



FEDERAL REQUIREMENTS FOR COMMERCIAL DRIVER LICENSE (CDL) APPLICANTS

FOR FIRST-TIME CDL APPLICANTS *(Current CDL Holders should refer to page 2, first)*

The information below will help you answer the question: "**Do you certify that you comply with federal requirements set forth in 49 CFR Part 391 and have a valid Medical Examiner's Certificate?**", found on page 2 of form MV-44, "Application for Driver License or Non-Driver ID Card", in the box labeled "Commercial Driver License Applicants Only", and also on the insert MV-2CDL "New Requirements For Commercial Drivers" mailed with renewal notices.

What is 49 CFR Part 391? It is Part 391 of the Federal Motor Carrier Safety Regulations, which sets minimum qualification standards for persons who drive commercial motor vehicles.

You can answer YES to this question, certifying that you do comply with the federal requirements set forth in 49 CFR Part 391, ONLY IF you have a valid Medical Examiner's Certificate and can answer "yes" to ALL FIVE of the questions below.

If you cannot answer YES to all five questions or you do not have a valid Medical Examiner's Certificate, then you must mark the box for "No", meaning you do not meet the federal requirements. If you answer "No", but indicate that your commercial driving will be limited strictly to municipal and/or school operations, you will be issued a CDL with an "A3" restriction that limits your commercial driving to those operations. School operation is the use of a school bus, as defined in Section 142 of the NYS Vehicle & Traffic Law, to transport only school children and/or personnel from home bus stop to school, school to home, and school to school for an "academic purpose." Municipal operation means the transportation provided by employees of a municipality in vehicles owned or controlled by a municipality, including school districts.

1. If you are applying for a Class A CDL, are you at least 21 years old?

OR

If you are applying for a Class B or Class C CDL, are you at least 18 years old?

Note: If you receive a Class B or Class C CDL, you can only drive commercially within New York State, until you are 21. However, you may not transport hazardous materials or drive a school bus. At age 21, these restrictions no longer apply.

2. Can you read and speak the English language well enough to:
 - converse with other people,
 - understand highway traffic signs and signals in the English language,
 - answer questions from officials, and make entries on reports and records?
3. Have you had a physical examination within the past 24 months that was conducted in accordance with Part 391, "Physical Qualifications and Examinations"?

*Note: To meet Part 391 requirements, your medical examiner should perform the physical examination according to USDOT's Medical Examination Report, which can be downloaded from the USDOT website at: <http://www.fmcsa.dot.gov/documents/safetyprograms/Medical-Report.pdf>. The physical examination conducted just for bus drivers who are subject to Article 19-A of the NYS Vehicle and Traffic Law does **not** meet the requirements of Part 391 of the Federal Motor Carrier Safety Regulations, unless the federal medical standards, procedures and forms were used, and you received a "Medical Examiner's Certificate."*

4. Were you issued a "Medical Examiner's Certificate" certifying that you are physically qualified to drive a commercial motor vehicle and is the certificate still valid (not expired)?

*Reminder: When completing the MV-44, "Application for Driver License and Non-Driver ID Card", and certifying that you have a current, valid Medical Examiner's Certificate, you **must** also present a photocopy of your certificate to prove you meet this standard.*

5. Do you affirm that you are not currently disqualified to drive a commercial motor vehicle due to a license/permit suspension, revocation, denial of privilege, or as the result of a conviction for a felony involving the use of a motor vehicle?



FEDERAL REQUIREMENTS FOR COMMERCIAL DRIVER LICENSE (CDL) APPLICANTS

FOR CURRENT CDL HOLDERS (First-time CDL applicants should refer to page 1)

Every time you renew your CDL, apply for a higher class CDL or change information on your CDL, you must answer the question: **"Do you certify that you comply with federal requirements set forth in 49 CFR Part 391 and have a Medical Examiner's Certificate?"** (the information on page 1 of this form will help you answer that question). The information below tells you what happens with your CDL if you answer "Yes" or "No". *What happens with your CDL depends on when you first received your NY CDL, whether or not you currently have a "K" restriction (intrastate commerce only), and if you drive commercially only for municipal or school operations. School operation is the use of a school bus, as defined in Section 142 of the NYS Vehicle & Traffic Law, to transport only school children and/or personnel from home bus stop to school, school to home, and school to school for an "academic purpose." Municipal operation means transportation provided by employees of a municipality in vehicles owned or controlled by a municipality, including school districts.*

YOU DO NOT MEET THE FEDERAL REQUIREMENTS, AND ANSWER "NO":

If your current CDL does not have a "K" restriction, you cannot be issued a CDL license or permit, unless you drive commercially only for municipal or school operations. If you will limit your commercial driving strictly to municipal or school operations, you may have a CDL with an "A3" restriction that limits your commercial driving to those operations.

If your current CDL has a "K" restriction and you first received your NY CDL before September 9, 1999, you may keep your CDL with the "K" restriction and continue to renew it.

Note: If, in the future, you certify that you meet the federal requirements, you will receive a CDL without the "K" restriction. After the "K" restriction is dropped, or if your CDL is revoked or you downgrade to a Non-CDL class, you will not be eligible for another CDL with "K" restriction: You will have to meet the federal requirements to get a new CDL. However, if you limit your commercial driving strictly to municipal or school operations, you may have a CDL with an "A3" restriction that limits your commercial driving to those operations.

If your current CDL has a "K" restriction and you first received your NY CDL on or after September 9 1999, you may keep your CDL with the "K" restriction until you renew. *However,* when you renew, you will not be permitted to have a CDL with a "K" restriction; you will have to meet the federal requirements to keep a CDL.

Note: If your CDL is revoked or you downgrade to a non-CDL class, you will not be eligible for another CDL with a "K" restriction; you will have to meet the federal requirements to get a new CDL. However, if you limit your commercial driving strictly to municipal or school operations, you may have a CDL with an "A3" restriction that limits your commercial driving to those operations.

YOU DO MEET THE FEDERAL REQUIREMENTS, AND ANSWER "YES":

If you currently have a CDL license without a "K" restriction, and you answer "Yes", you have met these requirements and may retain your CDL. **If you currently have a CDL license with a "K" restriction, and you answer "Yes",** you will receive a CDL license without the "K" restriction.

*Note: When completing the license application or renewal form, and certifying that you have a current, valid Medical Examiner's Certificate, you **must** also present a photocopy of your certificate to prove you meet this standard. After the "K" restriction is dropped, or after your CDL is revoked or you downgrade to a Non-CDL class, you will not be eligible for another CDL with "K" restriction: You will have to meet the federal requirements to get a new CDL. However, if you limit your commercial driving strictly to municipal or school operations, you may have a CDL with an "A3" restriction that limits your commercial driving to those operations.*

