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

1200 New Jersey Avenue, SE
Washington, DC 20590

NOTICE OF ENFORCEMENT POLICY REGARDING EXPIRING DRIVER'S LICENSES AND MEDICAL EXAMINER'S CERTIFICATES DURING COVID-19 NATIONAL EMERGENCY

The President has declared a national emergency under 42 U.S.C. § 5191(b) related to Coronavirus Disease 2019 (COVID-19). This Notice is in response to COVID-19 outbreaks and their effects on people and the immediate risk they present to public health, safety, and welfare in the fifty States and the District of Columbia. Many States are experiencing greater than normal employee absences or have closed offices of their State Driver Licensing Agencies in response to the guidance from the U.S. Center for Disease Control to use social distancing to reduce the spread of COVID-19. Because of these actions, many commercial motor vehicle (CMV) drivers are unable to renew their driver's license and are unable to provide medical certificates to their State Driver Licensing Agencies.

In addition, many medical providers nationwide have canceled regularly scheduled appointments to dedicate resources to the COVID-19 response or for related reasons, and drivers are unable to obtain appointments for physical examinations with medical examiners to comply with the Federal Motor Carrier Safety Regulations (FMCSRs). Given the national emergency, there is a public need for immediate transportation of essential supplies, equipment, and persons, which requires an adequate and sustained supply of CMV drivers including Commercial Learner's Permit (CLP) holders, Commercial Driver's License (CDL) holders, and non-CDL commercial drivers. Ensuring that drivers are available to operate CMVs during the national emergency declaration is critical to continued operation of the transportation and energy supply networks and the safety and economic stability of our Nation.

This Notice of Enforcement Policy, effective from March 24, 2020 to June 30, 2020, provides needed relief from specified FMCSRs for CLP holders, CDL holders, and non-CDL drivers and motor carriers using those drivers. This Notice of Enforcement Policy applies to all CLP holders, CDL holders, and non-CDL drivers whose license was issued for less than the maximum period established by 49 CFR 383.25 and 383.73 and was valid on February 29, 2020 and expired on or after March 1, 2020.

FMCSA will exercise its enforcement discretion to not take enforcement action for the following:

1. 49 CFR 383.23(a)(2) – a CLP or CDL holder operating a CMV with an expired license, but only if the CLP or CDL was valid on February 29, 2020, and expired on or after March 1, 2020.

2. 49 CFR 383.37(a) – a motor carrier that allows a CLP or CDL driver to operate a CMV during a period in which the driver does not have a current CLP or CDL, but only if the CLP or CDL was valid on February 29, 2020, and expired on or after March 1, 2020.

3. 49 CFR 391.11(b)(5) – a CMV driver (i.e., CLP, CDL, or non-CDL license holder) or motor carrier that allows a CMV driver to operate a CMV during a period in which the driver's operator license has expired, but only if the driver's license was valid on February 29, 2020, and expired on or after March 1, 2020, and the driver is otherwise qualified to drive under 391.11.

4. 49 CFR 391.45(b) – a CMV driver or motor carrier that allows a CMV driver to operate a CMV during a period in which the driver does not have the current medical certificate as required by 49 CFR 391.45(b), but only if the driver has evidence of a medical certification that was valid on February 29, 2020 and expired on or after March 1, 2020.

All CLP and CDL drivers are required to comply with all other applicable obligations under the FMCSRs and other applicable laws.

This Notice creates no individual rights of action and establishes no precedent for future determinations.

This Notice is effective from March 24, 2020, through June 30, 2020.

Issued: March 24, 2020

Joseph P. DeLorenzo
Acting Associate Administrator for Enforcement