

Commercial Driver Training and Hiring

What Transportation Companies, Public Transit Agencies, Shippers, and CDL Training Providers Should Know in Light of Recent DOT Enforcement Activity

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Presenters



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Webinar Objectives

- Examine the federal regulatory framework governing entry-level driver training (ELDT)
- Review DOT/FMCSA's recent enforcement initiatives and their impact on the Training Provider Registry (TPR)
- Assess the implications of heightened enforcement for training providers and motor carriers
- Evaluate civil liability exposure for hiring carriers, brokers, and shippers
- Identify practical considerations for navigating the evolving regulatory environment
- Discuss emerging enforcement priorities and potential regulatory reforms

Commercial Vehicle Training Association

- Founded in 1996
- 400 member locations across 46 states, training 100,000 entry-level CMV drivers each year
- CVTA participated in FMCSA's negotiated rulemaking to create national training standards (Entry-Level Driver Training Final Rule)
- CVTA's ELDT Task Force anticipated the deluge of bad actors into the training landscape
- CVTA's Task Force has pressed FMCSA for greater enforcement since 2022



CDL Training: The Regulatory Framework

- Entry-Level Driver Training required for all Class A and Class B drivers (2022)
- Drivers must demonstrate proficiency in theory and behind-the-wheel ELDT curriculum
- All providers must register on the Training Provider Registry (TPR)
- Training Provider Registry is a self-certification database
 - State licensure, curriculum and course outlines not required for registration
- FMCSA enforcement categories
 - Emergency Removal and Notice of Proposed Removal (NOPR)

Federal Enforcement Posture

- From 2022 to 2025, the industry saw little to no FMCSA enforcement
- A series of fatal truck crashes in 2025 brought USDOT scrutiny
 - Now over 9,000 removals from the TPR
- DOT/FMCSA adopted an increasingly aggressive enforcement posture
 - *Operation Driver Training I* initiated broad provider investigations
 - *Operation Driver Training II* expanded on-site inspections and audits

Current Status: Cleanup & Confusion

- Increased emergency removals and Notices of Proposed Removal (NOPRs)
 - Emergency removals for English Language Proficiency violations
 - Notices of Proposed Removal for substantive infractions, but also for minor clerical and administrative deficiencies
 - Erroneous information appearing in some removal notices
 - Company-wide NOPRs for single-location clerical deficiencies
 - Extended timelines for removal from the NOPR list
 - Hiring carriers and state funding and licensing agencies using the NOPR list as a proxy for poor quality

Industry Consequences: Necessary Enforcement, Unintended Disruption

- Long-overdue enforcement confronting entrenched noncompliance
- Zero-tolerance policies creating industry uncertainty
- NOPRs and emergency removals disrupting legitimate providers
- ELP-related enforcement and DHS involvement expanding scrutiny
- Enforcement intensity complicating training and carrier recruitment

Inside an Emergency Removal

- Removal Authority
- Removal Triggers
- Effect of Emergency Removal and Reinstatement
- How it differs from a NOPR



U.S. Department
of Transportation
Federal Motor Carrier
Safety Administration

1200 New Jersey Ave, SE
Washington, DC 20590

August 31, 2026

**Notice of Emergency Removal
from the Federal Motor Carrier Safety Administration's
Entry Level Driver Training Provider Registry**

[REDACTED]
[REDACTED]
[REDACTED]

Attention: Training Provider Owner/Operator/Administrator

Delivery via UPS: _____

Delivery via Electronic Mail

RE: [REDACTED]

Training Provider Registry (TPR) Id. No(s).: XXXXXXXXXXXX

Training Provider Owner/Operator/Administrator:

The Federal Motor Carrier Safety Administration ("FMCSA" or "Agency") provides notice that [REDACTED] was immediately removed from the active listing on FMCSA's Entry-Level Driver Training Provider Registry (TPR) on August 31, 2026. This Notice applies to you, your employees, representatives, and each of your locations. FMCSA removed [REDACTED] under the authority of 49 U.S.C. § 31305(c)(5) and 49 CFR 380.723(e), because:

- (1) The public health, interest and safety required [REDACTED] immediate removal from the TPR, and
- (2) [REDACTED] willful disregard of the regulations required its immediate removal from the TPR.

EFFECTIVE IMMEDIATELY [REDACTED] AND ITS

Authority for Removal

- Under 49 CFR 380.719(a)(1), to be eligible for continued listing on the TPR, a provider must meet the requirements of 49 CFR Part 380, Subpart G and the applicable requirements of § 380.703.
- FMCSA may consider removing a provider from the TPR . . . identifies material deficiencies, pertaining to the training provider's program, operations, or eligibility. 49 CFR 380.721(a)(3).
- In accordance with 49 CFR 380.723(e), FMCSA may immediately remove any training provider . . . engaged in fraud, criminal behavior, or willful disregard of the regulations in Subpart G of 49 CFR Part 380, or when the public health, interest, or safety requires immediate action.

Triggers for Removal & Findings

- Under 49 CFR 380.703(a)(1), training providers are required to provide driver-trainees instruction that meets the applicable criteria set forth in FMCSA's ELDT curriculum . . . the required curriculum for Class A and Class B theory instruction includes instruction regarding the English Language Proficiency (ELP) requirements
- Under 49 CFR 380.707(a), training providers must require all accepted driver-trainees for BTW training to certify that they will comply with FMCSA's driver qualification regulations in 49 CFR Part 391.
- FMCSA's audit identified material deficiencies in . . . [provider's] ELDT program . . . [and] Uploaded an ELDT certificate to the TPR [for driver-trainees who] were cited for one or more ELP violations after [licensing]. (FMCSA used 10 or more ELP violations as the basis for emergency removal)
- FMCSA's regulations require that theory curriculum adequately instruct non-English speaking driver-trainees about the ELP requirements and require that training providers deliver BTW training only to driver-trainees who certify they will comply with the qualification standards, including ELP.

Administrative Review & Reinstatement

- Under 49 CFR 380.723(d), you may request administrative review of this emergency removal determination. Such request must be submitted **in writing no later than 30 calendar days** from the date this Notice is served.
- [Must] include all factual, legal, and procedural issues in dispute, as well as any supporting documentation. **Requests that do not explain the alleged error(s) committed and include all factual, legal, and procedural issues in dispute, as well as any supporting documentation will be deemed either incomplete or a request for reinstatement.**
- Under 49 CFR 380.723(f), you may request a reinstatement **in writing no sooner than 30 calendar days** from the date this Notice is served. You must submit documentation showing completion of all corrective action(s) taken to address the material deficiency identified in this Notice.

Emergency Removal vs. NOPR

	Emergency Removal	Notice of Proposed Removal
Authority	49 CFR 380.723(e)	49 CFR 380.723(b)
Grounds	Public health, interest, or safety; fraud, criminal behavior, or willful disregard	Failure to meet or maintain TPR qualifications (§§ 380.703–.725)
Evidence	Desk audit of FMCSA data (e.g., roadside violations after certification)	On-site investigation of facilities, instructors, curriculum, and records
Effective	Immediately	Only if the provider fails to respond (30 days) or cure (60 days)
Training while pending	Must cease all operations; training after removal date is invalid	Continues and remains valid; trainees notified; TPR notation
Before removal	No opportunity to respond	30 days to contest or commit to corrective action
Path back	Administrative review requested within 30 days; reinstatement no sooner than 30 days with corrective action	Withdrawal if FMCSA relied on erroneous information, or corrective action completed within 60 days

Key Reminders: TPR Removal & the CDL

- Training completed before the removal date remains valid
- Retroactive invalidation is reserved for fraud in which the trainee knowingly participated
 - Case-by-case determination by FMCSA
 - Any downgrade runs through the state licensing agency
- A CDL holder from a removed provider is not, for that reason alone, unqualified under Part 391

Hiring Carriers: The Civil Exposure

- Regulatory exposure is narrow; civil exposure is not
- **Notoriety.** DOT has tied drivers from emergency-removed providers to 239 fatalities
- **Discoverability.** The TPR is public, and removal status is searchable
 - Expect plaintiffs to cross-reference a driver's ELDT provider in discovery
- **Verdict climate.** Negligent hiring, entrustment, and retention claims require no regulatory violation
- No case law yet

Hiring Gate vs. Monitoring

- **At the hiring gate**
 - Capture the ELDT provider and check TPR status
 - Emergency removal triggers closer evaluation, not disqualification
- **For drivers already on payroll**
 - Credential stands; document a re-evaluation (road test, ELP)
 - Continuous MVR monitoring catches downgrades
- **Avoid blanket bans**
 - Categorical exclusions risk Title VII disparate impact

Brokers and Shippers

- *Montgomery v. Caribe Transport II*: negligent selection claims survive FAAAAA preemption
- Plaintiffs will argue brokers should have known a carrier's drivers came from flagged providers
- Do not audit carriers' driver training — assumption-of-duty risk
- Rely on carrier representations that drivers hold credentials obtained through compliant training
- Back representations with indemnity and insurance requirements

Practical Considerations: Hiring

- **Distinguish the signals.** NOPRs may rest on minor or remediable deficiencies; emergency removals do not
- **Engage providers directly.** Understand the basis and status of any NOPR
- **Document your response.** Record how you evaluated drivers trained by an emergency-removed provider
- **Assess individually.** Use road tests and ELP evaluation rather than categorical bans
- **Evaluate training partners.** Judge them on demonstrated quality and outcomes
- **Monitor developments.** Track evolving CDL licensing and enforcement requirements

Practical Considerations: Providers

- Ensure that all TPR-listed programs and endorsements are immediately available for delivery (Class B programs; HAZMAT, etc.)
- Remove any programs or endorsements that are not immediately available
- Run a test audit examining VIN numbers, yard specifications, student documentation files and ELDT curriculum
- Designate one individual to correspond with external organizations regarding any NOPR listing questions
- Ensure that you collect trainee signatures to comply with 49 CFR § 380.707(a)
- If you encounter an emergency removal, immediately involve an attorney

Where CDL Training Policy Goes From Here

- *Operation Driver Training III* likely to involve third-party testing providers
- Self-certification alone cannot sustain credible federal oversight
 - FMCSA rulemaking underway to end provider self-certification
- Indicators that FMCSA may be improving NOPR delisting timeframes
- Regulatory predictability and due process remain essential
- State agencies must play a more substantive role in provider oversight

Key Takeaways and Closing Thoughts

- Federal enforcement is long overdue and essential to restoring integrity to the Training Provider Registry (TPR)
- Aggressive enforcement has created uncertainty, including unintended consequences for compliant training providers
- Communication and due diligence are essential as training providers and hiring carriers navigate evolving enforcement priorities
- For hiring carriers, regulatory exposure is narrow but civil exposure is real — individualized, documented assessment is the answer
- Sustainable oversight requires structural reform, including stronger front-end verification, state coordination, and consistent enforcement procedures

Thank You!

Questions?



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