

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION



Regulatory Status – 2021/22 Federal Regulations

(Items in red text indicate a change of status or new item)

November 23, 2022

Key Updates on IANA Policy Issues

Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
Notification of interim guidance; request for comments	11/16/22	[Docket No. FMCSA–2022–0134] Definitions of Broker and Bona Fide Agents <i>Keywords: Freight</i>	<u>68635(87)</u>	FMCSA issues interim guidance on definition of brokers and bona fide agents. Comments due 01/17/22.
Notice and request for comments	06/10/22		<u>35593(87)</u>	FMCSA requests comments on definition of brokers and bona fide agents.
Advance notice of proposed rulemaking and request for comments	09/23/22	[Docket No. FMCSA–2022–0062] Unique Electronic Identification of Commercial Motor Vehicles <i>Keywords: Truck, Safety</i>	<u>58049(87)</u>	FMCSA requests comments on whether it should require all CMVs operating in interstate commerce to be equipped with electronic ID technology. Comments due 11/22/22.
Notice and request for comments	09/21/22	[Docket No. FMCSA–2022–0163] Agency Information Collection Activities; New Information Collection: Human Factors Considerations in Commercial Motor Vehicle Automated Driving Systems <i>Keywords: Truck, Safety</i>	<u>57750(87)</u>	FMCSA seeks comments on a proposed information collection to study how CMV drivers engage in SAE L2 and L3 ADS-equipped CMVs. Comments due 11/21/22.
Notice and request for comments	09/21/22	[Docket No. FMCSA–2022–0174] Effectiveness of Third-Party Testing and Minimum Standards for Commercial Driver’s License (CDL) Knowledge and Skills Tests <i>Keywords: Truck, Safety</i>	<u>57748(87)</u>	FMCSA requests comments on a proposed study on the effectiveness of third-party testing programs for CDL skills and knowledge tests and the effectiveness of minimum standards for such tests. Comments due 11/21/22.
Advanced Notice of Proposed Rulemaking	09/16/22	FMCSA-2010-0167: Electronic Logging Devices and Hours of Service Supporting Documents <i>Keywords: Electronic Logging Devices (ELD), Hours of Service (06), Safety</i>	<u>56921(87)</u>	FMCSA proposes to clarify current ELD regulations and address technical concerns. Comments due 11/15/22.
Guidance	03/13/18		<u>Guidance</u>	FMCSA issues additional guidance to assist in the effective implementation of the ELD rule.

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Final Rule	12/16/15		<u>78292(80)</u>	FMCSA issues a final rule requiring all drivers to use electronic logging devices by 12/18/17.
Request for Comments	09/07/22	FMCSA-2004-19608 - Hours of Service of Drivers <i>Keyword: Hours of Service (HOS)</i>	<u>54630(87)</u>	FMCSA requests comments concerning the extent motor carriers rely on the emergency HOS declaration to deliver commodities and whether it has impacted safety.
Notice and request for comments	08/18/22		<u>50913(87)</u>	FMCSA requests comments on its proposed renewal regarding an emergency declaration waiving HOS regulations for essential supplies. Comments due 09/19/22.
Decision	07/26/22		<u>Opinion</u>	U.S. Court of Appeals DC Circuit denies petition for federal court review of FMCSA's HOS final rule.
Petition for Rulemaking	03/29/22		<u>Petition</u>	CVSA files petition requesting FMCSA specify maximum time and/or mileage limit for the use of personal conveyance under HOS regulations.
Update	01/15/21		<u>Opinion</u>	U.S. Court of Appeals for the Ninth Circuit denies petitions to review FMCSA's determination that California's meal and rest break laws are preempted.
Notice of proposed pilot program; request for comments	01/14/21		<u>Notice</u>	FMCSA proposes pilot program to test two additional options for splitting sleeper berth periods: 6/4 and 5/5 splits.
Notice of proposed regulatory guidance; request for comments	01/04/21		<u>179(86)</u>	FMCSA proposes revisions to its guidance on "yard moves" under its HOS regulations.

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Update	09/16/20		Lawsuit	The International Brotherhood of Teamsters and three safety groups file petition with U.S Court of Appeals DC Circuit for federal court review of FMCSA's HOS final rule.
Notice of proposed pilot program; request for comments	09/03/20		55061(85)	FMCSA proposes Split Duty Period Pilot Program to test safety impacts of pausing 14-hour driving window.
Final Rule	06/01/20		33396(85)	FMCSA publishes final rule amending its HOS regulations, effective 09/29/20.
Final Rule	09/12/19		48077(84)	FMCSA issues final rule removing restrictions to the 34-hour restart provision.
Final Rule	09/01/22	[Docket No. FMCSA-2022-0001] Fees for the Unified Carrier Registration Plan and Agreement <i>Keywords: Truck; Safety</i>	53680(87)	FMCSA issues final rule reducing fees for the UCR Plan and Agreement starting in 2023.
Notice of proposed rulemaking	01/24/22		3489(87)	FMCSA proposes fee reductions for the UCR Plan and Agreement for 2023 and thereafter. Comments due 02/23/22.
Notice and request for comments	07/11/22	[Docket No. FMCSA-2018-0346] Commercial Driver's Licenses; Pilot Program To Allow Drivers Under 21 To Operate Commercial Motor Vehicles in Interstate Commerce <i>Keyword: Truck</i>	41165(87)	FMCSA seeks comments on renewal of its data collection under the Safe Driver Apprenticeship Pilot Program, due 08/10/22.
Notice and establishment of pilot program	01/14/22		2477(87)	FMCSA addresses comments to 2020 pilot program proposal and establishes new Safe Driver Apprenticeship Pilot Program as required by the IIJA.

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Notice of request for emergency OMB approval	01/07/22		<u>1001(87)</u>	FMCSA requests emergency OMB approval to collect data for under 21 apprenticeship program established under the IIJA.
Notice of Intent	05/04/22	[Docket No. FMCSA-2022-0004] Parts and Accessories Necessary for Safe Operations; Speed Limiting Devices <i>Keyword: Truck, Safety</i>	<u>26317(87)</u>	FMCSA issues notice of intent to proceed with rulemaking requiring CMVs use speed limiters.
Notice	04/07/22	FMCSA Announces Call for Applications for the Truck Leasing Task Force <i>Keywords: Truck</i>	<u>Press Release</u>	FMCSA seeks applications for the Truck Leasing Task Force, which will develop best practices for CMV lease agreements.
Notice of proposed rulemaking; withdrawal	03/09/22	Commercial Driver's License (CDL) Testing <i>Keyword: Truck, Safety</i>	<u>13249(87)</u>	FMCSA withdraws proposal allowing CDL applicants to take general and specialized knowledge tests in states other than their state of residence.
Notice of proposed rulemaking; withdrawal	03/09/22		<u>13247(87)</u>	FMCSA withdraws proposal allowing third-party CDL skills instructors to perform both instruction and qualifying testing for CDL applicants.
Regulatory Guidance	02/03/22		<u>6045(87)</u>	FMCSA clarifies that its statutory authorities and regulations do not prohibit third party testers from administering the CDL knowledge tests for all classes and endorsements.
Final Rule	03/09/22	Record of Violations <i>Keywords: Truck, Safety</i>	<u>13192(87)</u>	FMCSA issues final rule eliminating annual reporting requirements for drivers' traffic violations, effective 05/09/22.
Final rule	11/09/21	Rear Impact Guards and Rear Impact Protection <i>Keywords: Truck, Safety</i>	<u>62105(86)</u>	FMCSA issues final rule amending the Federal Motor Carrier Safety Regulations to include rear impact guards on the list of items that must be examined during annual CMV inspections, effective 12/09/21.

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Final rule	10/07/21	Commercial Driver's License Drug and Alcohol Clearinghouse <i>Keywords: Truck, Safety</i>	55718(86)	FMCSA issues final rule establishing requirements for SDLAs to use information obtained through the Clearinghouse.
Final rule; extension of compliance date	12/13/19		68052(84)	FMCSA extends the compliance date for states to begin requesting CDL holders' data through the Clearinghouse. Compliance date is now 01/06/23.
Final Rule	12/05/16		87686(81)	FMCSA establishes the CDL Drug and Alcohol Clearinghouse, a database with information on CDL holders' violations of FMCSA's drug and alcohol testing program.
Final rule	07/23/21	[Docket No. FMCSA-2020-0198] Commercial Driver's License Standards, Requirements and Penalties; Exclusively Electronic Exchange of Driver History Record Information <i>Keywords: Truck; Safety; CDL</i>	38937(86)	FMCSA issues final rule codifying requirement that state driver licensing agencies implement a system for the exclusively electronic exchange of driver history record information through the Commercial Driver's License Information System. Effective 08/23/21.
Petition for rulemaking; request for public comments	11/25/20	[Docket No. FMCSA-2020-0150] Owner-Operator Independent Drivers Association, Small Business in Transportation Coalition Petitions for Rulemaking; Transparency in Property Broker Transactions <i>Keywords: Truck</i>	75280(85)	TIA submits petition for rulemaking requesting FMCSA rescind its regulations allowing parties to review broker transaction records and issue guidance on dispatch services.
Notice; request for public Comments	08/19/20		51145(85)	OOIDA and SBTC submit petitions for rulemaking requesting changes to strengthen FMCSA's regulations related to broker transaction records.
Notice of final disposition	08/18/20	Inspection, Repair and Maintenance; Inspector Qualifications; Application for an Exemption From the Intermodal Association of North America (IANA) <i>Keywords: Truck, Safety, Intermodal</i>	50876(85)	FMCSA grants IANA's request for a five-year exemption allowing chassis mechanics who complete a training program consistent with IRPs to conduct intermodal equipment and break inspections, effective 08/18/20.

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Notice of application for exemption; request for comments.	04/03/20		<u>19055(85)</u>	IANA requests FMCSA consider chassis mechanics qualified inspectors upon completion of IRP training.
Notice and request for comments	08/18/20	[Docket No. FMCSA-2015-0124] Potential Benefits and Feasibility of Voluntary Compliance; Public Listening Sessions <i>Keywords: Safety</i>	<u>50875(85)</u>	FMCSA seeks OMB approval to collect data on effective policies for motor carrier safety to develop the Beyond Compliance Program.
Notice; request for comment	04/20/16		<u>23351(81)</u>	FMCSA proposes Beyond Compliance program including a new BASIC within SMS.
Notice	05/06/20	FMCSA 2012-0074: Improvements to the Compliance, Safety, Accountability (CSA) Motor Carrier Safety Measurement System (SMS) <i>Keywords: FMCSA Compliance, Safety, Accountability Program (CSA), Hazmat, Truck</i>	<u>27017(85)</u>	FMCSA establishes new Crash Preventability Determination Program allowing drivers with crashes on or after 08/01/19 to submit evidence that it was not preventable.
Report	09/25/19		<u>Report</u>	OIG issues report assessing FMCSA's corrective action plan and its implementation of prior recommendations made by OIG, NAS, and GAO.
Notice and request for comments	08/05/19		<u>38087(84)</u>	FMCSA proposes making permanent its crash determination program and modifying the SMS to eliminate unpreventable crashes from SMS Crash Indicator BASIC calculations.