



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

April 17, 2020

**NOTICE OF ENFORCEMENT DISCRETION
CONCERNING CERTAIN REQUIREMENTS FOR 10-DAY STATE NOTIFICATION
AND OTHER ACTIONS ON DRIVER LICENSE RECORDS**

The President has declared a national emergency under 42 U.S.C. § 5191(b) and the Secretary of Health and Human Services has declared a public health emergency under section 319 of the Public Health Service Act related to the Coronavirus Disease 2019 (COVID-19). This Notice is in response to COVID-19 and its effect on people and the immediate risk it presents to public health, safety, and welfare. Many States are experiencing greater than normal employee absences or have closed offices of their State Driver Licensing Agencies (SDLA) in response to the guidance from the U.S. Centers for Disease Control and Prevention to use social distancing to reduce the spread of COVID-19. As a result, some SDLAs may be unable to post to a driver's record, transmit to a driver's State of record, or report to the Federal Convictions and Withdrawal Database (FCWD) notification of the driver's disqualification or conviction within 10 days, as required by 49 CFR 384.208, 384.209, and 384.225(c) or to disqualify drivers as expeditiously as possible, as required by 49 CFR 384.231(c).

The Commercial Motor Vehicle Safety Act of 1986, at 49 U.S.C. § 31311(a), sets forth requirements for States to participate in the commercial driver's license (CDL) program. Under 49 U.S.C. § 31312, the Federal Motor Carrier Safety Administration (FMCSA) has the authority to decertify States found to be in substantial non-compliance with the requirements of 49 U.S.C. § 31311(a) from issuing CDLs. Under 49 U.S.C. § 31314, as implemented through 49 CFR Part 384, if, during FMCSA's annual review of a State's compliance with 49 U.S.C. § 31311(a), a State is found to be in substantial non-compliance, FMCSA shall withhold amounts from a State's apportionment of Title 23 Federal-aid Highway funding beginning the first fiscal year following the first fiscal year of substantial non-compliance.

This Notice is to advise States that, due to the COVID-19 public health emergency, FMCSA is exercising its discretion not to issue a finding or make a determination of substantial non-compliance for SDLAs unable, within 10 days, to post a driver's disqualification or conviction to the driver's record, to transmit notification of the disqualification or conviction to the driver's State of record, or to report a driver's conviction to the FCWD. In addition, FMCSA will not issue a finding or make a determination of substantial non-compliance for SDLAs unable to disqualify drivers as expeditiously as possible. SDLAs are expected to promptly bring their practices back into compliance with 49 CFR 384.208, 384.209, 384.225(c), and 384.231(c) as soon as the national public health emergency ends or when the SDLA resumes normal operations, whichever is first. In no case will continued non-compliance be permitted more than 90 days after the effective period of this Notice.

This Notice is in effect through June 30, 2020, or the end of the President's Declaration of National Emergency under 42 U.S.C. § 5191(b) concerning the COVID-19 public health emergency, whichever is sooner.

This Notice:

1. Acknowledges the current and anticipated disruptions to the SDLAs' ability to comply with the requirements of 49 CFR 384.208, 384.209, 384.225(c), and 384.231(c) due to the COVID-19 public health emergency;
2. Requires SDLAs promptly, but in no case more than 90 days after the effective period of this Notice, to resume posting a driver's disqualification or conviction to the driver's record, transmitting notification of the disqualification or conviction to the driver's State of record, and reporting a driver's conviction to the FCWD within 10 days in accordance with 49 CFR 384.208, 384.209, 384.225(c), and to resume disqualifying drivers as expeditiously as possible in accordance with 49 CFR 384.231(c);
3. Considers the interests of public safety and the continued need to use social distancing to reduce the spread of COVID-19; and
4. Creates no individual rights of action and establishes no precedent for future determinations.

Jim Mullen, Acting Administrator
Federal Motor Carrier Safety Administration