



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**

August 31, 2021

On March 13, 2020, a national emergency was declared under 42 U.S.C. § 5191(b) related to Coronavirus Disease 2019 (COVID-19). This Notice is in response to the continuing COVID-19 public health emergency and the effects on people and the immediate risk to public health, safety, welfare and economic recovery in the fifty States and the District of Columbia. Though the number of COVID-19 cases began to decline following widespread introduction of vaccinations, the delta variant and lagging vaccination rates reversed that downward trajectory and have resulted in a rapid rise in infections and hospitalizations around the country. During the COVID-19 public health emergency, many States closed or reduced hours of operation in their State Driver Licensing Agencies (SDLA) in response to the guidance from the U.S. Centers for Disease Control and Prevention (CDC), and if applicable, State and local guidance, to use social distancing to reduce the spread of COVID-19. While States have now reopened their SDLAs, the delta variant has impacted the pace of return to normal customer service levels in some States. As a result, some commercial motor vehicle (CMV) drivers may be unable to renew their driver's license or provide a medical certificate to their SDLA. In addition, due to limited operations or backlogs, drivers may be 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 continued 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 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 until November 30, 2021, extends a previous notice that was effective from March 24, 2020 through August 31, 2021. It 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 licenses were 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. Enforcement discretion regarding this provision also applies to non-domiciled CLP or CDL holders, provided the holder’s legal presence is valid.
2. 49 CFR 383.37(a) – a motor carrier that allows a CLP or CDL driver, including non-domiciled CLP or CDL holders with valid legal presence, 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 and any required medical variance as required by 49 CFR 391.45(b), but only if the driver has evidence of a valid medical certification or medical variance that expired on or after June 1, 2021. Drivers whose medical certification or medical variance expired before June 1, 2021 are not covered by this Notice of Enforcement Policy.

In accordance with 49 CFR 383.23(a)(1) and 391.41(a)(1)(i), FMCSA also continues to recognize the validity of commercial driver’s licenses issued by Canadian Provinces and Territories and Licencias Federales de Conductor issued by the United Mexican States, in accordance with 49 CFR part 383, when such jurisdictions issue a similar notice or declaration extending the validity date of the medical examination and certification and/or validity of the corresponding commercial driver’s license due to interruption to government service resulting from COVID-19.

All CLP, CDL, and non-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. FMCSA intends to review the status of this Notice of Enforcement Policy as of October 1, 2021, and may take action to terminate the Notice sooner if conditions warrant.

This Notice is effective on September 1, 2021 and expires on November 30, 2021, upon the revocation of the Declaration of National Emergency under 42 U.S.C. § 5191(b) concerning the COVID-19 public health emergency, or upon early termination by FMCSA, whichever is soonest.

Reissued: August 31, 2021

Meera Joshi
Deputy Administrator