



BARBARA J. FIALA
Commissioner

STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

"P" 15 (2012)

"M" 9 (2012)

Albany, New York

October 25, 2012

TO: All Law Enforcement Agencies and Magistrates

SUBJECT: Driver License Restriction Code Change for Foot-Operated Parking Brake Requirement

Effective September 5, 2012, the driver license restriction code "V" for foot-operated parking brake was replaced with the new code "V1".

DMV mailed a new photo license document to current licensed drivers who have the foot-operated parking brake restriction. The new document displays the V1 restriction code on the front. The back of the driver license still shows the explanation "FOOT OPERATED PARKING BRAKE". This is an uncommon restriction, so it is not seen often.

The front of the interim license document (form MV-1) will also display the restriction code "V1" for drivers who have the foot-operated parking brake restriction. The restriction list on the back of form MV-1 has been revised to reflect the change (see attached sample) but the new version of the form, dated (6/12), will not be in full circulation for a few more months. The notation "V" for foot-operated parking brake will remain in the list on some of the MV-1 forms until the old stock is used up. The new MV-1 forms will include the notation "V Medical Variance" in the list on the back of the form, in preparation for the implementation of new Federal Medical Requirements for CDL holders. You will not see the new V restriction in use on driver licenses until early 2013. More information will be provided at that time.

Please share this information with appropriate members of your staff. Thank you.

Barbara J. Fiala
Commissioner

Attachments

Excerpt of the proposed rule for Medical Variance Restriction "V" Code for CDL holders, adopted effective 9/05/12:
I.D. No. MTV-27-12-00017-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend Part 3 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a), 501(2)(c) and 508(4)

Subject: Medical Variance Restriction "V" Code for CDL Holders.

Purpose: To comply with regulations issued by the FMCSA regarding medical standards and qualifications for CDL holders.

Text of proposed rule: Pursuant to the authority contained in Sections 215(a), 501(2)(c) and 508(4) of the Vehicle and Traffic Law, the Commissioner of Motor Vehicles hereby amends the Regulations of the Commissioner of Motor Vehicles as follows:

Paragraph (3) of subdivision (c) of section 3.2 is amended to read as follow (text in brackets to be deleted, text in *italics* to be added):

(3) The following is a listing of restrictions and codes for each restriction:

CODE RESTRICTION

A ACCEL LEFT OF BRAKE

A3 SCHOOL BUS/MUNICIPAL VEHICLE

B CORRECTIVE LENSES

C MECHANICAL AID

D PROSTHETIC DEVICE

E AUTOMATIC TRANS

F HEARING AID OR FULL VIEW MIRROR

G DAYLIGHT DRIVING ONLY

H LIMITED TO EMPLOYMENT

I1 LIMITED USE MCY MAX 40 MPH

I2 LIMITED USE MCY MAX 30 MPH

I3 LIMITED USE MCY MAX 20 MPH

I4 THREE WHEEL MCY

J OTHER

K CDL INTRASTATE ONLY (DOES NOT PERMIT OPERATION OUTSIDE OF NYS IN INTERSTATE COMMERCE)

L NO AIR BRAKES

L1 NO AIR BRAKES CLASS A VEH

L2 NO AIR BRAKES CLASS B VEH

M PASS REST TO CLASS B VEH

N PASS REST TO CLASS C VEH

N1 NO VEHICLE WITH DESIGNED ADULT SEATING CAPACITY OF 15 OR MORE PASSENGERS

N2 NO VEHICLE WITH DESIGNED ADULT SEATING CAPACITY OF 8 OR MORE PASSENGERS

O TRK/TRLR COMBI ONLY

O1 TRUCK/TRL COMBI/TRUCK NOT OVER 26,000 CVWR

P POWER BRAKES

R BUILT UP SEAT/PED/SHOE

S HAZMAT/SCHOOL VEHICLE

T CMV TRACTOR ONLY

V [FOOT OPER PARKING BRAKE] *MEDICAL VARIANCE*

V1 FOOT OPER PARKING BRAKE

X FULL HAND CONTROL

Y SHOULDER HARNESS USE

3 TELESCOPIC LENS

5 NO LIMITED ACCESS ROADS

Consensus Rule Making Determination

The proposed amendment is necessary to comply with regulations issued by the Federal Motor Carrier Safety Administration (FMCSA) regarding standards and qualifications for Commercial Driver License (CDL) holders [49 CFR 383.95(g), 383.153(a)(10)(viii), 383.153(b)(2)(ix)(D)]. Under the federal regulations, CDL holders must meet minimum physical qualifications, and must submit to the Department of Motor Vehicles (DMV) a medical examiner's certificate confirming that the CDL holder meets such qualifications. In certain cases, the FMCSA will notify DMV that a medical variance, such as an exemption for insulin dependent diabetics, has been issued to a particular driver. In cases in which DMV receives notification from FMCSA that it has issued a medical variance to a CDL holder, DMV must indicate the existence of the variance on the Commercial Driver License Information System (CDLIS), which is a national database of all CDL holders and allows the states to track the records of such licensees. The variance is indicated by the letter "V" and is displayed in CDLIS and on the driver's DMV record and driver's license document. Currently, DMV's regulations provide that a "V" restriction code indicates the driver is restricted to a vehicle equipped with foot operated parking brakes. This amendment would change the definition of the "V" restriction to refer to the existence of a medical variance, and would add a new "V1" code to designate the parking brake restriction.

Changing Address?

If you change your residence, cross out the old address on the front of this document and write in your new address. You must notify DMV of your new address within 10 days, using DMV Form MV-232, which is available to download from the DMV web site at www.dmv.ny.gov.

Restrictions

- | | |
|------------------------------------|----------------------------|
| A ACCEL LEFT OF BRAKE | P POWER BRAKES |
| A1 TEMPORARY VISITOR | Q POWER STEERING |
| A3 MUNICIPAL/SCHOOL OPERATION ONLY | R BUILT-UP SEAT/PED/SOUE |
| A4 INTERLOCK DEVICE | U HAND OPERATED BRAKE |
| B CORRECTIVE LENSES | V MEDICAL VARIANCE |
| C MECHANICAL AID | V1 FOOT-OPER PARKING BRAKE |
| D PROSTHETIC DEVICE | X FULL HAND CONTROL |
| E AUTOMATIC TRANS | Y SHOULDER HARNESS USE |
| F HEARING AID OR FULL VIEW MIRROR | Z WHEEL SPINNER |
| G DAYLIGHT DRIVING ONLY | 4 TELESCOPIC LENS |
| H LIMITED TO EMPLOYMENT | 5 NO LIMTD ACCESS RDS |
| I LIMITED USE AUTO | |

Endorsements

- | | |
|--|-------------------------|
| I1 LIMTD USE MCY MAX 40 MPH | F FARM CLASS A VEHICLES |
| I2 LIMTD USE MCY MAX 30 MPH | G FARM CLASS B VEHICLES |
| I3 LIMTD USE MCY MAX 20 MPH | H HAZARDOUS MATERIALS |
| I4 THREE WHEEL MCY | M METAL COIL |
| K CDL INTRASTATE ONLY | N TANK VEHICLES |
| L NO AIR BRAKES | P PASSENGER |
| L1 NO AIR BRAKES CLASS A VEH | R RV OVER 26,000 LBS. |
| L2 NO AIR BRAKES CLASS B VEH | S SCHOOL BUS |
| M PASS REST TO CLASS B VEH | T DOUBLES/TRIPLES |
| N PASS REST TO CLASS C VEH | W TOW TRUCK |
| N1 ADULT SEATING CAP UNDER 15 | X TANK AND HAZMAT |
| N2 ADULT SEATING CAP UNDER 8 | Z HAZMAT/FARM VEH |
| O TRK/TRLR COMBI ONLY | |
| O1 TRUCK/TRLR COMBI/TRUCK NOT OVER 26,000 GVWR | |

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| B CORRECTIVE LENSES | R BUILT-UP SEAT/PED/SOUE |
| C MECHANICAL AID | U HAND OPERATED BRAKE |
| D PROSTHETIC DEVICE | V FOOT OPER PARKING BRAKE |
| E AUTOMATIC TRANS | X FULL HAND CONTROL |
| F HEARING AID OR FULL VIEW MIRROR | Y SHOULDER HARNESS USE |
| G DAYLIGHT DRIVING ONLY | Z WHEEL SPINNER |
| H LIMITED TO EMPLOYMENT | 4 TELESCOPIC LENS |
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Endorsements

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| M PASS REST TO CLASS B VEH | T DOUBLES/TRIPLES |
| N PASS REST TO CLASS C VEH | W TOW TRUCK |
| N1 ADULT SEATING CAP UNDER 15 | X TANK AND HAZMAT |
| N2 ADULT SEATING CAP UNDER 8 | Z HAZMAT/FARM VEH |

New version (6/12) of MV-1 PART 2, the interim license, which is being phased in. The Restriction list includes:

V MEDICAL VARIANCE
V1 FOOT-OPER PARKING BRAKE

Old version (11/11), being phased out.