



REGULATORY ALERT



TO: ALL ATU Local 1181-1061 members
DATE: February 8, 2011

The following provides guidance to help our members and locals comply with the new CDL Medical Certification Regulations.

The Regulation issued December 2008, took effect on January 30, 2012. The full text may be found in the Federal Register, 73 Fed. Reg. 73096. The Rule requires:

1. All CDL license holders and applicants, both intrastate (transit, school bus, Para transit) and interstate service (over the road, charter) subject to the Federal physical qualification requirements (49 CFR 391) to certify the type of service they provide at the time of their license renewal or application, but no later than January 30, 2014.

(a) You must certify whether you operate: 1) interstate (exempt or non-exempt)

or 2) intra state (exempt or non-exempt)

(b) Those CDL license holders or applicants, certifying that they only operate intrastate, are not required to submit (see below) a copy of their Medical Examiners Certificate to their state licensing agency, unless their state passes legislation requiring this action. None have done so to date. We will advise when and if any states enact such legislation.

2. Interstate CDL license holders and applicants must also provide their State Licensing Agency (SDLA) with a copy of their Medical Examiners

Certificate. The SDLA is usually the state Department of Transportation or Motor Vehicle division.

(a) Interstate drivers must also retain paper copies of their certificate until January 30, 2014.

(b) The information provided, as to type of service and medical qualification is then included by the state agency in the national commercial Driver License Information System (CDLIS) that could be accessed by employers and law enforcement to verify that the driver is physically qualified to drive.

For specific State by State requirements for drivers and information related to how a State is handling the Medical Certification requirements, and to determine who to contact for additional information, please click [here](#).

CDL RENEWALS - FREQUENTLY ASKED QUESTIONS - (Jan. 2012)

The following FAQs will help you in determining how to meet the new Federal medical certification requirements:

What must I do to comply with the new requirements for making my medical certification part of my CDL driving record?

Starting on January 30, 2012, when you:

- (a) Apply for a CDL;
- (b) Renew a CDL;
- (c) Apply for a higher class of CDL;
- (d) Apply for a new endorsement on a CDL; or
- (e) Transfer a CDL from another State

You will be required to self certify to a single type of commercial operation on your driver license application form. Based on that self certification, you may

need to provide your SDLA with a current medical examiner's certificate and show any variance you may have to obtain or keep your CDL.

How do I determine which type of commercial motor vehicle (CMV) operation I should self-certify to my SDLA?

For the purpose of complying with the new requirements for medical certification, it is important to know how you are using the CMV. To help you decide, follow these steps:

Step 1: Do you, or will you, use a CDL to operate a CMV in interstate or intrastate commerce?

- (a) Interstate commerce is when you drive a CMV:
 - (b) From one State to another State or a foreign country;
 - (c) Between two places within a State, but during part of the trip, the CMV crosses into another State or foreign country; or
 - (d) Between two places within a State, but the cargo is part of a trip that began or will end in another State or foreign country.
- (e) Intrastate commerce is when you drive a CMV within a State and you do not meet any of the descriptions above for interstate commerce.

If you operate in both intrastate commerce and interstate commerce, you must choose interstate commerce.

What if I am an existing CDL holder who does not have a license renewal, upgrade or transfer between January 30, 2012 and January 30, 2014?

You are responsible for following the three steps above and providing your SDLA with your self-certification of operating status by January 30, 2014. If required, you must also provide your current medical examiner's certificate and any variance document by January 30, 2014. Your SDLA will tell you how you can provide this information.

After I provide my SDLA with my unexpired medical examiner's certificate, do I still have to carry an original or copy of my medical examiner's certificate?

Yes. Until the program is fully implemented on January 30, 2014, you will still have to carry an original or copy of the medical examiner's certificate and provide a copy to your employer for your driver qualification file.

What should I do with the medical examiner's certificate beginning on January 30, 2014?

After you provide your SDLA and your employer with the medical examiner's certificate, the medical examiner's certificate will only be valid for the first 15 days after it was issued. Your medical examiner's certificate will be recorded on your driving record and will become the valid version of your medical certification.

What if I do not provide my SDLA with my self-certification and if required, my medical examiner's certificate and any required variance document by January 30, 2014?

Your SDLA will notify you that you are no longer medically certified to operate a CMV in Interstate commerce. The SDLA will then remove all your CDL privileges from your license.

What should I do when my medical certificate and/or variance is about to expire?

You must have a new medical examination and obtain a new medical certificate. You must then provide the SDLA the new medical examiner's certificate. You are also responsible for applying to FMCSA for a renewal of your variance.

What happens if my medical examiner's certificate or variance expires before I provide my SDLA with a new one?

Your SDLA will notify you that you are no longer medically certified to operate a CMV in Interstate commerce. The SDLA will then remove all your CDL privileges from your license.

How can I get back my CDL privileges?

If the medical examiner's certificate has expired, you must obtain a new one and provide it to your SDLA. If the variance has expired, you must renew it with FMCSA. Your State may require retesting and additional fees to get back your CDL privileges. If allowed by your SDLA, you may also change your self-certification to an operating category that does not require a medical certificate.

Please feel free to contact your local union or the International with any questions.