



TEAMSTERS **Safety &** **Health FACTS**

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New Medical Certification Requirements as Part of the CDL

49 CFR Parts 383,384,390, et al.

Final Rule

The Federal Motor Carrier Safety Administration (FMCSA) amended the Federal Motor Carrier Safety Regulations (FMCSRs) to require that interstate commercial driver's license (CDL) holders who are subject to the physical qualification requirements of the FMCSRs to provide either the original or a copy of their current medical examiner's certificate to their State Driver Licensing Agency (SDLA).

FMCSA now requires states to merge the (CDL) and the driver's medical examination certificate into a single electronic record. The new combined CDL will streamline record keeping obligations for the states and CDL holders, while providing instant electronic access to the CDL holder's medical certificate by state and federal enforcement officials. This electronic database is called the Commercial Driver License Information System (CDLIS) Motor Vehicle Record (MVR)

State Driver's License Agency

1. The SDLA is required to:
 - a. Record a CDL driver's self-certification regarding type of driving(interstate non-exempt or exempt) and (intrastate non-exempt or exempt) on the CDLIS driver record
 - b. Require submission of the medical examiner's certificates (or a copy) from those drivers operating in non-exempted, interstate commerce who are required by Part 391 to be medically certified
 - c. Date stamp the medical examiner's certificate
 - d. Provide the stamped medical examiner's certificate as a receipt to the driver
 - e. Retain the certificate for 3 years from the date of issuance
 - f. Post the required information from the certificate onto the CDLIS driver record

within 10 days

- g. Update the medical certification status of the CDLIS driver record to show driver as “not certified” if the certification expires and then, if not renewed, downgrade the CDL within 60 days of the expiration of the driver certification.

2. The rule requires the state to post on the CDLIS driver record the following information:

- a. Medical Examiner’s Name
- b. Medical Examiner’s license or certificate number and the state that issued it
- c. Expiration date of the medical examiner’s certificate
- d. Medical examiner’s telephone number
- e. Date of physical examination/ issuance of certificate to driver
- f. National Registry identification number
- g. Medical certification status (certified or not certified)
- h. Information from FMCSA if a medical variance was issued to the driver
- i. Any driver restrictions
- j. Date the information was entered on the CDLIS driver record.

Motor Carriers

Motor Carriers who employ CDL drivers to operate in non-exempt interstate commerce must place the drivers current CDLIS MVR in the driver’s qualification (DQ) file before allowing the driver to operate a CMV. The date-stamped medical certificate can serve this purpose for the first 15 days only. The CDLIS MVR must be complete and indicate that the driver is medically cleared to operate a CMV.

Drivers

Once the medical certificate is submitted to the SDLA, the agency will then return the date-stamped medical examiner’s certificate to the driver; the certificate will then serve as a receipt from the SDLA and may be used a proof of medical certification for 15 days. After the first 15 days, the driver is no longer allowed to use the medical examiner’s certificate as proof of his/her certification to enforcement personnel or employers as it will now be available via the CDLIS database. While drivers no longer have to carry the actual medical examiner’s certificate, they must continue to carry any skill performance evaluation (SPE) certificates or medical exemption documentation while on duty.

Who is affected?

Inter- or intrastate drivers of CMVs who possess CDLs and who have (non-exempt) medical status from the physical requirements of the FMCSR.

Who is subject to the physical requirements of the FMCSR?

Drivers who are subject to the physical requirements of the FMCSR are defined in 49 CFR 391.45:

Except as provided in [§391.67](#), the following persons must be medically examined and certified in accordance with [§391.43](#) as physically qualified to operate a commercial motor vehicle:

(a) Any person who has not been medically examined and certified as physically qualified to operate a commercial motor vehicle;

(b)(1) Any driver who has not been medically examined and certified as qualified to operate a commercial motor vehicle during the preceding 24 months; or

(b)(2) Any driver authorized to operate a commercial motor vehicle only with an exempt intra-city zone pursuant to [§391.62](#), or only by operation of the exemption in [§391.64](#), if such driver has not been medically examined and certified as qualified to drive in such zone during the preceding 12 months; and

(c) Any driver whose ability to perform his/her normal duties has been impaired by a physical or mental injury or disease.

*391.67 exclude farm vehicle drivers of articulated commercial motor vehicles.

Who is required to have a CDL?

A CDL is required by drives of CMVs as defined in FMCSR 49 U.S.C. 31301(4) and specified in 49 CFR 383.5:

- (1) Those with a Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight (GCW), of at least 26,001 pounds, including towed units with GVWR or GCW of more than 10,000 pounds;
- (2) Those with a GVWR or GCW of at least 26,001 pounds;
- (3) Those designed to transport at least 16 passengers, including the driver; or
- (4) Those of any size used to transport either hazardous materials that require a placard on the vehicle under 49 CFR part 172, subpart F, or any quantity of a material listed as a select agent or toxin under 42 CFR part 73.

Deadline for Compliance

This rule is effective January 30, 2009. State compliance is required by January 30, 2012. All CDL holders have until January 20, 2014 to report to the SDLA on if they ARE or ARE NOT subject to the physical qualification rules of the FMCSR. If CDL holders do not provide medical certification status information to the SDLA within the deadline, the new rule requires the state to take enforcement actions against the CDL holders.

Industry Exceptions

Drivers of CMVs who are not required to possess a CDL or are exempt from the physical qualification set forth in the FMCSRs are exempt from this new rule. Also, those as defined in 49 CFR 391.2 general exemptions (Farm custom operation, Apiarian industries, Certain farm vehicle drivers).

For more information, please contact the Safety and Health Department at (202) 624-6960.