

Order to Adopt

Title 13, Division 1, Chapter 1

Article 2.1. Commercial Driver Licenses

§ 28.19. Medical Certificates Required by Section 12804.9(a)(1), 12527(c)(3), ~~13369(c)(9), 13372(b)(9),~~ and 15275 of the Vehicle Code that May be Issued by the Department of Motor Vehicles.

(a) Unless otherwise specified, the medical examination form and medical certificate referenced in this section are those forms approved by the Federal Motor Carrier Safety Administration ~~Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation~~. If the medical examiner elects not to issue a medical certificate or the department determines that the applicant does not meet required physical qualifications for such a medical certificate, an applicant wishing to drive ambulances or Class A, B, or Commercial Class C vehicles for purposes other than engaging in interstate commerce, may submit a completed medical examination form to the department for consideration of obtaining a state approved medical certificate. Upon approval by the department, the department may issue a state approved medical certificate which qualifies the applicant to drive ambulances or Class A, B, or Commercial Class C vehicles for purposes other than engaging in interstate commerce if:

~~(a)~~(1) The department determines from review of the examination form and any additional medical information submitted, that the applicant meets the standards set forth under Federal Motor Carrier Safety Regulations 49 CFR 391.41, or

~~(b)~~(2) The applicant for a Class A or B license, or a Commercial Class C license, does not meet the standards set forth under Federal Motor Carrier Safety Regulations because of a physical condition wherein safe driving ability can be determined by driving examination and in the opinion of the department the defect is compensated for to insure safe driving ability. If such a state approved medical certificate is issued by the department, the applicant shall not be permitted to operate vehicles requiring a passenger vehicle endorsement or a hazardous materials endorsement pursuant to Section 15278 of the Vehicle Code. The department may authorize the applicant to continue to operate any of said vehicles if the applicant is renewing a California Class A, B, or a Commercial Class C license permitting the operation of such vehicles, or is applying for a medical certificate to keep valid such a license that has not yet expired, or

~~(c)~~(3) The applicant for a Class A or B license, or a Commercial Class C license, fails to meet the standards set forth under Federal Motor Carrier Regulations because of a condition or conditions other than those wherein safe driving ability can be determined by a driving examination, provided that the department determines upon evaluation of competent medical evidence that the condition or conditions do not affect the driver's ability to drive safely and may reasonably be expected not to affect the driver's ability to drive safely within two (2) years. If such a state approved medical certificate is issued by the department, the applicant shall not be permitted to operate vehicles requiring a passenger vehicle endorsement or a hazardous materials

endorsement pursuant to Section 15278 of the Vehicle Code. The department may authorize the applicant to continue to operate any of said vehicles if the applicant is renewing a California Class A, B, or a Commercial Class C license permitting the operation of such vehicles, or is applying for a medical certificate to keep valid such a license that has not yet expired, or

~~(d)~~(4) The applicant for an Ambulance Driver Certificate fails to meet the standards set forth under Federal Motor Carrier Regulations provided that the department determines upon evaluation of competent medical evidence that the condition or conditions do not affect his ability to drive safely and may reasonably be expected not to affect his ability to drive safely within two (2) years.

(b) An applicant applying to drive an ambulance or a Class A, B, or Commercial Class C vehicle for purposes other than engaging in interstate commerce, including an applicant who fails to meet the required physical qualifications under Federal Motor Carrier Safety regulations 49 CFR § 391.41(b), shall submit a Medical Examination Report, form MCSA 5875, as currently effective in the federal regulations, through the department's online portal for consideration of obtaining an interstate restricted license.

(1) If an intrastate restricted license is issued by the department, the applicant shall not be permitted to operate vehicles requiring a passenger vehicle endorsement or a hazardous materials endorsement pursuant to Section 15278 of the Vehicle Code.

(c) Upon the effective date of the applicable federal regulations, the Medical Examiner's Certificate, form MCSA 5876, as currently effective in the federal regulations, shall be submitted to the department through the Federal Motor Carrier Safety Administration electronic submission process.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 12804.9(a)(1), 12527(c)(3), 13369, 13372, 15210, 15275 and 15278, Vehicle Code.