

FMCSA Issues Temporary Waiver for Drivers with Expiring CDLs, CLPs, Operator's Licenses & Medical Cards

March 2020

By Dave Osiecki & P. Sean Garney of Scopelitis Transportation Consulting LLC & Regulatory Consultants to Spireon

On March 24, 2020, FMCSA issued a limited [waiver](#) for commercial drivers whose CDLs, CLPs, operator's licenses, and/or medical cards have expired, or are set to expire after March 1, 2020. The waiver, effective immediately and valid through June 30, 2020, comes in response to State DMV and medical clinic closures that have made it difficult for drivers to renew expiring licenses and medical cards in the midst of the COVID-19 related national emergency.

FMCSA's waiver is not a blanket exception to the CDL, operator's license, or medical card requirements, meaning that commercial drivers must still hold a license of the type appropriate for the vehicles they are operating and must also have been deemed physically qualified to operate a commercial motor vehicle by a certified medical examiner. The waiver simply extends to June 30, 2020, the expiration dates on licenses and medical cards that have expired or are set to expire between March 1, 2020 and June 30, 2020.

More specifically, FMCSA's waiver:

- Extends until June 30, 2020 the maximum period of CDL validity by waiving Sections 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 Sections 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 in Section 383.25(e) that CLP holders wait 14 days to take the CDL skills test.
- Waives the requirement in Section 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 in Section 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 in Section 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 in Section 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.

The waiver does not apply to licenses that expired prior to March 1, 2020; to drivers whose driving privileges have been suspended or revoked; drivers who have never obtained a medical certification in the first place; drivers who, since their last medical examination, have developed a medical condition that would disqualify them from operating a commercial motor vehicle; or drivers whose expiring medical card was valid for a period shorter than 90 days.

In addition to issuing the waiver, FMCSA also issued an [Enforcement Notice](#), explaining that it will forego enforcement action against drivers and motor carriers that fall under the terms of the waiver.

Need help with CDL, Hours of Service, ELD or other FMCSA-related compliance questions? Please contact Dave Osiecki at dosiecki@scopelitisconsulting.com, or at (202) 728-2851.

Want to improve your bottom line with GPS fleet or trailer tracking?
Contact Spireon at (800) 557-1449 or at [Spireon.com](https://www.spireon.com)

The contents of this article are intended to convey general information only and not to provide legal advice or opinions. The contents of this article should not be construed as, and should not be relied upon for, legal or tax advice in any particular circumstance or fact situation. The information presented in this article may not reflect the most current legal developments.

No action should be taken in reliance on the information contained in this article and we disclaim all liability in respect to actions taken or not taken based on any or all of the contents of this site to the fullest extent permitted by law. An attorney should be contacted for advice on specific legal issues.