

118TH CONGRESS
1ST SESSION

H. R. 3408

To establish an apprenticeship program for commercial drivers under the age of 21, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. CRAWFORD (for himself and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish an apprenticeship program for commercial drivers under the age of 21, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Developing Respon-
5 sible Individuals for a Vibrant Economy Safe Integrity Act
6 of 2023” or the “DRIVE Safe Integrity Act of 2023”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Seamless, efficient, and resilient supply
10 chains are essential to the production and delivery of

1 goods across the nation to meet the needs of Amer-
2 ican consumers and maintain the economic security
3 of the country.

4 (2) These supply chains are heavily dependent
5 on trucking across a variety of sectors and require
6 a steady pipeline of professional truck drivers to
7 transport goods in a safe and timely manner.

8 (3) In 2022, the shortage of qualified drivers
9 reached a near-record level of 78,000. The already
10 substantial shortage is expected to increase to
11 160,000 drivers by 2031 absent any changes to the
12 status quo.

13 (4) Over the next decade, roughly 1,200,000
14 new drivers will need to be hired to keep pace with
15 increasing demand and the aging workforce.

16 (5) Trucking is a crucial profession that links
17 every component of the supply chain, and it offers
18 diverse opportunities to workers, from over the road
19 to local and regional trucking, and fulfilling careers
20 with family-sustaining salaries, all without the debt
21 that often accompanies a college degree.

22 (6) Regulatory barriers prevent motor carriers
23 from offering these pathways to 18- to 20-year-olds
24 who may otherwise want to pursue a career in truck-

1 ing, resulting in the loss of these individuals to other
2 professions.

3 (7) To address these barriers and confront the
4 driver shortage, Congress included section 23022 in
5 the Infrastructure Investment and Jobs Act, which
6 requires the Secretary of Transportation to create a
7 pilot program for commercial drivers between the
8 ages of 18 and 20.

9 (8) Section 23022 of the Infrastructure Invest-
10 ment and Jobs Act was based on bicameral bipar-
11 tisan legislation, the “Developing Responsible Indi-
12 viduals for a Vibrant Economy Act” or the
13 “DRIVE-SAFE Act”.

14 (9) To meet the requirements of section 23022
15 of the Infrastructure Investment and Jobs Act, the
16 U.S. Department of Transportation established the
17 Safe Driver Apprenticeship Pilot Program.

18 (10) The 3-year pilot program included in the
19 Infrastructure Investment and Jobs Act was the re-
20 sult of a carefully crafted bipartisan compromise by
21 the Senate Commerce Committee.

22 (11) The pilot program enables 18- to 20-year-
23 old drivers to receive rigorous training as profes-
24 sional truck drivers and drive in interstate com-
25 merce, much as they are able to do in intrastate

1 commerce in 49 States plus the District of Colum-
2 bia.

3 (12) For purposes of the pilot program, section
4 23022 of the Infrastructure Investment and Jobs
5 Act defined the term “apprentice” as an individual
6 who is under the age of 21 and holds a commercial
7 driver’s license.

8 (13) As directed by section 23022 of the Infra-
9 structure Investment and Jobs Act, this pilot pro-
10 gram requires advanced safety equipment and hours
11 of supervision that go significantly beyond the re-
12 quirements that 18- to 20-year-olds must fulfill in
13 order to receive a commercial driver’s license to op-
14 erate in intrastate commerce in those 49 States plus
15 the District of Columbia.

16 (14) Through this pilot program, modeled in
17 part on graduated drivers licensing concepts that
18 have been found to improve the safety of new driv-
19 ers, the U.S. Department of Transportation is able
20 to collect data demonstrating that individuals who
21 receive rigorous training and develop good habits
22 early in their career can safely operate motor vehi-
23 cles in interstate commerce.

24 (15) Congress supports the successful imple-
25 mentation of the Safe Driver Apprenticeship Pilot

1 Program and should consider actions to ensure that
2 program requirements not specified in the statute do
3 not limit or inhibit participation in the pilot program
4 or the ability to collect sufficient and credible data.

5 **SEC. 3. REPORT ON APPRENTICESHIP PROGRAM.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 Federal Motor Carrier Safety Administration begins ac-
8 cepting applications from motor carriers to participate in
9 the apprenticeship pilot program under section 23022 of
10 the Infrastructure Investment and Jobs Act (49 U.S.C.
11 31315 note), and quarterly thereafter, the Secretary of
12 Transportation shall provide to the Committee on Com-
13 merce, Science, and Transportation of the Senate and the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives a report on the status of the
16 Safe Driver Apprenticeship Pilot Program.

17 (b) CONTENTS.—The report under subsection (a)
18 shall include the following:

19 (1) The number of motor carriers that have ap-
20 plied to participate in the apprenticeship pilot pro-
21 gram and the number of motor carriers approved by
22 the Federal Motor Carrier Safety Administration to
23 participate in the program.

24 (2) The number of motor carriers that are
25 prequalified but have not provided the Federal

1 Motor Carrier Safety Administration with a valid
2 registered apprenticeship number.

3 (3) The number of experienced drivers that
4 have applied to participate in the program and the
5 number of experienced drivers approved by the Fed-
6 eral Motor Carrier Safety Administration to partici-
7 pate in the program.

8 (4) The number of prospective apprentices that
9 have applied to participate in the program and the
10 number of apprentices approved by the Federal
11 Motor Carrier Safety Administration to participate
12 in the program.

13 (5) The number of apprentices currently par-
14 ticipating in the program.

15 (6) The number of apprentices who have been
16 removed from the program, as well as an expla-
17 nation for each removal.

18 (7) The number of apprentices who have with-
19 drawn from the program, as well as an explanation
20 for each withdrawal.

21 (8) The average number of days for the Federal
22 Motor Carrier Safety Administration to process ap-
23 plications from motor carriers, experienced drivers,
24 and prospective apprentices to participate in the pro-
25 gram.

1 (9) A description of any incidents in which the
2 Federal Motor Carrier Safety Administration took
3 longer than 30 days to approve or reject an applica-
4 tion from a motor carrier, experienced driver, or pro-
5 spective apprentice to participate in the program.

6 (10) A description of program requirements
7 currently in effect that were not specifically man-
8 dated in section 23022 of the Infrastructure Invest-
9 ment and Jobs Act (49 U.S.C. 31315 note), includ-
10 ing justifications for the inclusion of these program
11 requirements as well as expected implications on
12 motor carrier, experienced driver, and prospective
13 apprentice participation.

14 (c) PROMOTION.—Notwithstanding any other provi-
15 sion of law, the Secretary of Transportation shall promote
16 the apprenticeship pilot program under section 23022 of
17 the Infrastructure Investment and Jobs Act (49 U.S.C.
18 31315 note) and, if necessary, remove requirements for
19 participation in the program that go beyond section 23022
20 of the Infrastructure Investment and Jobs Act (49 U.S.C.
21 31315 note) in order to improve participation rates and
22 collect sufficient data.

23 **SEC. 4. APPRENTICESHIP PROGRAM FOR COMMERCIAL**
24 **DRIVERS UNDER THE AGE OF 21.**

25 (a) DEFINITIONS.—In this section:

1 (1) APPRENTICE.—The term “apprentice”
2 means an employee under the age of 21 who holds
3 a commercial driver’s license required to operate a
4 class of vehicles described in part 383 of title 49,
5 Code of Federal Regulations.

6 (2) COMMERCIAL DRIVER’S LICENSE.—The
7 term “commercial driver’s license” has the meaning
8 given the term in section 31301 of title 49, United
9 States Code.

10 (3) COMMERCIAL MOTOR VEHICLE.—The term
11 “commercial motor vehicle” means a commercial
12 motor vehicle that meets the definition under para-
13 graph (1) or (4) of the definition of the term “com-
14 mercial motor vehicle” in section 390.5 of title 49,
15 Code of Federal Regulations (as in effect on the
16 date of enactment of this Act).

17 (4) DRIVING TIME.—The term “driving time”
18 has the meaning given the term in section 395.2 of
19 title 49, Code of Federal Regulations (as in effect on
20 the date of enactment of this Act).

21 (5) EMPLOYEE.—The term “employee” has the
22 meaning given such term in section 31132 of title
23 49, United States Code.

1 (6) EMPLOYER.—The term “employer” has the
2 meaning given such term in section 31132 of title
3 49, United States Code.

4 (7) EXPERIENCED DRIVER.—The term “experi-
5 enced driver” means an individual who—

6 (A) is not less than 21 years of age;

7 (B) has held a commercial driver’s license
8 for the 2-year period ending on the date on
9 which the individual serves as an experienced
10 driver under subsection (c)(3)(B);

11 (C) has had no preventable accidents re-
12 portable to the Department of Transportation
13 or pointed moving violations during the 1-year
14 period ending on the date on which the indi-
15 vidual serves as an experienced driver under
16 subsection (c)(3)(B); and

17 (D) has a minimum of 2 years of experi-
18 ence driving a commercial motor vehicle in
19 interstate commerce.

20 (8) ON-DUTY TIME.—The term “on-duty time”
21 has the meaning given the term in section 395.2 of
22 title 49, Code of Federal Regulations (as in effect on
23 the date of enactment of this Act).

24 (9) POINTED MOVING VIOLATION.—The term
25 “pointed moving violation” means a violation that

1 results in points being added to the license of a driv-
2 er, or a similar comparable violation, as determined
3 by the Secretary.

4 (10) SECRETARY.—The term “Secretary”
5 means the Secretary of Transportation.

6 (b) APPRENTICE.—An apprentice may—

7 (1) drive a commercial motor vehicle in inter-
8 state commerce while taking part in the 120-hour
9 probationary period under subsection (c)(1) or the
10 280-hour probationary period under subsection
11 (c)(2), pursuant to an apprenticeship program estab-
12 lished by an employer in accordance with this sec-
13 tion; and

14 (2) drive a commercial motor vehicle in inter-
15 state commerce after the apprentice completes an
16 apprenticeship program described in paragraph (1).

17 (c) APPRENTICESHIP PROGRAM.—An apprenticeship
18 program referred to in subsection (b) is a program that
19 consists of the following requirements:

20 (1) 120-HOUR PROBATIONARY PERIOD.—

21 (A) IN GENERAL.—The apprentice shall
22 complete 120 hours of on-duty time, of which
23 not less than 80 hours are driving time in a
24 commercial motor vehicle.

1 (B) PERFORMANCE BENCHMARKS.—In
2 order to complete the 120-hour probationary
3 period under subparagraph (A), an employer
4 shall determine that the apprentice is com-
5 petent in each of the following areas:

6 (i) Interstate, city traffic, rural 2-
7 lane, and evening driving.

8 (ii) Safety awareness.

9 (iii) Speed and space management.

10 (iv) Lane control.

11 (v) Mirror scanning.

12 (vi) Right and left turns.

13 (vii) Logging and complying with
14 rules relating to hours of service.

15 (2) 280-HOUR PROBATIONARY PERIOD.—

16 (A) IN GENERAL.—After completing the
17 120-hour probationary period under paragraph
18 (1), the apprentice shall complete 280 hours of
19 on-duty time, of which not less than 160 hours
20 are driving time in a commercial motor vehicle.

21 (B) PERFORMANCE BENCHMARKS.—In
22 order to complete the 280-hour probationary
23 period under subparagraph (A), an employer
24 shall determine that the apprentice is com-
25 petent in each of the following areas:

- 1 (i) Backing and maneuvering in close
2 quarters.
- 3 (ii) Pre-trip inspections.
- 4 (iii) Fueling procedures.
- 5 (iv) Weighing loads, weight distribu-
6 tion, and sliding tandems.
- 7 (v) Coupling and uncoupling proce-
8 dures.
- 9 (vi) Trip planning, truck routes, map
10 reading, navigation, and permits.

11 (3) RESTRICTIONS FOR 120-HOUR AND 280-
12 HOUR PROBATIONARY PERIODS.—During the 120-
13 hour probationary period under paragraph (1) and
14 the 280-hour probationary period under paragraph
15 (2)—

16 (A) the apprentice may only drive a com-
17 mercial motor vehicle that has—

- 18 (i) automatic manual or automatic
19 transmissions;
- 20 (ii) active braking collision mitigation
21 systems;
- 22 (iii) forward-facing video event cap-
23 ture; and

1 (iv) governed speeds of 65 miles per
2 hour at the pedal and 65 miles per hour
3 under adaptive cruise control; and

4 (B) the apprentice shall be accompanied in
5 the cab of the commercial motor vehicle by an
6 experienced driver.

7 (4) RECORDS RETENTION.—The employer shall
8 maintain records, in a manner required by the Sec-
9 retary, relating to the satisfaction of the require-
10 ments of paragraphs (1)(B) and (2)(B) by the ap-
11 prentice.

12 (5) REPORTABLE INCIDENTS.—If the appren-
13 tice is involved in a preventable accident reportable
14 to the Department of Transportation or a pointed
15 moving violation while driving a commercial motor
16 vehicle as part of an apprenticeship program de-
17 scribed in this subsection, the apprentice shall un-
18 dergo remediation and additional training until the
19 apprentice can demonstrate, to the satisfaction of
20 the employer, competence in each of the performance
21 benchmarks described in paragraphs (1)(B) and
22 (2)(B).

23 (6) COMPLETION OF PROGRAM.—The appren-
24 tice shall be considered to have completed the ap-
25 prenticeship program on the date on which the ap-

1 prentice completes the 280-hour probationary period
2 under paragraph (2).

3 (7) MINIMUM REQUIREMENTS.—

4 (A) IN GENERAL.—Nothing in this Act
5 prevents an employer from imposing additional
6 requirements on an apprentice taking part in
7 an apprenticeship program established pursuant
8 to this section.

9 (B) TECHNOLOGIES.—Nothing in this Act
10 prevents an employer from requiring or install-
11 ing additional technologies in a commercial
12 motor vehicle in addition to the technologies de-
13 scribed in paragraph (3)(A).

14 (d) REGULATIONS.—Notwithstanding any other pro-
15 vision of law, not later than 1 year after the sunset of
16 the apprenticeship pilot program under section 23022 of
17 the Infrastructure Investment and Jobs Act (49 U.S.C.
18 31315 note), barring credible and sufficient data from a
19 representative sample producing evidence that drivers par-
20 ticipating in the pilot program are less safe than drivers
21 operating a commercial motor vehicle in interstate or
22 intrastate commerce on the day before the date of enact-
23 ment of such Act, the Secretary of Transportation shall
24 promulgate regulations for commercial drivers between the
25 ages of 18 and 20, pursuant to this section.

1 (e) NO EFFECT ON LICENSE REQUIREMENT.—Noth-
2 ing in this Act exempts an apprentice from any require-
3 ment to hold a commercial driver’s license in order to op-
4 erate a commercial motor vehicle.

5 (f) EMPLOYER RESPONSIBILITY.—An employer shall
6 not knowingly allow, require, permit, or authorize a driver
7 under the age of 21 to operate a commercial motor vehicle
8 in interstate commerce unless the driver is participating
9 in or has completed an apprenticeship program that meets
10 the requirements of subsection (c).

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