

US Department of Transportation Waiver or Exemption Program for Medical Certification for CDL

The Office of Legal, Legislative and Communication Services within the Kentucky Department of Education has released the following information relative to CDL medical waivers for Kentucky public school bus drivers.

The issue of whether the federal waiver or exemption program for medical certification for a CDL and its applicability has been researched. 49 CFR 381.600 has led to this research since it stated that the federal waiver, exemption and pilot program pre-empted state law. The following clarifies that our school bus drivers are *not* included in that waiver/exemption program:

49 U.S.C.A. 13506

United States Code Annotated

Title 49, Transportation

Subtitle IV, Interstate Transportation

Part B. Motor Carriers, Water Carriers, Brokers and Freight Forwarders

Chapter 135. Jurisdiction

Subchapter 1. Motor Carrier Transportation

13506. Miscellaneous motor carrier transportation exemptions:

“(a) In general,—Neither the Secretary nor the Board has jurisdiction under this part over—(1) a motor vehicle transporting only school children and teachers to or from school...”

The “US DOT’s federal regulation 49CFR 372.103, and that regulation provide us with certainty that the exemption/waiver program for CDL applicants who are insulin diabetics or who have various medical conditions (e.g., seizures) *does not* apply to the licensure of individuals to drive school buses in Kentucky.”