

## New FMCSA Rule to Prevent Medically Unqualified Drivers from Operating on Nation's Highways

*Final Rule: Medical Certification Requirements as part of CDL Part of the CDL*

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| Federal Register: | <b>73FR 73096</b>         | Publication Date: | <b>12/1/2008</b> |
| Docket #:         | <b>FMCSA-1997-2210</b>    | Effective Date:   | <b>1/30/2009</b> |
| 49 CFR Part:      | <b>383, 384, 390, 391</b> |                   |                  |

### Action:

Final rule

### Summary:

FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to require interstate commercial driver's license (CDL) holders subject to the physical qualification requirements of the FMCSRs to provide a current original or copy of their medical examiner's certificates to their State Driver Licensing Agency (SDLA). The Agency also requires the SDLA to record on the Commercial Driver License Information System (CDLIS) driver record the self certification the driver made regarding the applicability of the Federal driver qualification rules and, for drivers subject to those requirements, the medical certification status information specified in this final rule. Other conforming requirements are also implemented. This action is required by section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA).

### More Background

The NLA has been monitoring the Federal Motor Carrier Safety Administration for new rules that may affect our members who provide pre-arranged ground transportation. The FMCSA has just released a new rulemaking action designed to help prevent medically unqualified drivers from operating on the Nation's highways by providing State licensing agencies a means of identifying interstate commercial driver's license (CDL) holders who are unable to obtain a medical certificate. The rule will soon require drivers of commercial motor vehicles (CMV) to submit a recent medical examination certificate to the State CDL Agency. Effective January 30, 2009, drivers who hold an interstate CDL must provide a current original or copy of their medical examiner's certificate to their State Driver Licensing Agency. The medical certification documentation requirement is only applicable to those drivers who are required to obtain a CDL from a State and who are also required to obtain a certificate from a medical examiner indicating that they are physically qualified to operate a commercial motor vehicle in interstate commerce.

Four basic categories of CMVs covered include:

- Those with a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR), or gross vehicle weight (GVW) or gross combination weight (GCW) whichever is greater, of at least 10,001 pounds;
- Those designed or used to transport for compensation more than 8 passengers, including the driver;
- Those designed or used to transport not for compensation more than 15 passengers, including the driver; or

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- Those used to transport hazardous materials that require a placard on the vehicle

Drivers of these vehicles must obtain a certificate from a medical examiner stating that they are physically qualified to drive a CMV, as defined in the above categories. The process for obtaining a medical certificate has not changed; however, CDL drivers who need to obtain medical certificates must also submit the certificate to the licensing State. This ensures the Federal Motor Carrier Safety Administration that the physical condition of CMV operators is sufficient to enable them to operate safely and that operation does not affect their health.

Under this rule by the FMCSA, the States' CDL procedures are modified to require the driver to record a self-certification regarding type of driving (*e.g.*, interstate (non-excepted or excepted) and intrastate (non-excepted or excepted)); submit the medical examiner's certificates (or a copy) if the driver is operating in non-excepted, interstate commerce and required to be medically certified; date stamp the medical examiner's certificate as a receipt for the driver; keep a copy of the certificate for 3 years from the date of issuance; post the required information from the certificate onto the CDLIS driver record within 10 days; and update the medical certification status of the CDLIS driver record to show the driver as "not-certified" if the certification expires; and then downgrade the CDL within 60 days of the expiration of the driver certification.

The action to modify the rule by the FMCSA was taken to improve the oversight of the documentation of the medical examination. Data of large truck/bus crashes showed that an alarming number of crashes were due to the truck/bus driver having a heart attack or other physical impairment as the "critical reason" for the crash. In roadside inspections conducted in 2007, there were a high number of violations cited for drivers failing to have a medical examination certificate in their possession while operating a CMV, drivers operating with an expired medical examination certificate, drivers in possession of an improper medical examination certificate, or physically unqualified drivers. This rulemaking action is intended to help to prevent medically unqualified drivers from operating on the Nation's highways.