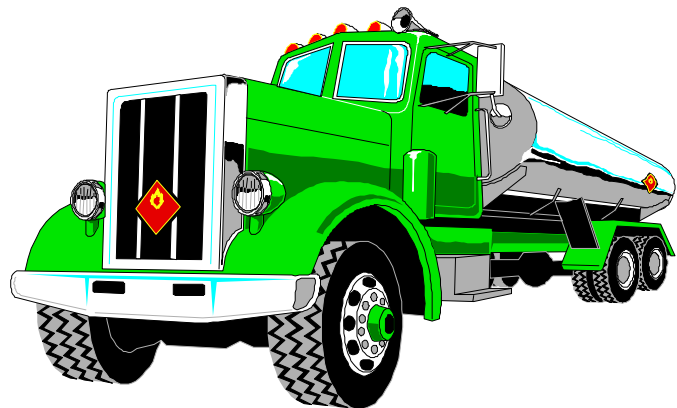
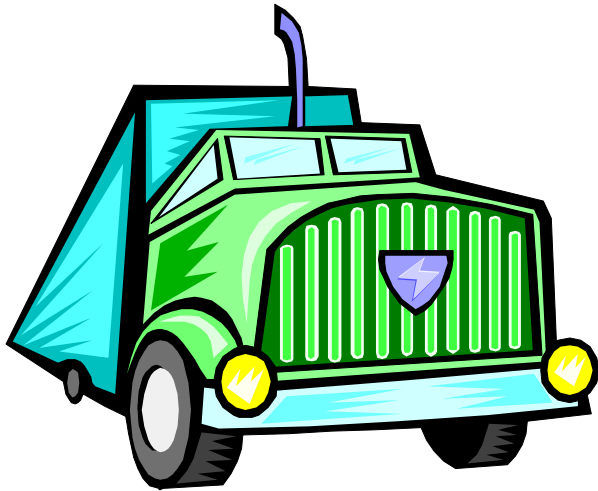




Guidelines for Actions Against the Commercial Driving Privilege



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PURPOSE

This document provides guidelines for medical eligibility criteria for commercial drivers and class A and B non-commercial licensed drivers.

AUTHORITY

Drivers of Class A, B, and C commercial vehicles must meet medical requirements established by the federal government and the department. The driver must file a medical report, renewable every two years, with the department and carry an approved valid medical certificate with their license.

Federal Standards

All commercial drivers who drive interstate must meet the standards of the Federal Highway Administration of the Department of Transportation as set forth in the Federal Motor Carrier Safety Regulations (FMCSR), Subpart E, §§391.41 through 49.

California Standards

Vehicle Code §12804.9 requires that the department determine whether the applicant is mentally and physically fit to operate a motor vehicle, and permits the department to consider the standards required by federal regulations in establishing California medical requirements for commercial driver licenses. It also provides that any physical defect of the applicant which, in the opinion of the department, is compensated for to ensure safe driving ability, will not prevent the issuance of the license. Vehicle Code §12809 authorizes the department to refuse to issue a commercial license to any person not meeting the medical requirements.

California Regulations

Title 13, Article 2.1, §§28.18 and 28.19, of the California Code of Regulations (CCR) provides the minimum physical and medical requirements for Class A, B, or Commercial Class C driver licenses. These are the same standards required of motor carrier drivers by the Federal Highway Administration of the Department of Transportation.

MEDICAL CERTIFICATES

The DL 51A, Medical Examination Card, or a medical certificate approved by the department, the Federal Highway Administration, or Federal Aviation Administration, signed by a health care professional, pursuant to §390.5 FMCSR, must be in possession of the driver, holding a valid commercial driver license, when operating any commercial motor vehicle. The Department of Motor Vehicles is authorized to issue the Medical Certificate (form DL 51B), pursuant to §28.19 CCR. Sample forms DL 51A and DL 51B are contained in Appendix A.

FEDERAL MEDICAL STANDARDS

The Federal Motor Carrier Safety Regulations establishes the criteria when a person is physically qualified to drive a commercial vehicle. (See §391.41 FMCSR). The following guidelines are provided as they apply to various medical conditions.

The first column in the table below, entitled “Conditions,” lists various physical systems and mental conditions for which all CDL applicants must be examined. The second column indicates the criteria which qualifies the applicant relevant to the condition listed. The third column provides considerations and criteria for exceptions for drivers who would otherwise be medically disqualified.

Condition	Driver is Qualified if:	Exceptions/Considerations
Loss of or Limited Use of Extremities	Loss or impairment of an extremity or any significant limb defect or limitation does not interfere with the ability to perform normal tasks associated with operating a motor vehicle.	<p>The driver may be granted a waiver pursuant to Title 49, §391.49 upon determination that the impairment will not interfere with the driver’s ability to control and safely operate a motor vehicle. Exceptions may be made and a restricted commercial license may be issued. The driver must take a drive test in the type of vehicle to be driven, unless previously tested and qualified.</p>
Insulin-Dependent Diabetes	He/she has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.	<p>The commercial driver generally is not in a position to balance dietary and rest needs. Injury, emotional stress, unrelated illness, diarrhea, vomiting, or infection may also affect control of the diabetic condition.</p> <p>Additionally, residual effects of the disease may include nerve and vascular damage causing pain or numbness in the extremities and/or vision deterioration. When evaluating the condition of any diabetic, residual effects of the disease should not be overlooked. Diabetics who are well controlled with diet or oral medication usually do not pose a problem for the issuing of a commercial license. However, they too may be subject to these residual effects.</p> <p>Thorough review of the entries for vision and extremities on the medical report and urinalysis is required. Indications from urinalysis of uncontrolled diabetes may disqualify an applicant from operating a commercial vehicle.</p> <p>For the above stated reasons, the circumstances in which an insulin dependent diabetic may be qualified for a restricted intrastate commercial license will be very rare.</p> <p>Under federal standards, a diabetic on</p>

		insulin therapy, regardless of the degree of control, does not qualify for interstate driving, unless they were issued a federal waiver or exemption .
Cardio-vascular System	He/she has no clinical diagnosis of any cardiovascular disease which is accompanied by syncope, dyspnea (shortness of breath), collapse, or congestive cardiac failure.	The concern is whether there is a current clinical diagnosis or history of an uncontrolled cardiovascular disease, which is accompanied by and likely to cause symptoms of fainting, labored breathing, collapse, congestive cardiac failure, or sudden death.
Respiratory System	He/she has no established medical history or clinical diagnosis of a respiratory condition that would interfere with the ability to control and drive a motor vehicle safely.	The concern is whether a respiratory condition may result in a lapse of consciousness, dizziness, fatigue, or decreased mental awareness which may interfere with the ability to safely operate a motor vehicle.
Blood Pressure	He/she has no clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a motor vehicle safely.	The complications that may arise from sustained hypertension such as damage to the heart, eyes, kidneys, and brain, are unacceptable for highway safety. Uncontrollable malignant (very dangerous) hypertension that is rapidly progressive is disqualifying.
Musculo-skeletal System	He/she has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease that interferes with his/her ability to control and operate a motor vehicle safely.	A driver with an established medical history or clinical diagnosis of any of these conditions and who cannot demonstrate compensation through a drive test does not qualify.
Seizure or Loss of Consciousness/Control	He/she has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.	Clinical diagnosis of epilepsy is a key determinant of whether a commercial license applicant is qualified. A clinical diagnosis of epilepsy usually will require a controlling anti-convulsant medication and the driver will not qualify for interstate driving. Blackouts of known cause, when the cause is no longer present nor likely to recur, may not be disqualifying, such as a lapse of consciousness due to pregnancy, high fever, allergic reaction to prescribed medication, or insect bite. The physician should withhold certification until the driver has fully recovered from the condition.

Condition	Driver is Qualified if:	Exceptions/Considerations
Mental or Functional Disorder	He/she has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a motor vehicle safely.	Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention, and judgment. Physical disorders often underlie these problems. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness, or paralysis that may lead to poor coordination, inattention, loss of control, and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments, and chronic "nagging" pain may be present to such a degree that certification for commercial driving is inadvisable. Medications taken to relieve these disorders, such as pain relievers, tranquilizers, and mood elevators, may produce side effects which would also preclude commercial licensing. Refer to the "Drugs" section in this matrix.
Vision	He/she has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field or vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber.	Interstate drivers must have 20/40 vision or better in each eye and in both eyes together, with or without corrective lenses. Color blind applicants may qualify for both interstate and intrastate commercial driving if the examining doctor determines they are able to distinguish the traffic light colors of red, green and amber, even if perceived in shades of gray. Restrictions (may not transport passengers or hazardous materials requiring placards, or limited to intrastate commercial driving only) are not applied if the doctor determines the driver meets the color vision standard.
Hearing	First perceived a forced whispered voice at not less than five feet in the better ear with or without the use of a hearing aid, or if tested by use of an audiometric device, does not have an average hearing loss greater than 40 decibels at 500 Hz, and 1,000 Hz, and 2,000 Hz in the better ear with or	Applicants who have a hearing loss in both ears which cannot be corrected to the federal requirements do not qualify for an interstate license, but may qualify for a restricted intrastate license (may not transport passengers or hazardous materials requiring placards), if a driving test shows adequate compensation for the

	without a hearing aid.	deficit. If the driver meets the criteria by using a hearing aid, the driver must wear the hearing aid and have it in operation at all times while driving, and have a spare power source for the hearing aid in possession.
Drugs	He/she does not use an amphetamine, narcotic, or any habit-forming drug.	The driver does not have to be addicted or an habitual user to be found unqualified. A person who takes a drug identified as a Schedule 1 drug in FMCSR Appendix D is disqualified from driving a commercial motor vehicle, except under limited circumstances.
Alcoholism	He/she has no current clinical diagnosis of alcoholism.	Current clinical diagnosis is designed to include a current alcoholic illness or those instances where the individual's physical condition has not fully stabilized, regardless of the time element. The person must have ceased drinking for a sufficient period of time to: <ul style="list-style-type: none"> • have regained good judgment; • have no withdrawal effects, such as alcohol withdrawal seizures; and • no longer be physically or mentally unable to operate a motor vehicle safely. Long term use of alcohol may lead to permanent deterioration of mental or physical function. If there is a history of past alcohol abuse, the overall physical condition of the driver should be carefully reviewed.

MEDICAL REPORTS

Medical examination reports must meet the requirements of §§391.41-49 FMCSR. The departmental form, DL 51, Medical Examination Report, includes a DL 51A, Medical Certificate, that is signed by an health care professional, when the driver meets the federal requirements. This medical examination report must remain on file with the department. (See Appendix B.)

Commercial Drivers

All commercial drivers must submit medical reports to the department on original applications and at least every two years thereafter. Usually, the report is on form DL 51, provided by the department. Medical forms issued by the Federal Highway Administration (FHA), and the Federal Aviation Administration (FAA), are also acceptable under the vehicle code. Medical reports other than the DL 51, FHA, and FAA forms are acceptable if they meet the requirement of §§391.41-49 FMCSR, including a certificate, signed by an health care professional, that the driver meets the federal requirements.

The medical examination report must be completed and signed by a health care professional who is licensed, certified or registered in accordance with applicable state laws and regulations to practice medicine and perform physical examinations in the United States. Health care professionals are doctors of medicine, doctors of osteopathy, physicians assistants, and advanced practice nurses, or doctors of chiropractic who are clinically competent to perform the examination. An optometrist (O.D.) may perform the vision portion of the exam.

Non-Commercial A and B Drivers

In some cases a physician's report is not required. Instead, upon application and every two years thereafter, drivers certify they meet the medical standards by completing a Health Questionnaire (DL 546). (See Appendix C.) This report is permitted for the following three groups of drivers:

FIREFIGHTERS

Firefighters who drive fire equipment requiring a Class A or B non-commercial license must meet commercial medical qualifications. The license is restricted to operating fire fighting equipment within California or another state during a response under a mutual aid pact, any class C vehicle, and any other vehicle for which the driver qualified by examination. If the driver has a physical or mental condition which would otherwise disqualify him/her from driving a commercial vehicle, the license may be issued with the following restriction:

No passengers when driving commercially or transporting material requiring placards/markings per Vehicle Code §27903.

HAZARDOUS AGRICULTURAL MATERIALS (HAM)

Persons hauling hazardous agricultural materials (HAM) must meet commercial medical qualifications pursuant to Vehicle Code §12804.2.

CLASS A RECREATIONAL VEHICLES

Persons with a Class A non-commercial license are restricted to towing recreational trailers or livestock trailers.

PURPOSE OF HIGHER MEDICAL STANDARDS

There are higher medical standards for commercial drivers, firefighters, and persons hauling hazardous agricultural materials, than for other drivers because the work environment is more

physically and mentally demanding and because of the increased risk to public safety. Driving conditions make it difficult for these drivers to adequately provide for any special medical, diet, exercise, or rest needs associated with a medical condition or physical impairment. Therefore, issuance of a commercial license is generally denied to drivers who do not meet the federal medical standards. However, in accordance with statute and court decisions, each case must be considered individually to determine if the driver compensates adequately for his/her medical condition or physical impairment, and which, if any, restrictions apply.

Skills Required to Drive Commercial Vehicles

Exacting perceptual and manipulative skills are needed to:

- turn the steering wheel,
- apply the throttle and brakes,
- shift the gears,
- consistently monitor visual and auditory signals,
- constantly pay attention to details, and
- perform other driving tasks associated with operating a commercial vehicle.

Other mental and physical demands are imposed on these drivers due to:

- driving conditions, such as road, traffic, and weather,
- vibration, noise and other stresses,
- paperwork,
- hours of operation,
- “living” away from home,
- poor layover facilities,
- boredom, and
- fatigue.

COMMERCIAL DRIVER LICENSE (CDL) MEDICAL REQUIREMENT EXCEPTIONS

Original Application

On original commercial license applications, the department may make exceptions to the medical requirements, in rare instances, when the driver is able to demonstrate a history of adequate compensation. The commercial drive test will determine if the driver adequately compensates for any loss or impairment of a limb, vision, or hearing. If a commercial driver license is issued, it will be restricted to driving intrastate only (within California), and without passengers or hazardous materials.

Some factors that are considered in determining if the medical condition would affect driving include, but are not limited to, the following:

- History and length of medical condition

- Scope of commercial driving
- Hours of operation
- Driving Record History
- Scope of employment
- Side effects of condition
- Geographic location
- Type of vehicle

Commercial License Renewal

If the driver has been driving safely with the disqualifying medical condition, the department may make exceptions from federal standards to allow the driver, when renewing a Class A or B license, to operate a commercial vehicle. However, the license must be restricted to driving intrastate only and without passengers or hazardous materials.

If the medical condition or physical impairment would affect coordination, strength, vision, hearing, or judgment, a drive test may be appropriate to determine the adequacy of compensation.

MEDICAL EXAMINATION REPORT REVIEW CRITERIA & OUTCOMES

The medical report is reviewed by the department for completeness, legibility, and compliance with the medical standards stated in §§391.41 through 391.49 FMCSR.

If the driver does not meet the medical standards or he/she does not adequately compensate for a loss or impairment, the driver may be scheduled for a reexamination or issued an Order of Refusal.

Medically Qualified With Conditions

When evidence proves the driver may not be medically qualified to drive a commercial motor vehicle, but the condition appears correctable, the driver will be contacted for further information, or a reexamination will be scheduled.

Medically Qualified With Restrictions

Applicants with conditions that are waivable under federal standards (vision, hearing, and loss or impairment of limb), or previously licensed CDL drivers with other conditions, may be eligible for a CDL with appropriate restrictions. If the applicant adequately demonstrates compensation, a CDL may be approved with the following restrictions:

No passengers when driving commercially or transporting material requiring placards/markings per Vehicle Code §27903, and

May not drive in interstate commerce.

Medically Disqualified For CDL Only

When evidence proves the driver is not qualified to drive a commercial motor vehicle, but does qualify for a Class C non-commercial driver license, the driver will be issued only a Class C license.

Medically Disqualified For Any Class License

When a medical report indicates the driver does not qualify to drive any motor vehicle safely, revocation of the entire driving privilege is required.

DRIVE TEST

A drive test to determine whether the driver compensates for a condition that is waivable under federal standards is conducted if the driver has not previously demonstrated compensation. If the driver compensates for the condition, the department will issue a restricted license.

EMPLOYER'S REPORT OF MEDICAL EXAM FAILURE

The driver's employer is required to report to the department when a person fails to qualify for a new medical certificate pursuant to Vehicle Code §14606(b). The Employer's Report of Medical Exam Failure (form DS 524), or the Health Questionnaire (form DL 546), may be used for this purpose; however, a letter from the employer stating that the driver does not qualify is acceptable. (See Appendix D.)

Review of Record

The Employer's Report of Medical Exam Failure, Health Questionnaire or letter is reviewed to determine if the driver's physical or mental condition may preclude safe operation of a commercial vehicle. The driving record is analyzed for potential problems that may be related to the physical or mental condition and manifested in driving behavior (violations, accidents, suspension, revocation).

If the review indicates further investigation is needed of the driver, a reexamination may be scheduled.

INTERSTATE WAIVERS AND EXEMPTIONS

Occasionally a driver will contact the department seeking a federal waiver or exemption. Such drivers may qualify for a federal waiver if they are employed driving in interstate commerce. The federal waiver and exemption program is designed to allow persons with specific conditions listed in §391.41 to qualify under the FMCSR. Restrictions may be included on individual waivers when the Regional Federal Highway Administrator determines they are necessary for public safety.

If the driver is found otherwise medically qualified, the examining physician must include the statement, "medically unqualified for interstate commerce unless accompanied by a waiver," on the medical certificate.

The driver should send the waiver request to:

U.S. Department of Transportation
Federal Highway Administration
980 9th Street, Suite 450
Sacramento, CA 95814-2724
(916) 498-5050

IMMEDIATE ACTIONS

If the evidence warrants revocation of the driving privilege because of an immediate driving hazard, a revocation pursuant to Vehicle Code Section 13953 will be taken without first reexamining the driver.

REEXAMINATIONS

A hearing officer may order a reexamination pursuant to Vehicle Code §13800, based on information such as medical reports, law enforcement or court referrals, Department of Health Services Confidential Morbidity Reports (CMR), or other contacts.

The following factors will be considered by the hearing officer in the reexamination:

- A detailed description of the medical condition or physical impairment and any related effects,
- How it affects safe driving, if at all,
- The medical regimen, if any,
- The prognosis of the medical condition or physical impairment,
- The scope of the driving,
- The driving record and how it relates to the medical condition or physical impairment, if at all,
- How compensation for the medical condition or physical impairment (or lack of compensation) was determined, and,
- Any restrictions and the reasons the restrictions were imposed.

The hearing officer will make a decision following the reexamination to take no action, or, if action is required, find that the driving privilege should be:

- Revoked
- Restricted to a Class C non-commercial driver license
- Restricted to intrastate driving only, with no passengers and no hazardous materials requiring placards
- Restricted to scope or geographical area of employment
- Placed on probation based on a physical or mental condition

HEARINGS

A commercial license hearing is scheduled at the driver's request after:

- the department has refused to issue a commercial license,
- the department has restricted an already issued Class A or B, or C commercial license to a Class C non-commercial license, or
- the department has revoked the driving privilege of a commercial applicant.

When the department has refused, restricted or revoked a commercial license, the hearing officer must determine if the action is supported by the evidence. If the action is not supported and should be modified, the hearing officer must determine which, if any, restrictions should be imposed.

Since commercial license hearings and reexaminations concern the driver’s failure to meet federal physical qualification standards, the hearing officer will be dealing with issues similar to those in other physical and mental hearings and reexaminations. However, the hearing officer must address additional issues specific to the commercial license.

In determining whether the driver qualifies for a commercial driver license, the hearing officer must consider the evidence received, which may include the following:

FACTORS	CONSIDERATIONS
Hours of Work	<ul style="list-style-type: none"> • Are the hours stable and regular? • Are they compatible with the health needs and medical regimen required by the driver’s medical condition or physical impairment? • If not, how has the driver dealt with unstable irregular hours in the past? How successfully?
Scope of Driving	<ul style="list-style-type: none"> • Road and traffic conditions? • Type of vehicle driven? • Levels of stress and physical exertion within reasonable limits, considering the driver’s limitations? • What are the most stressful conditions under which the driver must drive? • How does driving under these stressful conditions affect the driver?
Mileage	<ul style="list-style-type: none"> • How large an area does or will the driver need to cover? • Are area or destination restrictions appropriate?
Driving Record	<ul style="list-style-type: none"> • Does the driving record show any accidents? In a commercial vehicle? Related to the medical condition or physical impairment? • Does the driving record show any traffic law violations? In a commercial vehicle? Related to the medical condition or physical impairment?
Health Needs	<ul style="list-style-type: none"> • What is the medical regimen required of the driver? • How well has the driver been able to adhere to it while driving? • If already driving a commercial vehicle, how has the driver adjusted his driving or medical regimen? • Have the adjustments been approved by his/her physician? • Is strict adherence to the medical regimen compatible with the scope of employment.

	<ul style="list-style-type: none">• What is the prognosis of the medical condition or physical impairment?• Are there effects related to the medical condition or physical impairment which may affect driving?• Is there more than one medical condition or physical impairment?• What medication(s) does the driver use and what are their side effects?• How long has the driver been employed as a driver?• How long has the driver been driving a commercial vehicle with the medical problem or physical impairment?• When was the last episode, if any? Any episodes during working hours? Frequency of episodes?
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HEARING DECISION

The hearing officer will make a determination regarding whether the driver is competent to drive a particular commercial vehicle in particular circumstances. The hearing officer must consider the facts in each case on an individual basis balancing the driver’s needs with the requirements of public safety. Possible determinations include:

Probation

Probation may be appropriate in instances when a driver is currently qualified, but the hearing officer determines that regular medical reports are warranted. The scope of driving will be restricted, and the driver must remain under medical supervision.

Intrastate Exception

If the hearing officer restricts the driver to intrastate driving only, a scope of employment restriction tailored to the individual’s current use may be appropriate.

- EXAMPLES:*
- *May operate a Class A or B vehicle only within the scope of employment as a mechanic.*
 - *When operating Class B vehicles, driver is restricted to a three axle dump truck in the municipality of (location)*