

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

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EXECUTIVE ORDER

Executive Order 2021-20

**Strengthening Supply Chain And Easing Burden On Commercial Drivers**

**WHEREAS**, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

**WHEREAS**, A.R.S. § 26-303(E)(1) provides that, “The governor shall have complete authority over all agencies of the state government...” during a declared emergency; and

**WHEREAS**, A.R.S. § 26-307(A) provides that state agencies “...may make, amend and rescind orders, rules and regulations necessary for emergency functions...”; and

**WHEREAS**, the Federal Motor Carrier Safety Administration (FMCSA) carries out functions relating to commercial motor vehicle operators and commercial motor vehicle programs and safety regulations; and

**WHEREAS**, on November 29, 2021, the FMCSA issued a waiver of outlined federal rules to respond to the COVID-19 public health emergency and to continue the ability of intrastate and interstate CDL and CLP holders and interstate non-CDL drivers to transport goods in response to the COVID-19 public health emergency; and

**WHEREAS**, the FMCSA waiver continues to be in effect until 11:59 p.m. on February 28, 2022, upon the revocation of the Declaration of National Emergency under 42 U.S.C. § 5191(b) concerning the COVID-19 public health emergency, or upon early termination by FMCSA, whichever is soonest; and

**WHEREAS**, the State of Arizona, recognizes that the trucking and shipping industries are crucial to Arizona’s continued recovery from the effects of COVID-19; and

**WHEREAS**, in 2021 a supply chain crisis due to the effects of COVID-19 has affected the global shipping industry, which includes the trucking industry; and

**WHEREAS**, this supply chain crisis has lead to shortages of raw materials and manufactured goods at a historically elevated level; and

**WHEREAS**, these supply chain disruptions have created scarcity in essential products including computer components, metal products, plastics, and cardboard; and

**WHEREAS**, in Arizona in particular, this supply chain crisis, combined with 30-year high inflation, and slow national job growth, has led to Arizonans having to pay more for food, gas, and everyday household products; and

**WHEREAS**, the trucking industry is federally regulated and the federal government has suspended industry regulations that are preventing the United States from returning to business as usual and contributing to national scarcities; and

**WHEREAS**, the FMCSA waiver permits states to extend the validity of CLPs due for renewal on or after March 1, 2020 beyond the one-year maximum period of validity set forth in 49 CFR 383.73(a)(2)(iii) and 383.25(c) without requiring the CLP holders to retake the general and endorsement knowledge tests; and

**WHEREAS**, the FMCSA waives until February 28, 2022, the requirement under 49 CFR 391.45 that CDL holders, CLP holders, and non-CDL drivers have a medical examination and certification, provided they have proof of a valid medical certification and any required medical variance issued for a period of 90 days or longer and expired on or after September 1, 2021; and

**WHEREAS**, the FMCSA waives until February 28, 2022, the requirement under 49 CFR 383.71(h)(3) that, in order to maintain the medical certification status of “certified,” CDL or CLP holders provide the state driver licensing agency (SDLA) with an original or copy of a subsequently issued medical examiner’s certificate and any required medical variance, provided they have proof of a valid medical certification or medical variance that expired on or after September 1, 2021; and

**WHEREAS**, the FMCSA waiver waives until February 28, 2022, the requirement under 49 CFR 383.73(o)(2) that the SDLA change the CDL or CLP holder’s medical certification status to “not certified” upon the expiration of the medical examiner’s certificate or medical variance, provided they have proof of a valid medical certification or medical variance that expired on or after September 1, 2021; and

**WHEREAS**, the FMCSA waiver waives until February 28, 2022, the requirements under 49 CFR 383.73(o)(4) that the SDLA initiate a CDL or CLP downgrade upon the expiration of the medical examiner’s certificate or medical variance, provided the CDL or CLP holders have proof of a valid medical certification or medical variance that expired on or after September 1, 2021; and

**WHEREAS**, pursuant to agency rule A.A.C § R17-5-202, ADOT incorporates by reference 49 CFR 383 390, 391, 392, 393, 395, 396, 397, and 399, which apply to all intrastate and interstate motor carriers operating in Arizona; and

**WHEREAS**, without further action, the supply chain disruptions will continue.

**NOW, THEREFORE**, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, including but not limited to A.R.S. §§ 26-303 and 26-307, do hereby order as follows:

1. Pursuant to the waiver issued by FMCSA, the Arizona Department of Transportation (ADOT) shall defer expiration of Commercial Learners’ Permits (CLP) that have an expiration date between December 1, 2021 and February 28, 2022 by six months from the expiration date printed on the original driver license card.
  - a. ADOT shall reflect the deferred expiration in the Department’s driver license database.

- b. All Arizona Peace Officer Standards and Training Board (AZPOST) certified law enforcement officers as well as State government agencies, county and municipal governments, and election officials shall accept CLPs with expiration dates between December 1, 2021 and February 28, 2022 as valid identification for any purposes for which unexpired CLPs driver license cards would otherwise be accepted, consistent with this order and Arizona state statutes.
  - c. This order does not confer legal residency in Arizona nor prohibit its revocation.
  - d. This order does not prohibit the suspension or revocation of CLPs for violation of Arizona state statutes for reasons other than those related to license renewal, nor extend expiration dates for driver licenses subject to A.R.S. § 13-3821.
  - e. An expiration deferral provided during the term of this order shall survive expiration of this Executive Order.
2. Pursuant to the waiver issued by FMCSA, ADOT shall defer requirements to submit a medical clearance card for the purposes of commercial driver license as outlined in the Waiver in Response to the COVID-19 National Emergency- For States, CDL Holders, CLP Holders, and Interstate Drivers Operating Commercial Motor Vehicles from December 1, 2021, through February 28, 2022.
  3. ADOT shall maintain the current open status of the rest areas at Parks and Christiansen through January 18, 2022 .
  4. This order shall terminate on March 1, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.



**GOVERNOR**

**DONE** at the Capitol in Phoenix on this ninth day of December in the year Two Thousand and Twenty One and of the Independence of the United States of America the Two Hundred and Forty-Sixth.

**ATTEST:**



**Secretary of State**

