



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**

February 26, 2022

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 is declining after a rapid rise in infections and hospitalizations around the country due to the omicron variant, related supply chain disruptions continue to impact the entire U.S. There is a continued public need for immediate transportation of essential supplies, equipment, and persons, which requires an adequate and sustained supply of drivers eligible to operate a CMV. 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 and resumed normal operations, some commercial motor vehicle (CMV) drivers who were unable to renew their driver's license or provide a medical certificate to their SDLA continue to operate with expired licenses and/or medical certificates.

Given the national public health emergency and the supply chain disruptions exacerbated by the COVID-19 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. For this reason, FMCSA issues an extension of this Notice of Enforcement Policy through April 15, 2022 to provide CLP holders, CDL holders, and non-CDL drivers 45 days to renew their driver's license or provide a medical certificate to their SDLA. Barring extenuating circumstances, FMCSA does not anticipate further extending this Notice beyond April 15, 2022. The Agency also intends to review the status of this Notice of Enforcement Policy as of March 31, 2022, and may take action to terminate the Notice before April 15, 2022 if conditions warrant. Upon the expiration or early termination of this Notice, FMCSA will resume enforcing the regulatory provisions specified below 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 and whose medical certification or medical variance expired on or after December 1, 2021.

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 December 1, 2021. Drivers whose medical certification or medical variance expired before December 1, 2021 are not covered by this Notice of Enforcement Policy.

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 March 31, 2022, and may take action to terminate the Notice before April 15, 2022, if conditions warrant.

This Notice is effective on March 1, 2022 and expires on April 15, 2022 or upon early termination by FMCSA, whichever is sooner.

Reissued: February 26, 2022

Robin Hutcheson
Acting Administrator