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LEGAL DIVISION

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GUIDELINES FOR MEDICAL WAIVER PROCESSING

NOTE: ONLY WAIVERS THE COMMISSION ISSUES ARE INTRASTATE WAIVERS FOR VISION AND PHYSICAL DISABILITY INVOLVING MISSING OR IMPAIRED EXTREMITIES

If the application is for a limb impairment, the proper prosthetic device must be worn during the skills performance evaluation.

If the application is for a vision waiver the applicant must have distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

If you are applying for a vision waiver, in addition to a DOT physical, you must include an examination as described below:

You have been examined by an ophthalmologist or an optometrist in the last 3 months. The documentation required is a signed statement on letterhead by the ophthalmologist or optometrist which:

- a. Identifies and defines the nature of the vision deficiency, including how long you have had the deficiency;
- b. States the date of examination;
- c. Certifies that the visual deficiency is stable;
- d. Identifies the visual acuity of each eye, corrected and uncorrected;
- e. Identifies the field of vision of each eye, including central and peripheral fields, testing to at least 120° in the horizontal. (Formal perimetry is required. The doctor must submit the formal perimetry test for each eye and interpret the results in degrees of field of vision.);
- f. Identifies if you have the ability to recognize the colors of traffic control signals and devices showing red, green, and amber; and

- g. Certifies that in his/her medical opinion, you have sufficient vision to perform the driving tasks required to operate a **commercial** vehicle.

49 CFR § 391.41 provides that an individual shall not drive a commercial motor vehicle unless he is physically qualified to do so.

The Arkansas State Highway Commission has, by Rule 17.1, adopted all rules and regulations prescribed by the United States Department of Transportation, Federal Highway Administration, that are applicable to motor vehicles under the Federal Motor Carrier Safety regulations, as found in 49 CFR Parts 383 through 399, as the safety rules and regulations applicable to the interstate and intrastate operations of motor vehicles under the jurisdiction of the State Highway Commission. The Commission, however, for individuals who will be engaged strictly in **intrastate** operations of commercial motor vehicles has the authority to waive that requirement provided the applicant: (1) meets the required medical criteria for all other physical requirements; (2) has a documented satisfactory driving record; and (3) successfully completes a skills performance evaluation to be administered by an officer or officers of the Arkansas Highway Police Division of the Arkansas Department of Transportation.

1. In order to meet the criterion set out in (1) above, a statement signed and dated by a licensed physician that the applicant meets the criteria in the applicable parts of 49 CFR should be submitted. A copy of a physical examination form is attached for this purpose.

2. In order to meet the criterion set out in (2) above, an applicant should, as a minimum, submit a letter from his or her employer or previous employer indicating the number of years the applicant has operated a vehicle for that employer. Additionally, the applicant should provide a copy of his or her driving record, which can be obtained from the State Department of Finance and Administration, indicating any accidents in which the applicant may have been involved. If the applicant has been involved in any accidents, he or she might want to submit any reports prepared by law enforcement officials that may explain the cause or causes of such accidents were not the fault of the applicant, or at least were not as a result of visual problems. It is incumbent on the applicant to provide documentation to prove that he or she has a satisfactory driving record. A copy of the applicant's current CDL should also be submitted. Please attach a front and back copy of your DL.

3. Assuming the applicant is able to satisfy 1 and 2, above, he or she will be given a driving evaluation in the vehicle or a comparable vehicle which the applicant is seeking to be able to operate. The applicant must furnish that vehicle. One will not be furnished by the Highway Police. If the applicant has satisfied 1 and 2, above, the Highway Police will be notified and the applicant will be contacted by them in advance of that test so that the applicant can make the necessary arrangements.

You can submit application by email to Lakeysha.Walker@ardot.gov or by fax at 501.569.2164. If you have questions, you may reach Lakeysha at (501) 569-2355.

Sincerely,

Angela R. Dodson

Angela R. Dodson
Deputy Chief Counsel

AD/lnw

cc: Chief Legal Counsel
Chief, Arkansas Highway Police Division