

ISSUE NUMBER

23-050-DRV

ISSUE NAME

OOSC, Part I, Item 4. Driver Medical/Physical Requirements, b. Medical Certificate (4) - Clarification of Previously Cited

STATUS

Closed

Driver-Traffic Enforcement Committee

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AGENCY

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When conducting an inspection on a driver that does not have a current medical certificate, per the OOSC, the driver is placed out of service for not being in possession of a medical certificate or in possession of an expired medical certificate with "previous history." Does "previous history" pertain to only the current medical certificate or does the officer take into account the driver's previously cited violation from medical certificates that expired years ago?

JUSTIFICATION OR NEED

If a driver has a medical certificate valid 10/03/2022 through 10/03/2023, but was cited for not having a current medical on 08/16/2022, would that driver still be placed out of service for "previously cited" or does "previously cited" reset each time the driver updates his medical certificate? OOSC reads "Operating a property-carrying vehicle without a valid medical certificate in possession or on file with the state driver licensing agency. If the driver fails to produce a medical certificate or has an expired medical certificate and has previous history of either failing to produce a medical certificate or having an expired medical certificate."

REQUEST FOR ACTION

Add a note to the OOSC that explains "previously cited." Does it mean ANY previous medical certificate in violation or violation of the current medical certificate. Does "previously cited" reset each time the driver obtains a new medical certificate?

Subsequently, FMCSA expressed concerns regarding how the decision could impact non-CDL drivers, and the Board of Directors requested the committee discuss the concerns from FMCSA. The committee agreed, after hearing the presentation from FMCSA, that the original action item was still consistent with the intent of the committee to declare the driver out of service when they do not provide a valid medical certificate.

ACTION TAKEN BY COMMITTEE

Changed OOSC to mirror passenger carrier requirement for medical certificates. OOSC changed to OOS on first offense in property and passenger carrying vehicles.

Operating a passenger-carrying or property-carrying vehicle without a valid medical certificate in possession or on

file with the state driver's licensing agency when medical certification is required. (391.41(a)) Declare driver out of service.

This will be updated in 2025 pending approval on the fall ballot.