



U.S. Department  
Of Transportation


Federal Motor Carrier  
Safety Administration

# Memorandum

CDL-04-002

**Subject:** INFORMATION: Commercial Driver's License  
Program; Annual Certification Requirement

**Date:** JUL 6 2004

**From:** William Paden   
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For Enforcement and Program Delivery

**Reply to** MC-ESS  
**Attn of:**

**To:** Division Administrators  
Field Administrator

Title 49 CFR 384.305 requires that prior to January 1 of each fiscal year, each State must review its compliance with Part 384, Subpart B and certify to the FMCSA Administrator regarding its compliance with all requirements contained in this subpart. In order for a State to be in substantial compliance, the State must meet all requirements contained in Part 384, Subpart B. Substantial compliance can be achieved by the demonstrable combined effect of a State's statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, and personnel), and enforcement practices relating to a State's commercial driver's license (CDL) program. A State that has outstanding compliance issues, but is still in substantial compliance, must utilize the alternate certification.

The State must perform the following actions to determine if its CDL program has outstanding issues that warrant the use of the alternate certification:

1. Review its latest CDL compliance review action plan to determine if any findings regarding a failure to follow a Part 384, Subpart B requirement are still unresolved or remain open.
2. Review each of the 29 requirements contained in Part 384, Subpart B to ensure the State had not made any changes to its CDL program, since its last annual certification, which could result in the State not being in substantial compliance.

If the State is in substantial compliance with all Part 384, Subpart B requirements, it shall submit a written certification consisting of a statement signed by the Governor of the State, or by an official designated by the Governor in accordance with 49 CFR 384.305(b). A copy of the 49 CFR 384.305(b) certification is in Attachment A.

However, if a State has been deemed to be in substantial compliance based on the conditions set forth in a State's CDL compliance review action plan, the Governor of the State, or an official designated by the Governor shall sign the alternate certification contained in Section 4(b) of Chapter 3 of the FMCSA Field Operations Training Manual. A copy of the alternate certification is in Attachment A.

## Attachment A

### Title 49 CFR 384.305(b) Annual Certification

"I (name of certifying official), (position title), of the State (Commonwealth) of \_\_\_\_, do hereby certify that the State (Commonwealth) has continuously been in substantial compliance with all requirements of 49 U.S.C. 31311(a), as defined in 49 CFR 384.301 since [the first day of the current Federal fiscal year], and contemplates no changes in statutes, regulations, or administrative procedures, or in the enforcement thereof, which would affect such substantial compliance through [the last date of the current Federal fiscal year]."

### Chapter 3, Section 4 (b) Field Operations Training Manual Alternate Certification.

"I (name of certifying official), (position title), of the State (Commonwealth) of \_\_\_\_\_, do hereby certify that the State (Commonwealth) has continuously been in substantial compliance with all requirements of 49 U.S.C. 31311(a), as defined in 49 CFR 384.301 since [the first day of the current Federal fiscal year], except as noted below and contemplates no changes in statutes, regulations, or administrative procedures, or in the enforcement thereof except as noted below, which would affect such substantial compliance through [the last date of the current Federal fiscal year]."