

Medical Certification as Part of the Commercial Driver's License

U.S. Department of Transportation, 49 C.F.R. §383.71 & §383.73

Commercial Driver's License Applications Submitted on or after January 30, 2012

Any person applying for a CDL on or after January 30, 2012 must certify with the State's Driver's License Agency to one of the following four categories:

1. **Non-excepted interstate.** I certify that I operate or expect to operate in interstate commerce, and I am both subject to and meet the qualification requirements under 49 CFR part 391, and I am required to obtain a medical examiner's certificate by 49 CFR §391.45.
2. **Excepted interstate.** I certify that I operate or expect to operate in interstate commerce, but engage exclusively in transportation or operations excepted under 49 CFR §§390.3(f), 391.2, 391.68 or 398.3 from all or parts of the qualification requirements of 49 CFR part 391, and I am therefore not required to obtain a medical examiner's certificate by 49 CFR §391.45.
3. **Non-excepted intrastate.** I certify that I operate only in intrastate commerce and therefore I am subject to and meet the State's driver medical qualification requirements.
4. **Excepted intrastate.** I certify that I operate in intrastate commerce, but engage exclusively in transportation or operations excepted from all or parts of the State's driver medical qualification by K.S.A. 66-1,129.

Upon the effective date of the regulation, CDL holders certifying to category 1 (Non-excepted interstate), must also provide the original or a copy of the medical examiner's certificate to the State's Driver's License Agency prior to the issuance, renewal, upgrade or transfer of a CDL, or no later than January 30, 2014, whichever occurs first. Failure to do so will result in downgrading the holder's CDL to a Non-Commercial driver's license. When a driver is certifying to Non-excepted interstate requirements (category #1), downgrading the CDL to a Non-CDL status will occur automatically when the CDL holder's medical certificate expires.

CDL holders certifying to category 2, 3, or 4, must do so to the State's Driver's License Agency upon the issuance, renewal, upgrade or transfer of a CDL beginning on the effective date of this regulation or no later than January 30, 2014, whichever is first. Failure to do so will result in downgrading the holder's CDL to a Non-Commercial driver's license.

On the back of this page is a guide that will help drivers determine what self-certification category applies to him or her. The Driver's License Agency is not responsible for determining a driver's self certification classification---that is the sole responsibility of the driver.

- For a citation of these requirements, refer to Title 49, CFR Part 383.71 & 383.73
- Initial medical certification must be completed at a State Driver's License location. For a listing of all locations and times, or additional information regarding commercial driver's licenses, please refer to the agency's website at: <http://ksrevenue.org/vehicle.htm>

CDL Self-Certification Categories

This information is provided as a guide to help CDL holders determine how to medically self-certify when applying for a CDL on or after January 30, 2012 but prior to January 30, 2014, whichever is first. It is the driver's responsibility to determine how he or she will self-certify to the State's Driver's License Agency.

What is deemed **Interstate** transportation?

- Between a place in a State and place outside of such State including a place outside of the United States; or
- Between two places in a State through another State or a place outside of the United States; or
- Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

There are four CDL self-certification categories:

1. **Non-excepted interstate** - Engaged in interstate commerce and meet 49 CFR Part 391 requirements (must have medical certificate--- must provide the State's Driver's License Agency with an original or copy of the medical certificate);
 - a.) All Class A, B, or C drivers who do **not** fall under any of the other categories.
 - b.) All Class A, B, or C drivers granted a federal vision or diabetes exemption; or SPE-limb impairment (Skill Performance Evaluation).
2. **Excepted Interstate** - Engaged in interstate commerce and excepted from 49 CFR Part 391 requirements (does not need medical certificate to drive interstate);
 - a.) *School bus operations (as defined in 49 CFR 390.5). Certify category #2 if you drive for a school district or political subdivision of the state; or, if you drive for a private school bus company and are not operating interstate for school activities.
 - b.) Transportation performed by the Federal government, a State, or any political subdivision of a State. (School District
 - c.) Occasional transportation of personal property by individuals not for compensation or in the furtherance of a commercial enterprise.
 - d.) The transportation of human corpses or sick and injured persons.
 - e.) The operation of fire trucks and rescue vehicles while involved in emergency and related operations.
 - f.) A 9 to 15 passenger van, including the driver, weight less than 26,001 gross vehicle weight rating not for compensation.
 - g.) Apiarian industries (Beekeepers).
 - h.) Farm custom operations (Custom Harvesters).
 - i.) Farm vehicle drivers operating straight trucks in interstate commerce that meet the definition of a commercial motor vehicle (CMV) as defined in 49 CFR Part 390.5 within 150 miles of their farm are exempt from the medical certification requirements.
 - j.) Private motor carrier of passengers (nonbusiness). For example, organizations exempt from the Internal Revenue Code that provide transportation for their members.
 - k.) Emergency delivery of propane winter heating fuel and pipeline response.
 - l.) Drivers of migrant workers (must meet minimum standards only; 49 CFR 398.3).
3. **Non-excepted intrastate** - Engaged in intrastate commerce and subject to State requirements (must have medical certificate);
 - a.) Kansas drivers granted a State Waiver for seizure, physical, vision and insulin controlled diabetes for Class A, B, or C commercial driver's licenses; valid for intrastate only. Medical certificate and waiver certificate must be carried by driver.
 - b.) In-State drivers of vehicles over 26,000 pounds, placarded hazardous material; vehicles designed to transport 16 or more persons including the driver, and school vehicles designed to seat ten or more passengers.
4. **Excepted intrastate** - Motor carriers exempted by K.S.A. 66-1,129 while engaged in intrastate commerce and excepted from all State safety requirements (although excepted intrastate per K.S.A. 66-1,129, School Bus operators must meet the requirements of the KS School Transportation Regulations and K.A.R. 91-38-6(e)(1)).

Farmers operating CDL class motor vehicles interstate:

- Kansas has signed CDL Reciprocity Agreements with Missouri, Oklahoma and Nebraska, and is attempting to sign similar agreements with Colorado, Iowa, Arkansas and Texas.
- Farmers operating CDL class motor vehicles registered as a farm vehicle and used exclusively to transport agricultural products and/or farm supplies to or from the farmer's farm, from Kansas into Missouri, Oklahoma or Nebraska, but within 150 miles of the farmer's farm, are exempt from the CDL requirements, except the state of Nebraska requires drivers operating truck-tractor semi-trailer combinations to possess a class A CDL; this means:
- Kansas farm registered vehicles operating within 150 miles of the farmer's farm, and used exclusively to transport agricultural products and/or farm supplies to or from the farmer's farm ---can operate in Missouri, Oklahoma and Nebraska with the proper class of **non-commercial** license, except truck-tractor semi-trailer combinations operating in Nebraska.
- Drivers of such vehicles are responsible for checking for a reciprocity agreement PRIOR to operating into those states and are responsible for compliance with the regulations.

Kansas Reciprocity Agreements can be found at <http://www.ksrevenue.org/cdlreciprocity.htm>

*Medical Card required by K.A.R. 91-38-6(e)(1). Private school bus companies operating interstate for school activities require certification in category #1.