



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

1200 New Jersey Avenue,
SE Washington, DC 20590

**Notice of Termination of Waiver for States Concerning Third Party CDL Skills Test
Examiners in Response to the COVID-19 Emergency**

February 3, 2022

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Termination of waiver.

SUMMARY: FMCSA provides notice that the Waiver for States Concerning Third Party CDL Skills Test Examiners is terminated.

DATES: Termination of the Waiver for States Concerning Third Party CDL Skills Test Examiners is effective February 3, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Nikki McDavid, Chief of the Commercial Driver's License Division, Office of Safety Programs, 202-366-0831, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, D.C. 20590-0001.

FMCSA issued waivers for States concerning third party CDL skills test examiners in response to the unique circumstances resulting from the COVID-19 public health emergency and the immediate risk to public health, safety, and welfare. The current waiver, issued on November 29, 2021, waived the requirements in 49 CFR 384.228(b)-(c) to allow States to utilize authorized third party CDL skills test examiners to administer the CDL knowledge test without completing a CDL knowledge test training course. The waiver further explained that regulatory guidance question 1 for 49 CFR 383.75, stating that a third party may not administer the CDL knowledge test unless an SDLA employee is present, did not apply under the waiver.

FMCSA has amended regulatory guidance question 1 for 49 CFR 383.75 to explain that a State may permit third parties to administer CDL knowledge tests so long as the State adheres to current CDL knowledge test standards and requirements. FMCSA's amended guidance, published on February 3, 2022 at 87 FR 6045, is available at <https://www.federalregister.gov/documents/2022/02/03/2022-02165/commercial-drivers-license-standards-regulatory-guidance-concerning-third-party-testers-conducting>. In view of the amended guidance, the Waiver for States Concerning Third Party CDL Skills Test Examiners is no longer necessary and therefore is terminated effective February 3, 2022.

Issued: February 3, 2022

Robin Hutcherson
Acting Administrator