



## **Motor Vehicle Division Informational Memo # 20-31**

### ***End of CDL Temporary Guidance for COVID-19***

**DATE:** February 28, 2022

**FROM:** MVD Policy & Compliance Team

**TO:** All Motor Vehicle Division staff, Iowa County Treasurers and County Treasurers' staff that issue driver's licenses and non-operator's identification cards

#### **SUBJECT**

This informational memo explains the impact of the end of CDL-related COVID-19 guidance issued by the Federal Motor Carrier Safety Administration (FMCSA) and the Transportation Security Administration (TSA) and is most applicable to staff that issue or answer questions about CDLs.

#### **BACKGROUND**

On March 24, 2020 the FMCSA issued a waiver of certain federal regulations to provide temporary relief for CDL and CLP holders with recently expired or soon-to-be expired licenses or medical certificates, which was subsequently extended on June 15, 2020, September 18, 2020, December 15, 2020, February 16, 2021, May 26, 2021, August 31, 2021, and November 29, 2021. On February 26, 2022, FMCSA announced additional waivers to phase-out the CDL and CLP relief. On April 2, 2020, the TSA announced that states may extend the expiration date of certain TSA threat assessments for hazardous materials endorsements for an additional 180 days, and this relief was subsequently extended on July 23, 2020 and on October 28, 2021.

The relief provisions that have ended or will soon be ending, as well as the impacts for staff and customers, are explained below.

#### **EXPLANATION**

**1) The following relief provisions issued by the FMCSA concerning CDL and CLP medical certificates that expired on or after September 1, 2021 will end on February 28, 2022:**

- The waiver of the requirements for CDL and CLP holders to possess and provide us with a valid medical certificate, if their current medical certificate expired between September 1, 2021 and February 28, 2022 and was issued for a period of more than 90 days; and
- The waiver of the requirements that we initiate a downgrade for CDL and CLP holders with an expired medical certificate and report them as "not certified" in CDLIS, if their current medical certificate expired between September 1, 2021 and February 28, 2022.
- The previous waivers that applied to medical certificates with an expiration date of August 31, 2021 or prior already expired as of November 30, 2021.

Beginning March 1, 2022, non-expected interstate CDL and CLP holders whose medical certificate or variance expired on or after September 1, 2021 will be reported as "not certified" in CDLIS and the downgrade process will initiate. These drivers will have 60 days (until April 30, 2022) to submit a new medical certificate before the downgrade to a noncommercial license becomes effective. This will impact over 8,000 CDL and CLP holders, so staff should be prepared for an influx of medical certificates being submitted in this timeframe.

**However, drivers whose medical certificate expired December 1, 2021 or later will still be considered valid for enforcement purposes only through April 15, 2022.**

**2) The FMCSA waiver which allowed the extension of validity for CDLs and CLPs that expired on or after March 1, 2020 will end on February 28, 2022:**

Beginning March 1, 2022, every Iowa CDL and CLP will be subject to its normal expiration date. **However, for enforcement purposes only, these drivers can continue to operate validly through April 15, 2022 anywhere in the U.S.**

CLP testing applicability: CLPs that expired March 1, 2020 through February 28, 2022 can be used to drive anywhere in the U.S. until April 15, 2022 due to the FMCSA enforcement waiver. However, beginning March 1, 2022, an expired CLP covered by the waiver is no longer considered valid for taking the CDL skills test, and therefore, they would need to retake the CDL knowledge test, be issued a new CLP, hold the CLP for 14 days, and complete ELDT before they could take the CDL skills test. *If they do not complete testing and issuance of a CDL during the validity period of their CLP (which may have been significantly extended for some customers due to the FMCSA waiver), they must apply for a new CLP, including re-taking the CDL knowledge test, waiting 14 days, and completing ELDT.*

CDL renewal applicability: CDLs that expired March 1, 2020 through February 28, 2022 can be used to drive anywhere in the U.S. until April 15, 2022 due to the FMCSA enforcement waiver. However, any CDL holder that is seeking to renew their CDL more than one year after the printed expiration date, regardless of whether the CDL is still valid for driving purposes under the FMCSA enforcement waiver, must complete full retesting under Iowa law.

**3) The following relief issued by the TSA ended on December 31, 2020:**

- **The 180-day hazardous materials endorsement (HME) extension for CDL holders who have an otherwise valid HME and whose TSA threat assessment is expired. Those whose TSA threat assessment expired between March 1, 2020 and December 31, 2020 will retain the original 180-day extension of their HME but will not be granted any additional extension.**

Beginning January 1, 2021, TSA threat assessment expiration dates began applying to driver hazardous materials endorsement like normal. Those whose TSA threat assessment expired between March 1, 2020 and December 31, 2020 and were granted the original 180-day extension will retain the 180-day extension of their HME, but do not have any additional extension beyond the expiration date listed on their extension letter. *Since 180 days after December 31, 2020 is June 29, 2021, there should no longer be any driver operating under this extension.*

As always, anyone wishing to renew their HME must take the HazMat knowledge test and have a valid TSA threat assessment (which can include a TSA threat assessment that was extended via the TSA waiver). CDL holders who received the 180-day extension of their TSA threat assessment accordingly have an additional 180 days of validity on their endorsement due to the extension, as explained in further detail in the Q&A section.

**LINKS TO GUIDANCE**

- March 20, 2020 FMCSA guidance - <https://www.fmcsa.dot.gov/emergency/notice-state-drivers-licensing-agencies-federal-motor-carrier-safety-administrations>
- March 24, 2020 FMCSA waiver - <https://www.fmcsa.dot.gov/emergency/fmcsa-cdl-waiver-32420>
- June 15, 2020 FMCSA extension - <https://www.fmcsa.dot.gov/emergency/waiver-response-covid-19-national-emergency-states-cdl-holders-clp-holders-and-interstate>
- September 18, 2020 FMCSA waiver extension - <https://www.fmcsa.dot.gov/emergency/waiver-response-covid-19-national-emergency-states-cdl-holders-clp-holders-and-0>

- December 15, 2020 FMCSA waiver extension - <https://www.fmcsa.dot.gov/emergency/waiver-response-covid-19-national-emergency-states-cdl-holders-clp-holders-and-1>
- February 16, 2021 FMCSA waiver extension - <https://www.fmcsa.dot.gov/emergency/waiver-response-covid-19-national-emergency-states-cdl-holders-clp-holders-and-2>
- May 26, 2021 FMCSA waiver extension - <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2021-05/FMCSA%20CDL%20and%20MEC%20Waiver%20-%20May%2026%202021.pdf>
- August 31, 2021 FMCSA waiver extension - <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2021-08/FMCSA%20CDL%20and%20MEC%20Waiver%20-%20FINAL%20-%20Aug%2031%202021.pdf>
- November 29, 2021 FMCSA waiver extension - <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2021-11/FMCSA%20CDL%20and%20MEC%20Waiver%20-%20FINAL%20Nov%2029%202021.pdf>
- February 26, 2022 FMCSA waiver phase-out - <https://www.fmcsa.dot.gov/emergency/notice-enforcement-policy-regarding-expiring-drivers-licenses-and-medical-examiners-6>; <https://www.fmcsa.dot.gov/emergency/three-month-waiver-response-covid-19-emergency-states-and-clp-holders-operating-6>
- April 8, 2020 TSA federal register notice - <https://www.federalregister.gov/documents/2020/04/08/2020-07340/exemption-from-renewal-of-the-hazardous-materials-endorsement-security-threat-assessment-for-certain>
- July 31, 2020 TSA HazMat waiver extension - <https://www.govinfo.gov/content/pkg/FR-2020-07-31/pdf/2020-16359.pdf>
- October 28, 2020 TSA HazMat waiver extension - <https://www.govinfo.gov/content/pkg/FR-2020-10-28/pdf/2020-23961.pdf>

For a detailed explanation of the original guidance issued by the FMCSA and TSA, please see **MVD IM #20-04**.

#### **QUESTIONS AND ANSWERS:**

##### **Is a customer whose license expired during the FMCSA waiver still subject to the one-year retesting requirement?**

Yes. Iowa Code section 321.196(2) provides that a driver's license is renewable without a driving and knowledge test within one year of its expiration, after which both a driving and knowledge test are required. Even if the customer's CDL/CLP expired during the relief period provided in the FMCSA waiver, they are still subject to the requirement to repeat the knowledge and driving tests if it has been more than one year (366 days or more) since the date of expiration of their license, since the way Iowa has chosen to implement the waiver is not extending the underlying expiration date of the CDL/CLP.

For example, a customer whose CDL expired on June 15, 2020 is still able to drive anywhere in the U.S. until April 15, 2022 due to the waiver. However, if they do not renew on or before June 15, 2021, they will be subject to full retesting, because beginning June 16, 2021 it will have been 366 days since their license expired. For another example, a CLP that expired on June 15, 2020 is still considered valid for driving anywhere in the U.S. until February 28, 2022 due to the FMCSA waiver, but if they appear to be issued a new CLP on June 16, 2021 (366 days after the printed expiration date), they must not only retake the CDL knowledge test to be issued the CLP (like normal), but they must also complete full re-testing to renew their noncommercial operator's privilege, since their license has been expired for more than one year.

**What options are there for a CDL holder whose license expired early in the public health emergency, and no longer has the 60-day grace period available?**

Online renewal for most CDL holders is now available (see IM 21-14 related to online CDL renewal authorization). For those not eligible for online renewal, we have continued to offer services for commercial drivers, including testing and issuance, during the pandemic, so many CDL drivers have kept up-to-date on their renewals. It should also be noted that CDL holders who are still within their 60-day grace period may not have the grace period recognized by out-of-state law enforcement if they are operating outside of Iowa.

**How do drivers know if their hazardous materials endorsement was extended by the TSA guidance? And, how do we know if a driver's TSA threat assessment expiration was extended?**

All individuals who were eligible for the 180-day extension of their hazardous materials endorsement were sent a letter informing them of their extension. Eligible individuals include drivers who hold a valid CDL with a HazMat or HazMat/Tank endorsement, and whose TSA threat assessment expired between March 1, 2020 and December 31, 2020. They were informed of the new, extended expiration date of their hazardous materials endorsement via our letter.

The extended expiration date will not be reflected in ARTS or on the person's driving record, due to complications in reprogramming the system for a temporary exemption. However, if you need to confirm that a driver was granted the 180-day extension, you can find the notice of the extension in their ERMS file (document code COADM).

**Can you explain how the downgrade process will work for drivers whose medical certificates expired during the period covered by the FMCSA waiver?**

While the FMCSA waivers are in effect, states are allowed 90 days to return to compliance after the end of the waiver. In order to return all drivers to compliance, and to still allow customers time to obtain a new medical certificate while the waivers are still being extended and before being downgraded, we are initiating the downgrade process for all drivers whose medical certificate expired prior to August 31, 2021 on December 1, 2021, and for drivers whose medical certificate expired on or after September 1, 2021, the downgrade process will begin on March 1, 2022. Drivers will have 60 days after the process starts to obtain and submit a new medical certificate before the downgrade goes into effect.

Here's an *example* of a customer whose CDL medical certificate expired during the period covered by the FMCSA waiver:

- September 15, 2021 – The driver's CDL medical certificate expires. Due to the FMCSA waiver, the driver is not downgraded because of their expired medical certificate.
- February 28, 2022 – The FMCSA waiver, which allowed this driver to continue operating nonexcepted interstate with the expired medical certificate, ends.
- March 1, 2022 – This driver is reported as "not certified" in CDLIS and is subject to enforcement action. Our CDL downgrade process turns back on, and since this driver has an expired medical certificate, ARTS generates correspondence letting the driver know that their CDL will be downgraded in 60 days (on April 30, 2022) to a noncommercial license if they do not submit a new medical certificate.
- April 30, 2022 – If the driver in this example has not submitted a new medical certificate, their CDL downgrade becomes effective and their CDLIS status remains "not certified."

**What if a driver whose CLP is covered by the waiver has successfully passed their skills tests with a third-party tester, but cannot get an issuance appointment until after the end of the FMCSA waiver?**

For CLP testing purposes, the FMCSA waiver extending the validity of CLPs will no longer apply as of March 1, 2022 and all normal requirements for obtaining a CDL will resume. So, if a person whose CLP expired during the

period covered by the waiver seeks to obtain their CDL on or after March 1, 2022, they will first need to apply for a new CLP before taking the CDL skills tests, since their CLP will no longer be considered valid. This applies even if the CLP holder has already taken and passed the CDL skills test with a third party tester, because as of March 1, 2022, their CLP is considered expired. **We cannot save the CDL knowledge or skills testing results for a customer whose CLP expired. Once their CLP is considered expired, federal regulations require all testing to be retaken prior to upgrading to a CDL.** *Please note this situation should only apply to customers who completed the skills test with a third-party tester, because we should be completing the CDL issuance immediately for customers who take and pass the CDL skills test with a DOT or county service center.*

We understand that this may be frustrating for customers who were delayed in taking their CDL skills testing with a third-party tester and are seeking to obtain an issuance appointment prior to March 1, 2022 to avoid having to restart the process from the beginning (CDL knowledge testing, issuance of CLP, 14-day waiting period, ELDT, and CDL skills testing). Because of the unique circumstances, we are asking that supervisors and counties work to accommodate issuance appointments for customers who have already taken and passed the CDL skills test with a third-party tester, and who need to be issued their CDL prior to the end of the FMCSA waiver on February 28, 2022 in order to avoid starting the commercial licensing process from the beginning, including knowledge testing, issuance of CLP, 14-day waiting period, and skills testing. Additionally, we are working to communicate with third-party testing programs to advise their students that they must be issued their CDL prior to the end of the waiver if they completed their CDL skills testing on a CLP covered by the waiver.

Again, customers who received an extension of their CLP due to this waiver are subject to all normal requirements of a CLP holder. Specifically, during the validity period of the CLP, the CLP holder must pass CDL skills testing and apply for a CDL. **If they do not complete testing *and* issuance of a CDL during the validity period of their CLP (which may have been significantly extended for some customers due to the FMCSA waiver), they must apply for a new CLP, including re-taking the CDL knowledge test, waiting 14 days, and completing ELDT prior to taking the skills test.**

**If I have additional questions about this memo or operational functions, what should I do?**

Please work with your supervisor or county contact if you have questions, who will confer with the appropriate member of MVD management as needed.