

TITLE 13: DEPARTMENT OF MOTOR VEHICLES
Division 1, Chapter 1
Article 2.1 – Commercial Driver’s Licenses

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NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 28.19 in Article 2.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to medical certificates required of commercial drivers.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **May 20, 2024**, the final day of the written comment period, for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/repeal these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 12804.9, 12527, 13369, 13372 and 15275.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law requires commercial drivers to meet federal physical qualification standards and have a medical certificate in their possession. A person applying for a commercial class A, B, commercial class C, or an ambulance driver certificate, is required to provide the department with a Medical Examiner’s Certificate, form MCSA 5876, and a Medical Examination Report, form MCSA 5875, both of which are required to be completed and signed by a healthcare professional whose name appears on Federal Motor Carrier Safety Administration’s (FMCSA) National Registry of Certified Medical Examiners (NRCME). Once the commercial driver’s license applicant has the approved medical documentation, they can continue with the application process. Commercial drivers who do not meet the minimum federal medical standards may be restricted to driving intrastate only.

Effective June 23, 2025, medical examiners are required to report the results of the driver’s physical examinations to FMCSA by midnight of the day following the examination. FMCSA

will transmit the examination results to the department via new Commercial Driver License Information System (CDLIS) messaging via the NRCME.

Due to the change in federal rules, the department is proposing to amend Section 28.19 in Article 2.1, to make clear that, beginning June 23, 2025, the Medical Examiner's Certificate will be submitted to the NRCME by a certified medical examiner listed on the National Registry of Certified Medical Examiners. Once received by the NRCME, the NRCME will notify the department via new CDLIS messaging. Commercial driver's license applicants and license holders have been submitting their medical evaluation documentation to the department directly. The amendment is necessary to ensure the regulated parties are aware that they will no longer be responsible to provide their medical information to the department. Furthermore, the rule is amended to make clear that a driver applying for a class A, B, or commercial class C license who does not meet the physical qualification standards, can still use the Medical Examination Report, form MCSA 5875, for consideration of obtaining an intrastate restricted license.

BENEFITS OF THE PROPOSED REGULATION

The federal rules will require physical examination results to be transmitted from the FMCSA to the state electronically. This change is expected to reduce the submission of falsified medical evaluations and ensure that only drivers who have been proven to be medically qualified are issued commercial driver's licenses.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has conducted a review of similar regulations and has determined that this action is neither inconsistent nor incompatible with any existing regulations.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

This proposed action implements the requirements of federal regulations related to the process by which a commercial driver's medical examination report is transmitted to the FMCSA and to the department. This proposed action does is consistent with federal regulations and provides clarification of the federal rules as they relate to California drivers.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference. The proposed action references to forms that are controlled by the Federal Motor Carrier Safety Administration. The department has no discretion related to the contents of the form, revisions made to the forms, or the method by which the forms are submitted to the FMCSA either by the commercial driver's license holder or on behalf of the commercial driver's license holder.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.

- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- *Small Business Impact:* This proposed regulation is not likely to impact small businesses. The proposed rule is related to medical certificates for commercial drivers.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The department does not anticipate this action will have a significant statewide adverse economic impact directly affecting businesses or the ability of California to compete with businesses in other states. This proposed action amends the medical certificate regulations to ensure it is consistent with recent changes made to the federal rules for physical examination standards of commercial drivers. The rules are specific to the commercial driver's license issuance process and are unrelated to businesses.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has made the initial determination that this action will not impact, 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This action will benefit the welfare of California residents by adopting a federally mandated medical evaluation submission process that will reduce instances of fraudulent medical certificates being submitted to the department. The department anticipates the changes in this proposed action will promote safer roadways in California by ensuring that drivers who meet physical qualification standards are issued commercial driver's licenses.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Specialist
Department of Motor Vehicles
Legal Affairs Division
PO Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports,

documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.