



On March 24, 2020, the Federal Motor Carrier Safety Administration (FMCSA) issued a limited waiver from certain regulations applicable to interstate and intrastate commercial driver's license (CDL) and commercial learners permit (CLP) holders and to other interstate drivers operating commercial motor vehicles (CMVs).

The waiver is not an exception to the CDL, driver's license or medical card requirements.

- The waiver merely extends the expiration dates on licenses and medical cards that have or will expire between March 1, 2020 and June 30, 2020.
- Commercial drivers must still hold the appropriate license type for the vehicles they are operating, even if recently expired.
- Driver must have been physically qualified by a certified medical examiner prior to March 1, 2020 if:
 - The expiration is on or after March 1, 2020.
 - The medical certification was issued for a time period greater than 90 days.
 - The driver must carry a copy of the medical certification in their possession if they are claiming the waiver.

Carriers should beware that while the FMCSA has issued an enforcement notice regarding the waiver, **it does not necessarily preclude individual states** from enforcing the prohibitions on operating a commercial motor vehicle without a valid, unexpired license. Attention should be paid to individual states, some of which have issued their own extensions of license expirations.

The key elements of the waiver include:

- Waives the requirement under 49 CFR 391.45 that CDL holders, CLP holders and non-CDL drivers have a medical examination and certification, if 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 for DMVs to list CDL's as "not certified" and begin the process of downgrading the CDL for failure to produce a valid medical certificate if they have proof of a valid medical certification that expired on or after March 1, 2020.
- Extends until June 30, 2020 the maximum period of CDL validity (8 years) by waiving the regulations for CDLs due for renewal on or after March 1, 2020.
- The waiver does not apply:
 - To licenses that expired prior to March 1, 2020.
 - To drivers whose driving privileges have been suspended or revoked.
 - To drivers who never obtained a medical certification in the first place.
 - To drivers who, since their last medical examination, have developed a medical condition that would disqualify them from operating a commercial motor vehicle.
 - To drivers whose expiring medical card was valid for a period of fewer than 90 days.
- A DOT-recordable collision that occurs where the driver is operating under the provisions of this waiver MUST be reported to the FMCSA within five days.
 - Notification shall be by email to MCPSD@DOT.GOV.
 - The notification must include the following information:
 - Date of the accident.
 - City or town, and state in which the accident occurred, or closest to the accident scene.
 - Driver's name and license number.
 - Vehicle number and state license number.
 - Number of individuals suffering physical injury.
 - Number of fatalities.
 - The police-reported cause of the accident (if available at time of the report).
 - Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has also issued a notice regarding recurrent hazardous materials training. Enforcement action will not be taken for failure to conduct recurrent hazardous materials training due to COVID-19. The notice reminds affected companies that training can be conducted via means other than face to face and meet the training requirements.

The waivers above are in response to the unprecedented times we are facing. State and local law enforcement should be aware of the federal enforcement guidance, however it does not guarantee equal understanding of, or intrastate compliance with, such. You must be in compliance with the provisions of the waiver to take advantage of it. Please review the complete waiver as the above guidance paraphrased the waiver.

The FMCSA emergency declaration, this waiver and future guidance does not preclude a motor carrier from liability, and each should assess their risks appropriately.



LOCKTON[®]

UNCOMMONLY INDEPENDENT