**Section 1030.22 Medical Examiner's Certificate – CLP or CDL Holders**

a) Every person who holds a CLP or CDL must meet the requirements set forth in 49 CFR 383.71(a)(2) through (a)(9) and (h) (October 1, 2014) and self-certify with the Department as one of the following:

1) Non-excepted interstate (NI) – Operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR 391 (2011), and is required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2014);

2) Excepted interstate (EI) – Operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3 (October 1, 2014) from all or parts of the qualification requirements of 49 CFR 391 (October 1, 2014), and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2014);

3) Non-excepted intrastate (NA) – Operates or expects to operate only in intrastate commerce and is both subject to and meets the qualification requirements under 49 CFR 391 (October 1, 2014), as incorporated by reference at 92 Ill. Adm. Code 391.2000, and is required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2014). (See 92 Ill. Adm. Code 391.2000(c) for intrastate exceptions.); or

4) Excepted intrastate (EA) – Operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the State driver qualification requirements and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2014).

b) Every applicant for a CLP or CDL, including a renewal and upgraded CLP or CDL, must self-certify as set forth in subsection (a).

c) Failure, by a current CDL holder, to self-certify with the Department by January 30, 2014 will result in the cancellation of the CDL privileges.

d) Pursuant to 49 CFR 383.73(a)(5) (October 1, 2014), the Department shall require a CLP or CDL holder to submit a medical examiner's certificate when the driver self-certifies to non-excepted interstate (NI) driving operations (see subsection (a)(1)).

e) Intrastate drivers subject to subsection (a)(3) are not required to submit a medical examiner's certificate to the Secretary when the driver self-certifies to NA driving privileges.

f) The medical examiner's certificate must be submitted on a form approved by the Department and contain the following information:

1) Signature of medical examiner;

2) Medical examiner's telephone number;

3) Date of issuance of the medical examiner's certificate;

4) Medical examiner's full name;

5) Medical examiner's specialty;

6) Medical examiner's license/certificate number and issuing state;

7) Driver's signature;

8) Driver's license number and issuing state;

9) Driver's residence address;

10) Expiration date of the medical examiner's certificate;

11) Medical Examiner's National Registry Number.

g) The Department shall require a CLP or CDL holder to submit a medical variance when the medical examiner's certificate indicates a medical variance is required.

h) Within 10 calendar days after the receipt of a medical examiner's certificate, medical variance or notification from FMCSA that a medical variance was removed or rescinded, the Department shall update the CDLIS driver record.

i) If the Department receives notification that a CLP or CDL holder has been granted a medical variance and the most recent medical certificate on file with the Department does not contain a medical variance, the CLP or CDL holder shall be required to submit a current medical examiner's certificate reflecting the variance and to appear at a CDL facility to have a corrected CLP or CDL issued. If, within 20 days after notification by the Department, the CLP or CDL holder fails to submit an updated medical examiner's certificate or to have a corrected CLP or CDL issued, the driver's CLP or CDL privileges will be cancelled pursuant to IVC Section 6-201(a)(12).

j) All CLP or CDL holders who have certified to non-excepted interstate (NI) driving must maintain on file with the Department a current medical examiner's certificate and, if applicable, a medical variance.

1) The Department shall notify the driver in writing at least 90 days prior to the expiration of his or her medical examiner's certificate and/or medical variance that a new certificate and/or variance must be filed with the Department.

2) The Department shall, within 10 days after the expiration of the driver's medical examiner's certificate and/or medical variance, update the medical certification status to "not certified".

3) Failure of the CLP or CDL holder to submit a new medical examiner's certificate and/or medical variance within 30 days after the expiration date of the most recent medical examiner's certificate and/or medical variance on file will result in the cancellation of the CLP or CDL privileges pursuant to IVC Section 6-201(a)(12).

A) The cancellation shall take effect on the 31st day after the expiration of the medical examiner's certificate and/or medical variance.

B) The cancellation order shall remain in effect until the driver:

i) Provides a current and completed medical examiner's certificate and, if applicable, a medical variance; or

ii) Appears at a CDL facility, downgrades to a non-CDL license and has a corrected driver's license issued; or

iii) Changes the self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.

4) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and/or medical variance is subsequently received, the cancellation shall be rescinded.

k) If the Department receives notification from FMCSA that it has removed or rescinded a medical variance, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CLP or CDL privileges.

1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:

A) Provide a current and completed medical examiner's certificate that indicates a variance is no longer necessary; or

B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or

C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.

2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and medical variance is subsequently received, the cancellation shall be rescinded.

l) If the Department receives notification from FMCSA that it has removed or rescinded a medical examiner's certificate, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CLP or CDL privileges.

1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:

A) Provide a current and completed medical examiner's certificate; or

B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or

C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.

2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and, if applicable, medical variance is subsequently received, the cancellation shall be rescinded.

m) The Department shall not accept an incomplete medical examiner's certificate. If a driver submits an incomplete medical examiner's certificate, the Department shall notify the driver, in writing, that the submitted medical examiner's certificate was incomplete and direct the driver to provide a completed medical examiner's certificate. Failure of the CLP or CDL holder to submit a completed medical examiner's certificate to the Department within 30 days will result in the cancellation of the CLP or CDL privileges pursuant to IVC Section 6-201(a)(12).

1) The cancellation order shall take effect on the 31st day and shall remain in effect until the driver:

A) Provides a current and completed medical examiner's certificate and, if applicable, a medical variance; or

B) Appears at a CDL facility, downgrades to a non-CDL license and has a corrected driver's license issued; or

C) Changes the self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.

2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and, if applicable, medical variance are subsequently received, the cancellation shall be rescinded.

n) The Department shall require a CLP or CDL holder to obtain a corrected driver's license with a restriction if the CLP or CDL holder submits a medical examiner's certificate that indicates the driver is medically approved to operate a CMV conditioned upon a restriction.

1) Failure to appear at a CDL facility within 20 days to add the proper restriction to the CLP or CDL and pay the appropriate fee for a corrected driver's license will result in the cancellation of CLP or CDL privileges pursuant to IVC Section 6-201(a)(11).

2) If the CLP or CDL privileges are canceled and the driver subsequently appears at a CDL facility, has the restriction added to the driver's license and has a corrected CLP or CDL issued, the cancellation shall be cleared.

o) If the Department receives notification from a medical examiner or FMCSA that a medical certificate or information used to obtain a medical certificate is fraudulent, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.

1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:

A) Provide a current and completed medical examiner's certificate; or

B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued.

2) If the commercial driving privileges are cancelled and the driver appears at a CDL facility to downgrade to a non-CDL, the cancellation shall be cleared.

3) If the commercial driving privileges are cancelled and a subsequent current and completed medical examiner's certificate is subsequently received, an investigation shall be conducted to determine the authenticity of the subsequent medical certificate. Upon conclusion of the investigation, if it is determined that the subsequent medical certificate is authentic and is not based on any fraudulent information, and that the driver is medically fit to operate a commercial motor vehicle, the cancellation shall be cleared. If the investigation concludes the subsequent medical certificate is not authentic or was based on fraudulent information, or the driver is not medically fit to operate a commercial motor vehicle, the cancellation shall stand and the Department shall review the case for fraud sanctions.

p) Effective July 14, 2014, every person who holds a CLP or CDL and has self-certified to NA or EA operations must have a K restriction on his or her driver's license/driving record, in accordance with Section 1030.92.

(Source: Amended at 40 Ill. Reg. 1882, effective January 12, 2016)