



# Commercial Vehicle Safety Alliance



North American Standard Inspection Program

## I N S P E C T I O N B U L L E T I N

2016-01

September 22, 2016

### Update: Canadian Driver's Licenses and Required Proof of Medical Certification

#### Background

The United States has reciprocal recognition of commercial driver's licenses (CDL) with Canada. A Canadian CDL generally serves as confirmation that the Canadian driver is medically qualified to operate a commercial motor vehicle (CMV) in the United States. However, FMCSA has become aware that Canadian drivers holding certain Canadian licenses may not be required to undergo a driver's medical examination as a condition of receiving the license, or are not required to have a periodic medical exam to maintain the license.

#### 49 Code of Federal Regulations § 390.5 defines a CMV as follows:

**Commercial motor vehicle** means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, Subchapter C.

#### Guidance

If a Canadian driver is operating a CMV in the United States and presents a Class 5 license, Ontario Class G, Ontario Class D (prior to age 80), or New Brunswick Class 3 license (prior to age 65), the driver should also possess one of the following to confirm that they are medically qualified to operate CMVs in the United States:

1. A Canadian medical confirmation letter issued by their Province or Territory (see sample); **OR**
2. A medical examiner's certificate issued by a medical examiner on the U.S. National Registry of Certified Medical Examiners; **OR**
3. An endorsement code on their license to indicate periodic medical examination.<sup>1</sup>

<sup>1</sup> Drivers holding a Class 5 license from British Columbia with the endorsement codes 18, 19 or 20 are not required to carry additional evidence of medical qualification, as medical certification is required to obtain these endorsements.

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**UPDATE: Canadian Driver's Licenses and Required Proof of Medical Certification****Roadside Inspections:**

Effective immediately, if the driver cannot provide evidence of medical qualification through one of the above options, Federal and State enforcement personnel should document the appropriate 391.41(a) violation on a roadside inspection report based on whether the motor carrier is transporting property or passengers.

Federal and State enforcement personnel should follow the guidance in the table below for each Provincial classified Canadian license to ensure consistent application with the Commercial Vehicle Safety Alliance (CVSA) *North American Standard Out-of-Service Criteria* (OOS):

Provincial Classified Licenses	Record Violation	Application of the CVSA OOS criteria for previous history of medical certificate violations
All Class 5, Ontario G	Yes, effective immediately	Yes, effective immediately
Ontario D, New Brunswick 3	Effective 09/01/2016	Effective 04/01/2017

\* Discretion on enforcement, beyond documenting the violation on the inspection report, remains with the applicable State or Local Agency. Prior to effective date noted above, enforcement officers are encouraged not to issue a traffic citation in conjunction with the recorded violation on the first offense and to not place the driver OOS. Enforcement officials are encouraged to advise these drivers of the requirements to possess proof of medical certification, and to contact their licensing jurisdiction upon return to Canada.

**Comprehensive Investigations and Safety Audits:**

Safety Investigators and Safety Auditors should cite the following violation if it is discovered that a motor carrier had a Canadian driver operating a CMV in the United States without being medically examined:

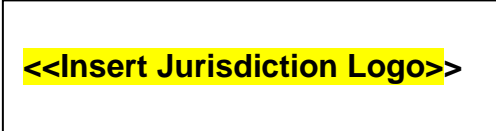
- 49 CFR § 391.45(a)(1) – Using a driver not medically examined and certified (Critical).

As an alternative, the Safety Investigators and Safety Auditors should cite the following violation if the driver obtained medical certification through one of the three methods listed in the background section above, but the motor carrier's driver qualification file does not reflect proof of the medical certification:

- 49 CFR § 391.51(b)(7) – Failing to maintain medical examiner's certificate in driver's qualification file (Critical).

If you have any questions, please contact Carla Vagnini, FMCSA North American Borders Division at (202) 366-3771 or at [carla.vagnini@dot.gov](mailto:carla.vagnini@dot.gov).

**UPDATE: Canadian Driver's Licenses and Required Proof of Medical Certification**



**Medical Confirmation Letter for Operating Commercial Vehicles in the United States**

**The U.S. FMCSA requirement is for the driver to have this letter in their possession at all times when traveling in the U.S.**

**Re: Driver Licence Number <<XXXXXXXXXX>>**

Dear \*Sir:\*Madam:

Your medical report filed in support of your request for a Medical Confirmation Letter has been approved. The report confirms you meet national medical standards for a commercial driver as set out by the Canadian Council of Motor Transportation Administrators. This Medical Confirmation Letter expires <<INSERT DATE>>.

**It is your responsibility of the driver to re-apply for a new medical confirmation letter prior to the expiry of the medical report.**

To receive a new Medical Confirmation Letter from the Ministry of <<Insert Ministry or Department Name>>, you must submit a satisfactory <<Report Name>> (available at <<www.website.ca>>) to the Medical Review Section, along with a note requesting a Medical Confirmation Letter. Once your report is approved a new Medical Confirmation Letter will be sent to you.

If you have questions regarding the U.S. FMCSA commercial-use vehicle requirements, please contact FMCSA at 1-202-366-4001.

If you have questions regarding the ministry's medical review process, please visit <<www.website.ca>> or call <<###-###-####>>.

Thank you for your co-operation.

Yours truly,

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