



Dec 01, 2021

Categories:

[Coronavirus Response](#)

[Team](#)

[Publications](#)

Authors:

[Eric A. Baker](#)

[Michael J. Case](#)

[Stacey Katz](#)

[Tyler P. Biddle](#)

FMCSA Extends Waiver Regarding Third Party CDL Skills Test Examiners

The Federal Motor Carrier Safety Administration (FMCSA) extended a [waiver](#) from some regulations that apply to the administration of Commercial Drivers License (CDL) knowledge tests by 3rd Party CDL skills test examiners effective December 1, 2021. This waiver expires on February 28, 2022, or once the Declaration of National Emergency is lifted, whichever is sooner.

The waiver was extended in response to COVID-19 outbreaks and pertains to commercial learner's permit (CLP) applicants. Because of the effects of COVID-19 and the risk presented to public health, safety and welfare as well as the delta variant impact, many states have continued closures or impeded customer service levels at the agencies that administer CDL knowledge tests. With the continued National Emergency declaration under 42 U.S.C. § 5191(b), and the public need for transportation of supplies and equipment deemed essential for addressing the outbreaks and a need for trained drivers, the public interest in extending this waiver is great.

Third-party CDL skill test examiners will temporarily be allowed to administer the knowledge tests to CLP applicants. In order to qualify for this waiver, the following requirements must be met by the 3rd party examiner:

- Successfully completed a CDL skill test examiners course that meets the requirements of 49 CFR 384.228(d), which covers the following areas;
 - Introduction to the CDL Licensing System
 - Overview of the CDL tests;
 - Vehicle inspection test;
 - Basic control skills testing; and
 - Road test
- Maintained a valid CDL test examiner certification.

Under this waiver, states are not required to provide formal in-person or online training to the qualified 3rd party CDL skill test

examiners, but they must provide them with access to written training and instructional material electronically or by other means. The materials required to be provided are listed in 49 CFR 384.228(c)(3), and include information on general knowledge tests, specialized knowledge tests selecting the appropriate tests and test forms, and knowledge test administration. Additionally, the FMCSA guidance that provides that a 3rd party may not administer the CDL Knowledge test out of the presence of a state driver's license authority employee is inapplicable for the duration of this waiver.

For more information, please contact [Eric Baker](#), [Michael Case](#), [Stacey Katz](#), [Tyler Biddle](#), or [Jeff Hunt](#), or any attorney on Frost Brown Todd's [Mobility & Transportation](#) industry team.

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.