



Department of Public Safety
Driver Compliance Medical

OVERVIEW FOR CDL INTRASTATE WAIVERS

Past & Present standards for qualification

Mike Bailey Sr Medical Officer

Email: Michael.Bailey@dps.ok.gov

The standard of law:

○ The eligibility for qualification as determined by the “OAC” Oklahoma Administrative Codes:

○ **TITLE 595. CHAPTER 10. DRIVER LICENSES AND IDENTIFICATION CARDS**

○ **SUBCHAPTER 5. MEDICAL ASPECTS**

○ The standard of law provided for eligibility when there is a medical condition that typically precludes the issuance for CDL licensing

Interstate vs. Intrastate commerce:



What is the difference between interstate commerce and intrastate commerce?

If you perform trade, traffic, or transportation exclusively in your business's domicile state, this is considered intrastate commerce.

If your trade, traffic, or transportation is one of the following, this is considered interstate commerce. Source: [49 CFR 390.5](#).:
Between a place in a state and a place outside of such state (including a place outside of the United States)
Between two places in a state through another state or a place outside of the United States
Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States

Commercial Motor Vehicle registration:

- If the Commercial Motor Vehicle being operated is required to display the USDOT number the driver must be licensed to operate with an Interstate CDL License
- If the Commercial Motor Vehicle being operated is required to display an ICC, Interstate Commerce Commission number the driver must be licensed to operate with an Interstate CDL License
- The employer is responsible to verify the licensing status of the employed driver as well as the appropriate driver license classification for intrastate or interstate operation. The company is required to maintain the driver status on hand for presentation when the employee files are audited by the Federal Motor Carrier Office

Medical standard qualifications past:

- The standard of Applicability ***before*** July 2019 was as follows:

- **595:10-5-4. Applicability**

- (a) **General.** The medical aspects of driver licensing pertain only to:

- (1) Class D driver license applicants or licensees,

- (2) Persons operating as commercial drivers with the proper type of driver license prior to June 12, 1989, who have been continuously operating in that capacity since and wish to apply for an intrastate waiver, and

- (3) Operators of Class A, B, or C commercial vehicles who are exempt from meeting the medical requirements as prescribed in 49 CFR §390.3(f).

- (b) **Other Class A, B, or C commercial vehicle operators.** All Class A, B, or C commercial vehicle operators, other than those provided for in (a) of this Section, must meet the federal requirements set forth in 49 CFR §391 et seq.

- ***An applicant would not be considered for an Intrastate Waiver unless they were previously licensed as a commercial driver on or before June 1989 until present date***

Medical standard qualifications present:

○ The standard of Applicability **after** July 2019 is as follows:

○ **595:10-5-4. Applicability**

- (a) General. The medical aspects of driver licensing pertain only to:
 - (1) Class D driver license applicants or licensees,
 - (2) Persons operating as commercial drivers with the proper type of driver license prior to June 12, 1989, who have been continuously operating in that capacity since and wish to apply for an intrastate commercial driver license waiver, and ***with a medical deficiency that have been licensed with a valid commercial driver license for more than three (3) years and have been actively employed as a commercial motor vehicle operator for more than three (3) years may apply for an intrastate commercial driver license waiver. Both the commercial driver license and employment requirements shall be for the three (3) years immediately preceding the application for the intrastate commercial driver license waiver. The applicant's driving record (driving index history) for the previous three (3) years will be reviewed during the consideration of the application and the application will only be approved if the driving record:***
 - (A) ***Contains no driver license suspension, revocation, cancellation, denial or disqualification for the operation pertaining to any motor vehicle;***
 - (B) ***Contains no involvement in a motor vehicle accident in which the applicant contributed or received a citation for any moving traffic violation;***
 - (C) ***Contains no convictions for any disqualifying offense as defined in 47 O.S. §6-205.2, and***
 - (3) ***Operators of Class A, B, or C commercial vehicles who are exempt from meeting the medical requirements as prescribed in 49 CFR §390.3(f).***
- (b) ***Other Class A, B, or C commercial vehicle operators. All Class A, B, or C commercial vehicle operators, other than those provided for in (a) of this Section, must meet the federal requirements set forth in 49 CFR §391 et seq.***

Medical deficiencies applicable for waiver qualification:

- **595:10-5-7. Vision standards and problems**
- **(a) Acuity.**
- (1) A person may be considered for a Class D driver license if the visual acuity is:
 - (A) Twenty/sixty (20/60) or better in both eyes, with or without corrective lenses.
 - (B) Twenty/fifty (20/50) or better in one eye, with or without corrective lenses.
 - (C) Any person not meeting the requirements in (A) or (B) of this paragraph may apply for a restricted driver license with such restrictions as speed limit, locale, and time, if the visual acuity is no worse than twenty/one hundred (20/100), when each eye is measured independently with or without corrective lenses.
- **(2) A person may be considered for a Class A, B, or C intrastate commercial driver license if the visual acuity in one eye alone or with both eyes is twenty/forty (20/40) or better, with or without corrective lenses.**
- **(b) Field of vision.**
- (1) A person may be considered for a Class D driver license if the field of vision is at least seventy (70) degrees in the horizontal meridian when each eye is measured independently. Any person not meeting the requirement in this paragraph may apply for a restricted driver license with such restrictions as speed limit, locale, and time, if the field of vision is not narrower than sixty (60) degrees in the horizontal meridian in one eye when each eye is measured independently.
- (2) A person may be considered for a Class A, B, or C intrastate commercial driver license if the field of vision is at least seventy (70) degrees in the horizontal meridian in one eye when each eye is measured independently.
- **Visual Acuity: If the visual acuity is 20/40 or greater in one eye with a complete peripheral field of vision the applicant may be considered for an intrastate waiver so long as the applicant is qualified per 595:10-5-4**

Medical deficiencies applicable for waiver qualification:

- **595:10-5-5. Metabolic Diseases**

- (a) **Diabetes mellitus.**

- (1) (1) A person who has diabetes, about whom the Department has received a report from a law enforcement officer or from a licensed physician indicating the person is incapable of properly controlling a motor vehicle, must submit proof from his or her physician that the disease is under reasonable control without either hypoglycemic or hyperglycemic reactions severe enough to impair driving ability. Future periodic medical reports may be required.
- (2) A person having been diagnosed by his or her physician as having insulin-dependent diabetes shall be required to have driving restriction code number six (6), "Food, fruit, or candy within reach of driver," on the person's driver license.
- (3) A person who is a controlled insulin-dependent diabetic may obtain a Class A, B, or C intrastate commercial driver license provided the license bears driving restriction code number six (6), "Food, fruit, or candy within reach of driver".
- (4) The Department may adopt by reference and enforce all or any portion of the federal motor carrier safety regulations set forth under 49 C.F.R., Section 391.41, relating to medical conditions which preclude the safe operation of a commercial motor vehicle.
- (5) The provisions in this section may be subject to the limitations imposed by 49 C.F.R., Section 391.64, which grandfathers certain drivers allowing the operation of a school bus or commercial motor vehicle by insulin-controlled diabetic drivers provided that:
 - (A) *The driver is physically examined every year, including an examination by a board-certified/eligible endocrinologist attesting to the fact that the driver is:*
 - (i) *Otherwise qualified under Section 391.41;*
 - (ii) *Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one documented, symptomatic hypoglycemic reaction per month);*

- **Continued on next page**

Medical deficiencies applicable for waiver qualification:

- **595:10-5-5. Metabolic Diseases**

- (a) iii) *Able to and has demonstrated willingness to properly monitor and manage his/her diabetes; and*
- (iv) *Not likely to suffer any diminution in driving ability due to his/her diabetic condition. [49 C.F.R., § 391.64(a)(1)]*
- (B) *The driver agrees to and complies with the following conditions:*
- (i) *A source of rapidly absorbable glucose shall be carried at all times while driving;*
- (ii) *Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving or on duty prior to driving using a portable glucose monitoring device equipped with a computerized memory;*
- (iii) *Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department;*
- (iv) *Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and*
- (v) *Provide a copy of the annual medical certification to the Department and the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State or local enforcement official. [49 C.F.R., § 391.64(b)(2)]*

- **Insulin dependent diabetes: If a Board Certified Endocrinologist will document to the Department no insulin reactions and no record of severe hypoglycemia and is willing to properly self monitor blood glucose one hour prior to the operation of a CMV and once every four hours the applicant may be considered for an intrastate waiver so long as the applicant is qualified per 595:10-5-4**



THE DEPARTMENT OF PUBLIC SAFETY IS ULTIMATELY RESPONSIBLE FOR ISSUING A DRIVER LICENSE TO ANY PERSON APPLYING IF THE CRITERIA OF LAW IS MET. IF WE MAINTAIN THOSE STANDARDS OF LAW WE ARE COMPLIANT LEGALLY, ANY DEVIATION OF THE PROCESS WOULD BE OUTSIDE THE SCOPE OF THE LAW.

THANK YOU FOR YOUR TIME AND ALLOWING US THE OPPORTUNITY TO SHARE OUR THOUGHTS AND INSIGHTS WITH YOU TODAY.