



# Commercial Vehicle Safety Alliance



North American Standard Inspection Program

## I N S P E C T I O N   B U L L E T I N

2015-03

January 29, 2015

### Enforcement of Medical Examiners Certificate Integration with the Commercial Driver's License

This bulletin is provided to enforcement personnel who stop commercial driver license (CDL) and commercial learner permit (CLP) drivers for a Driver/Vehicle Examination (a.k.a. roadside inspection). This bulletin applies to CDL and/or CLP holders only.

**Background:** On December 1, 2008, the Federal Motor Carrier Safety Administration (FMCSA) published a final rule adopting regulations to implement section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). The MCSIA requirements, for the most part, had a compliance date of January 30, 2012, which has been extended several times. Those extensions will end on January 29, 2015. Beginning January 30, 2015, a driver required to have a CDL and who submitted a current medical examiner's certificate to the State Driver's License Agency (SDLA) in accordance with §383.71(h) documenting that he or she meets the physical qualification requirements of part 391, no longer needs to carry on his or her person the medical examiner's certificate after 15 days following the issuance of the medical certificate. The CLP version of this exception is effective on July 8, 2015.

#### Issues:

**Roadside** - Currently, CVSA's 2014 North American Standard Out-of-Service Criteria (OOSC) refers to "valid medical certificate in possession" in Part I section 4b(3) and (4). The new Final Rule effective January 30, 2015 for CDL and CLP drivers will no longer require the physical possession of one's medical certificate. Without enforcement guidance on this rule, drivers could be declared out-of-service (OOS) when: 1) a CDL/CLP driver operating a passenger-carrying vehicle is not in possession of a valid medical certificate, or 2) a CDL/CLP driver operating a property-carrying vehicle having a previous history of not being in possession of a valid medical certificate is not in possession of a valid medical certificate.

#### Guidance:

**Roadside** - On or after January 30, 2015, if at the time of a roadside inspection a check of the CDL driver's information via CDLIS or NLETS indicates that the driver is medically qualified, this shall constitute "possession of a valid medical certificate" and compliance with §391.41(a)(1). This applies to the operation of all commercial motor vehicles (CDL and non-CDL alike) being driven by a CDL holder. On or after July 8, 2015, this will also apply to a CLP driver.

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While there are numerous combinations of the CDL medical requirement scenarios, personnel shall base their enforcement on the CDLIS or NLETS response(s). A basic guide for the proper identification and documentation of medical certificate violations is as follows:

1. CDL is valid, medical indicator shows medical information on file. No violation.
2. CDL is valid, medical indicator shows no medical information on file, no medical certificate in driver's possession. Cite §391.41(a)(1)
3. CDL is valid, medical indicator shows no medical information on file, current medical certificate in driver's possession. No violation, if this is within 15 days after the medical certificate has been issued. Refer driver to contact home State of record and document in Driver/Vehicle Examination report.
4. CDL disqualified, no medical certificate in driver's possession. Driver OOS, cite §391.15 if driver is operating a commercial motor vehicle (CMV) requiring a CDL. Cite §391.41(a)(1) if driver is operating a non-CDL vehicle.
5. CDL disqualified and downgraded, no medical certificate in driver's possession. Driver OOS, cite §383.23(a)(2) and §391.15 if driver is operating a CMV requiring a CDL. Cite §391.41(a)(1) if driver is operating a non-CDL vehicle.
6. CDL downgraded, no medical certificate in driver's possession. Driver OOS, cite §383.23(a)(2) if driver is operating a CMV requiring a CDL. Cite §391.41(a)(1) if driver is operating a non-CDL vehicle.
7. CDL disqualified, medical certificate in driver's possession. Driver OOS, cite §391.15 if driver is operating a CMV requiring a CDL. No violation if driver is operating a non-CDL vehicle.
8. CDL disqualified and downgraded, medical certificate in driver's possession. Driver OOS, cite §383.23(a)(2) and §391.15 if driver is operating a CMV requiring a CDL. No violation if driver is operating a non-CDL vehicle.
9. CDL downgraded, medical certificate in driver's possession. Driver OOS, cite §383.23(a)(2) if driver is operating a CMV requiring a CDL. No violation if driver is operating a non-CDL vehicle.

This medical qualification process is new for most of the States and personnel will be encountering drivers that state they have submitted the required documentation and complied. However, if the home State has disqualified and/or downgraded their license the driver must deal with that State to correct the issue. The fact that they have a medical certificate in their hand does not change the status of their disqualified and/or downgraded license.