CDL can help your company recruit and retain school bus drivers.

Background on Under the Hood

As transportation contractors know, FMCSA regulations traditionally require all CDL applicants to be tested on the engine compartment during the pre-trip vehicle inspection skills test. 49 CFR §383.113(a)(1)(i). This under the hood portion of the skills test requires applicants to identify and have knowledge of certain engine components, which school bus drivers



typically do not need to know to operate a school bus. Often, this part of the skills test can be a barrier to entry to those who would otherwise be willing to drive a school bus.

In January 2022, FMCSA granted the National School Transportation Association’s (“NSTA”) request for a 90-day waiver from this engine compartment component of the pre-trip vehicle inspection skills test for CDL applicants seeking to drive a school bus intrastate only. This waiver was subsequently extended three times before FMCSA granted NSTA’s request for an exemption, for a period

of two years. Like the waivers that came before it, the UTH Exemption permits states to forgo testing of the under the hood portion of the pre-trip vehicle inspection skills test for applicants wanting to drive a school bus intrastate only. So, school bus drivers with “School Bus Only” CDL issued under this UTH Exemption will receive a School Bus (S) and Passenger (P) endorsement, along with an intrastate (K) restriction and a School Bus Only (S) restriction. This UTH Exemption is valid through November 27, 2024.

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Call or email us your suggestion, we’ll do the research and publish the information
in an upcoming article. Contact help@rckelly.com or 215-896-3846

How Does the UTH Exemption Enhance Driver Recruiting and Retention?

Testing under the UTH Exemption helps contractors identify and recruit CDL candidates who are interested in driving a school bus only, and helps them avoid training CDL candidates who will leave soon after receiving their CDL to drive other kinds of commercial vehicles. As discussed above, a school bus driver CDL applicant pursuant to the UTH Exemption is not required to identify engine components under the hood. This will also reduce the number of school bus CDL candidates who abandon their training due to anxiety about being tested on engine components. But, it is important to remember that testing under the UTH Exemption is an option, not a requirement. A CDL student can still choose to take the full CDL skills test so they can drive other kinds of commercial vehicles too.

As noted, testing under the UTH exemption is an option, not a requirement. As noted above, drivers who obtain a "School Bus Only CDL" using UTH Exemption will have a school bus (S) and passenger (P) endorsement, along with an intra-state (K) restriction. Drivers who want or need to cross state lines, or who want or need to drive other kinds of CMVs can either take the full test, or

have the school bus only restriction removed at a later date. School bus contractors report that, on average, only about five percent (5%) of their fleet travels across state lines. So, contractors that cross state lines more frequently may choose to stay with traditional CDL testing.

What Should Contractors Do?

School bus contractors should review their CDL trainee attrition rates and their new CDL driver retention rates. Contractors should know what percentage of CDL students who start CDL training actually complete their CDL training and become school bus drivers. Contractors should find out why some students abandon their CDL training. Perhaps the UTH CDL testing exemption could help. Contractors should also know how long their newly trained CDL holders remain with the company as school bus drivers. When and why do your new CDL school bus drivers leave your company? Would your driver retention rate be improved by being able to focus your company's training efforts on CDL candidates who set out from the beginning to drive school bus only? School bus operators should begin to take advantage of the UTH CDL testing exemption now, and keep track of your results. If the UTH CDL testing exemption and "School Bus Only CDL" improves your driver recruiting and retention, it will be

critically important to communicate those successes to legislators, regulators, and others as the November 27, 2024 expiration date approaches. If you have questions about the Under the Hood CDL testing exemption and the School Buys Only CDL, or how it could be useful for your company, please call us at 215-896-3846 or email to Help@rckelly.com.



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