



STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

BARBARA J. FIALA
Commissioner

"P" 16 (2013)

"M" 10 (2013)

Albany, New York

July 16, 2013

TO: All Law Enforcement Agencies and Magistrates

SUBJECT: Restriction changes for NYS CDL holders due to new Federal Medical Requirements

EFFECTIVE: July 18, 2013

A3 restriction: The description of the A3 restriction has changed from "Municipal or School Operation Only" to "Med Cert Exempt". CDL holders with an A3 restriction are no longer limited to "Municipal or School Operation" only, but can now operate in any federal or state excepted capacity (see attachment). These drivers are not required to hold a USDOT medical examiners certificate.

Documents produced on or after July 18th, 2013 will bear the "Med Cert Exempt" description. Documents produced prior to July 18th, 2013 will continue to list the "Municipal or School Operation Only" description, as drivers are not being required to amend their documents for the description change only. Please note that all drivers under the A3 restriction will be subject to the restriction's new limitations, regardless of what description is listed on their document.

K restriction: The K restriction no longer means that a driver is exempt from the federal medical requirements. CDL holders with a K restriction (CDL Intrastate only) on their license are limited to driving in New York State only and are required to possess a USDOT medical examiners certificate*. However, drivers issued a CDL with a K restriction prior to 9/9/99 because they could not meet the federal medical requirements must now obtain the A3 restriction (Med Cert Exempt) in addition to the K restriction (Intrastate only).

* You will continue to see CDL licenses with the K restriction that do not require a USDOT Medical Examiners Certificate as we phase all drivers into the medical certification program over the next few months. You may contact the CDL Medical Certification Unit at 518-473-3603 to verify whether or not a driver with a K restriction requires a USDOT medical examiners certificate if you are unsure.

V restriction: As part of the new federal medical requirements, any driver that requires a Vision, Diabetic, Seizure, or Hearing waiver exemption, or a Skills Performance Evaluation (SPE) (as specified on their USDOT medical examiners certificate) must have a new "V" (Medical Variance) restriction placed on their CDL license. Drivers must continue to carry their medical variance paperwork with them while operating a commercial motor vehicle.

Again, the restriction may or may not be present during the next few months while we phase all of our drivers into the program. Any questions should be directed to the CDL Medical Certification Unit.

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

Barbara J. Fiala
Commissioner

Attachment: Excepted Operation

Excepted Operation

- To transport school children and/or school staff between home and school;
- As Federal, State or local government employees;
- To transport human corpses or sick or injured persons;
- Fire truck or rescue vehicles during emergencies and other related activities;
- Primarily in the transportation of 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 a 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, must be age 21 or older;
- Drivers who obtained their NYS CDL **prior to 9/9/1999** are permitted to perform “non-excepted” commercial operation (except when transporting hazardous materials) in NYS only .