



## New Medical Certification Requirements A Guide for Commercial Driver's License (CDL) Holders

Federal Regulations along with the State of Texas Administrative Rules now require a commercial driver to certify to 1 of 4 different commercial motor vehicle categories (*intrastate* or *interstate*, and *excepted* or *non-excepted*).

Starting January 30, 2012, when you; apply or renew your CDL, apply for a higher class CDL, apply for an endorsement on a CDL, or transfer a CDL from another State, you are required to declare a specific type of commercial operation on your driver license application form. You may also hear the term "self-certify or self-certification" meaning you must officially state, based on the 4 categories available, which one best represents how you use your commercial vehicle.

The following questions will help you determine what category you fit into and whether you must present and maintain a medical certificate with the Department.

### ***Q. How do I determine the type of commercial motor vehicle (CMV) operation I should self-certify?***

**A.** For the purpose of complying with the new requirements for medical certification, it is important to know how you operate your CMV. First, you must decide if you operate *intrastate* or *interstate*. To help you understand the differences and decide, please check the following boxes that apply.

1. Do you operate your CMV (*interstate*):

- From one State to another State or a foreign country
- Between two places within a State, but during part of the trip, the CMV crosses into another State or foreign country
- Between two places within a State, but the cargo is part of a trip that began or will end in another State or foreign country

2. Do you operate your CMV (*intrastate*):

- Within the state of Texas only and you do not meet the descriptions under number one.

If you checked question **2 only**, then you operate in *intrastate* commerce. Intrastate commerce is the transportation of property (a commodity) where the point of origin and destination are totally within one state and no state line or international boundary is crossed. The Bill of Lading will be an indicator as to whether a shipment or commodity is interstate or intrastate. If there is no Bill of Lading, the origin and destination of the shipment will be an indicator.

If you checked the box in question 1 or both questions, then you must certify yourself as operating in *interstate* commerce. *Interstate* commerce means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States.

If you operate your CMV(s) under both *interstate* and *intrastate* commerce, you must select **Interstate**.

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Now that you have identified the specific commerce that you operate in, you must decide whether you operate (or expect to operate) in a **non-excepted** or **excepted** status.

3. Do you operate your CMV in **interstate** commerce and **only** in the following activities (be advised every box you check below will identify a specific restriction on your CDL and limit the type of commerce you may transport):

- Transport school children and/or school staff between home and school
- As Federal, State or local government employees
- Transport human corpses or sick or injured persons
- Fire truck or rescue vehicle drivers during emergencies and other related activities
- Primarily transport propane winter heating fuel when responding to an emergency condition requiring immediate response, such as damage to a propane gas system after a storm or flooding;
- In response to a pipeline emergency condition requiring immediate response, such as a pipeline leak or rupture;
- In custom harvesting on a farm or to transport farm machinery and supplies used in the custom harvesting operation to and from a farm, or to transport custom harvested crops to storage or market;
- Beekeeper in the seasonal transportation of bees;
- Controlled and operated by a farmer, but is not a combination vehicle (power unit and towed unit), and is used to transport agricultural products, farm machinery or farm supplies (no placardable hazardous materials) to and from a farm and within 150 air-miles of the farm;
- As a private motor carrier of passengers for non-business purposes
- To transport migrant workers.

If you checked one or more of the above activities, you operate in **excepted interstate** commerce and DO NOT need a Federal medical examiner's certificate. You will need to check category 2 on the Self-Certification Affidavit (CDL-7), and complete form CDL-10, mark boxes 1-8 that apply.

If you did not check any of the above activities, you operate in **non-excepted interstate** commerce and are required to provide a current medical examiner's certificate (49 CFR 391.45), commonly referred to as a medical certificate. You will need to check category 1 on the Self-Certification Affidavit (CDL-7), and complete form CDL-4.

If you operate in both **excepted** and **non-excepted interstate** commerce, then you must choose **non-excepted interstate** commerce. See paragraph above for form completion information.

4. Do you operate your CMV in **intrastate** commerce and one of the following applies:

- a.) Grandfathered (not transporting hazardous materials placard, was regularly employed operating a commercial motor vehicle and continuously held your CDL since August 28, 1989, and are not required to meet the medical standards in the Federal Motor Carrier Safety Regulations)
- b.) Intrastate driver who operates a vehicle used in oil or water well servicing or drilling
- c.) Intrastate driver operating a mobile crane
- d.) Concrete pumps

If you checked box (a) above, you operate in **excepted intrastate** commerce and DO NOT need a Federal medical examiner's certificate. You will need to check category 4 on the Self-Certification Affidavit (CDL-7), and complete form CDL-5 Part A.

If you checked box (b) or (c) above, you operate in **excepted intrastate** commerce and DO NOT need a Federal medical examiner's certificate. You will need to check category 4 on the Self-Certification Affidavit (CDL-7), and complete form CDL-10, boxes 10 and/or 11.

If you did not check any of the boxes, you are **non-excepted intrastate** commerce and are required to provide a current medical examiner's certificate (49 CFR 391.45), commonly referred to as a medical certificate or DOT card. You will need to check category 3 on the Self-Certification Affidavit (CDL-7), and complete form CDL-5 Part B.

If you operate in both **excepted** and **non-excepted intrastate** commerce, then you must choose **non-excepted intrastate** commerce. See paragraph above for form completion information.

**NOTE:** Restrictions will be applied to your license when choosing categories 2, 3 or 4. Also if your medical examiner's certificate is only valid with a vision, diabetes or a skills performance evaluation variance granted by the Federal Motor Carrier Safety Administration (FMCSA), be prepared to provide a copy of your variance documentation at the Driver License (DL) Office as well.

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The following are frequently asked questions that may help you understand what is required and when/where to submit the specified documents.

**Q. What if I am an existing CDL holder who does not have a license renewal, upgrade or transfer between January 30, 2012 and January 30, 2014?**

- A. You are responsible for determining your self-certification of operating status using the steps above and providing the Department with your completed form by January 30, 2014. If required, you must also provide your current medical examiner's certificate and any variance document by January 30, 2014.

**Q. *How can I submit the required documents to the Department?***

- A. If you are visiting your local DL Office, you may submit in person. You may also fax them to the Department at 512-424-2002, email them to [CDLMedCert@dps.texas.gov](mailto:CDLMedCert@dps.texas.gov) or mail them to CDL Help Desk, PO Box 4087, Austin, Texas 78773.

**Q. *After I provide the Department with my unexpired medical examiner's certificate, do I still have to carry an original or copy of my medical examiner's certificate?***

- A. Yes. Until the program is fully implemented on January 30, 2014, you will still have to carry an original or copy of the medical examiner's certificate and provide a copy to your employer for your driver qualification file.

**Q. *What should I do with the medical examiner's certificate beginning on January 30, 2014?***

- A. You will need to submit a copy of the certificate to the Department. You must carry the original as it is valid for 15 days. Once the certificate is recorded on your driver record, it becomes the valid version of your medical certification.

**Q. *What if I do not provide the DL office with my self-certification and my medical examiner's certificate with any required variance document, if required, by January 30, 2014?***

- A. The Department will notify you that you are no longer medically certified to operate a CMV in non-excepted Interstate/Intrastate commerce and will remove all your CDL privileges from your license. If you are downgraded in January 2014, you will receive a new Class C license in the mail. After that date, you must visit your local DL Office to receive a new license. Please note if your CDL is downgraded to a Class C you must retake all CDL written and driving test to reestablish your CDL.

**Q. *What should I do when my medical certificate and/or variance is about to expire?***

- A. You must take a new medical examination to obtain a new medical certificate and provide the new examiner's certificate to the nearest DL office. You are also responsible for applying to FMCSA for a renewal of your variance.

**Q. *What happens if my medical examiner's certificate or variance expires before I provide the Department with a new one?***

- A. The Department will notify you that you are no longer medically certified to operate a CMV in non-excepted Interstate/Intrastate commerce and will remove all of your CDL privileges from your license. You will be required to obtain your Class C license at your local Driver License Office. Please note if your CDL is downgraded to a Class C you must retake all CDL written and driving test to reestablish your CDL.

**Q. *How can I get back my CDL privileges?***

- A.** If the medical examiner's certificate has expired, you must obtain a new one and provide it to your nearest DL office to obtain your CDL. If the variance has expired, you must renew it with FMCSA. You will also be required to complete all written and driving examinations.