Colorado statute 42-2-235 and rule 8 CCR 1507-1 require all Colorado Commercial Driver's License (CDL) holders be medically qualified to drive a Commercial Motor Vehicle (CMV) by the means of a valid DOT medical, medical waiver or Skills Performance Evaluation (SPE).

This was an existing requirement and nothing in the recent rule making changes that requirement. All Colorado CDL holders must demonstrate they are medically fit to operate a CMV by undergoing a DOT physical.

In 2009, the Federal Motor Carrier Safety Administration (FMCSA) passed rule making that now ties the DOT medical to the CDL and gives enforcement of expired or improper DOT medicals to the Department of Motor Vehicles (DMV). These changes only affect CDL holders and do not affect drivers of CMV in the 10,001-26,000 weigh class.

The effective date of these changes was Jan. 30 for new CDL applicants and individuals renewing their CDL. All CDL holders will need to comply by Jan. 30, 2014.

The new requirements are federally mandated, and the federal rules impacted include 49 CFR 383, 384, 390 and 391. The regulations can be accessed online at http://www.fmcsa.dot.gov .

The DOT/CDL Medical project combines the DOT medical with the CDL license. While there are numerous changes to the requirements, the bottom line is the main requirements are still in place. The medical qualifications have not changed, and CDL holders must still be medically qualified to operate a CMV. It is the individual's responsibility to ensure their DOT is kept current.

Employers are still responsible to know their drivers meet the medical requirements and their drivers have a valid DOT medical on file at all times.

The biggest change with the new rule making is the DMV now systematically tracks expired or invalid DOT medicals, and development of a new licensing status prohibits an individual from

driving a CMV when they are medically qualified.

The DMV is now responsible for collecting, storing, enforcing and providing the DOT information upon demand to employers, prospective employers and law enforcement.

As of the effective date, CDL holders are no longer required to have to carry or to present their DOT medical card to their employer, prospective employer or to law enforcement at roadside.

Employers are no longer required to keep a copy of the actual DOT medical certificate in their employee's driver qualification file. Instead, they are now required to keep a copy of what is called the CDLIS MVR—Commercial Driver License Information System Motor Vehicle Record.

If drivers submit their DOT medical to a DMV person, they can get a copy of their CDLIS MVR on the spot. If drivers fax or mail it in, they can wait 24-36 hours and then request a CDLIS MVR either in person or by mail.

The CDLIS MVR, which still has all of the same MVR information, will now also have all the DOT medical, medical waiver or SPE information including expiration dates to keep compliant.

A check by law enforcement at roadside of the DMV's files will indicate to the officer if the individual is medically qualified and whether the individual is legal to drive a CMV or not.

While the new rule eliminates the need for CDL drivers to carry their DOT medical on their person when operating a CMV, and the employer is no longer required to keep a copy of the DOT card in their driver qualification file, the CDL unit strongly encourages that both the driver and employer continue their current practice of maintaining the card just as an extra precaution.

The new rule also established the creation of a new status that must be tracked by the DMV. The status is called the "Medically Certified Status." The certification status will either be set to blank, "certified" or "not certified," and this status will be separate from the document or driving

status.

The status will be based off the medical certification expiration date and will indicate whether an individual is medically eligible to drive a CMV or not.

If the status of a CDL holder is “certified” and the license status is valid, then the individual can legally drive a CMV, but if the certification status is “not certified” or a blank because of an expired medical verification or a downgrade to a regular license, then the individual can no longer legally drive a CMV, even if their license status shows valid.

Also new with this rule is the requirement that all CDL holders now have to certify as to what type of commercial driving they do. The individual driver must choose from the following four certification choices.

—Non-excepted interstate. A person must certify that he or she operates or excepts to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR part 391 and is required to obtain a medical examiners certificate.

—Excepted interstate. Colorado state law disallows “excepted” status. Visit http://www.fmcsa.dot.gov for details.

—Non-excepted intrastate. A person must certify that he or she operates only in intrastate commerce and therefore is subject to state driver qualification requirements.

—Excepted intrastate. Colorado state law disallows “excepted” status. Visit http://www.fmcsa.dot.gov for details.

While the certification choice must be taken seriously, the Colorado DMV encourages individuals to not put too much emphasis on the choice. Individuals are allowed to make whatever choice they want and can do so without question.

If an individual chooses the first option, even though they typically only drive in intrastate commerce, they may do so. However, if an individual chooses the third or fourth options, they will be limited to intrastate driving only. The Colorado CDL unit encourages all CDL holders in Colorado to choose the first option, regardless of who they are employed by or what type of commercial driving they do.

Compliance is achieved by ensuring drivers provide the DMV with a copy of a DOT medical certificate each time it is renewed, before the previous one expires.

As in the past, on the first day of an individual's DOT medical certificate expiring, that individual is no longer qualified to operate a CDL type CMV. On the 10th day of an expired medical, the driver's medical certified status is changed to not certified, and a letter is mailed stating the individual is not allowed to drive a CMV.

If the CDL holder is still not compliant by the 30th day, the DMV will cancel the individual's entire license and the individual has no driving privileges.

The driver then can only be in compliance by means of a new DOT medical card or a downgrade to a regular license. There is no reinstatement fee, and drivers do not need to re-qualify unless it has been over one year on either a cancelation or downgrade.

CDL medical cards may be presented in person to all state DMV offices and some county DMV offices. They can also be mailed or faxed in. E-mailed copies are not accepted.

In most cases drivers will only need to provide a copy of the DOT medical certificate. Occasionally, the long form may be required for investigative purposes.

To be accepted, medical certificates need to be complete, legible and have no appearance of being altered.

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