DOT Issues 3-Month Waiver of Certain Regulations for CLP Holders

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On March 28, 2020, the Federal Motor Carrier Safety Administration (FMCSA) granted a temporary waiver from some commercial learner's permit (CLP) regulations that apply to interstate and intrastate drivers who operate commercial motor vehicles. This waiver is in effect until June 30, 2020.

The waiver is issued in response to COVID-19 outbreaks and pertains to CLP holders operating commercial motor vehicles (CMVs). Because of the effects of COVID-19 and the risk presented to public health, safety and welfare, many states have high absence rates or closures of the agencies that issue driver's licenses. These absences and closures have increased the delays in processing and issuing a commercial driver's license (CDL) to CLP holders who have successfully completed their driving skills test.

While the waiver does not allow the CLP holder to operate the CMV as a solo driver, it does waive the requirement that a CDL holder be seated in the front seat of the cab while the CLP is operating the vehicle. The CDL holder must be physically present within the cab, and the CLP must possess:

- Valid authorization from a state driver licensing agency or third-party tester that the CLP holder has passed the CDL driving skills test; and
- A valid non-CDL driver's license, CLP, and medical certificate.

This waiver does not apply if the CLP holder's driving privileges have been suspended, withdrawn, or if the CLP holder is prohibited from performing safety-sensitive functions under the drug and alcohol regulations. The waiver also does not apply to CMV operations requiring the following endorsements: T (double/triple trailers); P (passenger), N (tank vehicle), H (hazardous materials), X (a combination of tank vehicle and hazardous materials), and S (school bus).

Additionally, this waiver addresses the administering of driver skills tests by allowing states to perform skills tests on nondomiciled CDL

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applicants, regardless of where they completed their training. Results of the test must be communicated to the applicant's state of licensing by the state of testing in a secure and efficient manner in accordance with 49 CFR 383.79(a)(1).

View the full text of the FMCSA's waiver.

For more information, please contact Michael Case, Eric Baker, or any attorney in Frost Brown Todd's Mobility & Transportation or Private Equity industry team.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a Coronavirus Response Team. Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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