

PUBLICATION

Coronavirus: FMCSA Acts to Protect Against CDL and CLP Expirations

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On March 24, in response to COVID-19's impact on state driver licensing agencies, medical examiners, and the operators of commercial motor vehicles (CMVs), the Federal Motor Carrier Safety Administration (FMCSA) issued a grant of waiver from certain regulations applicable to commercial driver's licenses (CDL), commercial learner's permits (CLP), and certain related federal regulations effective March 20 through June 30. The pandemic has left many CDL and CLP holders unable to renew their CDLs and CLPs and obtain new medical certificates. FMCSA acted to ensure continued transportation of essential supplies, equipment, and persons by an adequate supply of licensed and trained commercial drivers.

FMCSA's Waiver of Certain Regulatory Provisions

The waiver specifically provides for the following:

- Extends until June 30, 2020 the maximum period of CDL validity by waiving 49 CFR 383.73(b)(9) and 383.73(d)(6) for CDLs due for renewal on or after March 1, 2020.
- Extends until June 30, 2020 the maximum period of CLP validity by waiving 49 CFR 383.73(a)(2)(iii) and 383.25(c) for CLPs that are due for renewal on or after March 1, 2020, without requiring the CLP holders to retake the general and endorsement knowledge tests.
- Waives the requirement under 49 CFR 383.25(e) that CLP holders wait 14 days to take the CDL skills test.
- Waives the requirement under 49 CFR 391.45 that CDL holders, CLP holders, and non-CDL drivers have a medical examination and certification, provided that they have proof of a valid medical certification that was issued for a period of 90 days or longer and that expired on or after March 1, 2020.
- Waives the requirement under 49 CFR 383.71(h)(3) that, in order to maintain the medical certification status of "certified," CDL or CLP holders provide the State Driver Licensing Agency with an original or copy of a subsequently issued medical examiner's certificate, provided that they have proof of a valid medical certification that expired on or after March 1, 2020.
- Waives the requirement under 49 CFR 383.73(o)(2) that the State Driver Licensing Agency change the CDL or CLP holder's medical certification status to "not certified" upon the expiration of the medical examiner's certificate or medical variance, provided that the CDL or CLP holders have proof of a valid medical certification that expired on or after March 1, 2020.
- Waives the requirements under 49 CFR 383.73(o)(4) that the State Driver Licensing Agency initiate a CDL or CLP downgrade upon the expiration of the medical examiner's certificate or medical variance, provided that the CDL or CLP holders have proof of a valid medical certification or medical variance that expired on or after March 1, 2020.
- In accordance with 49 CFR 383.23(a)(1) and 391.41(a)(1)(i), FMCSA continues to recognize the validity of commercial driver's licenses issued by Canadian Provinces and Territories and Licencias Federales de Conductor issued by the United Mexican States, in accordance with 49 CFR part 383, when such jurisdictions issue a similar notice or declaration extending the validity date of the medical examination and certification and/or validity of the corresponding commercial driver's license due to interruption to government service resulting from COVID-19.

FMCSA will not issue a finding of noncompliance under 49 CFR part 384 against states for action or inaction consistent with this waiver.

FMCSA Notice of Enforcement Policy

FMCSA also issued a Notice of Enforcement Policy. For purposes of providing automatic CDL renewal relief, through June 30, 2020, FMCSA will not take any enforcement action against drivers for operation of a CMV if the driver held a valid CDL on February 29, 2020, or against motor carriers for use of such a driver. Likewise, included in the Notice of Enforcement Policy is a comparable provision on non-enforcement of recently expired CLPs.

Restrictions of Waiver

1. Does not apply to a CDL or CLP holder if the driver's license expired before March 1, 2020.
2. Does not apply to a CDL or CLP holder if the driver's privileges have been suspended or withdrawn for traffic offenses.
3. Drivers claiming relief under this waiver from the requirement for a valid medical certificate must have proof of a valid medical certificate that expired on or after March 1, 2020 and carry a paper copy of their expired medical certificates.
4. Drivers who cannot produce evidence of a prior medical certification that expired on or after March 1, 2020 are not covered under this waiver, including new drivers who have never obtained a medical certification.
5. Drivers who, since their last medical certificate was issued, have been diagnosed with a medical condition that would disqualify the driver from operating in interstate commerce, or who, since their last medical certificate was issued, have developed a condition that requires an exemption or Skill Performance Evaluation from FMCSA are not covered under this waiver.
6. Does not apply to medical examiner's certificates originally issued for less than 90 days.
7. Notification to FMCSA of Accidents. Each motor carrier must notify FMCSA within 5 business days of an accident (as defined in [49 CFR 390.5](#)), involving any CDL holder, CLP holder, or non-CDL driver operating under the terms of this waiver. See 49 CFR 390.15(b) (requiring maintenance of accident registry.) Notification shall be by email to MCPSD@DOT.GOV. The notification must include the following information:
 1. Date of the Accident
 2. City or town, and state in which the accident occurred, or is closest to the accident scene
 3. Driver's name and license number
 4. Vehicle number and state license number
 5. Number of individuals suffering physical injury
 6. Number of fatalities
 7. The police-reported cause of the accident (if available at time of the report)
 8. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations.

FMCSA may revoke this waiver for a motor carrier's failure to report accidents, a driver's failure to comply with restrictions of the waiver, and a driver's involvement in accidents.

If you have any questions about transportation related matters, please contact [Mark Barber](#). Also, please visit the [Coronavirus \(COVID-19\): What you Need to Know information page](#) on our website.