

What is 49 CFR Part 383?

The U.S. Department of Transportation (USDOT) Federal Motor Carrier Safety Administration regulations set forth minimum qualification standards for persons who operate (or expect to operate) commercial motor vehicles, and establish requirements for state-issued commercial driver license documentation. 49 CFR refers to the Code of Federal Regulations, Title 49: Transportation; Part 383.71 is a section of the code that includes regulations requiring all commercial driver license (CDL) holders to provide information to the Department of Motor Vehicles (DMV) regarding the type of commercial motor vehicle operation they engage in. CDL holders must determine the type of commerce they operate in (or expect to operate in) and certify to DMV that they operate (or expect to operate) commercial motor vehicles in one of the following four driving types:

- **Non-excepted Interstate (NI)**
- **Excepted Interstate (EI)**
- **Non-excepted Intrastate (NA)**
- **Excepted Intrastate (EA)**

How does this affect CDL holders in New York State?

Prior to each new issuance, amendment, or renewal of your CDL or commercial learner permit, you will be required to certify to a single driving type. If you certify to either the NI or NA driving type, you are also required to have certified medical status. The federal government requires you to have a certain medical examination in order to detect physical or mental conditions that may affect your ability to operate a commercial motor vehicle safely. The examination requirements are found in 49 CFR Part 391.41 and 391.43 (www.ecfr.gov).

You must pass the USDOT medical examination and receive a USDOT Medical Examiner's Certificate to have certified medical status. When certifying to the NI or NA driving type, you must provide NYS DMV with a copy of your current, valid USDOT Medical Examiner's Certificate if it is not already on file. You must continue to provide DMV with an updated copy as necessary to keep the medical certification information in your DMV record current and unexpired. CDL holders who are required to have certified medical status and fail to provide a valid updated USDOT Medical Examiner's Certificate to DMV before the one on file expires will lose their certified medical status and may lose their commercial driving privileges.

BEFORE YOU CERTIFY TO A DRIVING TYPE it is important to know how you are operating (or expect to operate) a commercial motor vehicle (CMV). To help you decide, follow these steps:

First, determine if you operate (or expect to operate) a CMV in **Interstate** or **Intrastate** commerce.

Interstate commerce is when you drive a CMV:

- From one state to another state or a foreign country;
- Between two places within New York State but, during part of the trip, the CMV crosses into another state or foreign country; or
- Between two places within New York State, but the cargo is part of a trip that began or will end in another state or foreign country.

Intrastate commerce is when you drive a CMV only within New York State and you do not meet any of the descriptions above for interstate commerce.

After you determine that you operate (or expect to operate) in **Interstate** commerce or **Intrastate** commerce, you must determine which of the four driving types to choose. The information on page 2 of this form will help you do this.

NOTE: If you do not meet the eligibility requirements for any of the driving types you are no longer permitted to operate commercial motor vehicles and you must amend your license to a non-commercial license class at a motor vehicles office.

INTERSTATE

NOTE: If you operate/expect to operate in both **Non-excepted Interstate (NI)** and **Excepted Interstate (EI)**, you must certify to the **Non-excepted Interstate (NI)** driving type to qualify to operate in both types of interstate commerce.

CHOOSE NON-EXCEPTED INTERSTATE (NI) IF:

You are age 21 or older and you operate (or expect to operate) a commercial motor vehicle interstate (other than for excepted operation*).

If you certify to NI:

- You will be issued a CDL without an A3 (Med Cert Exempt) or K restriction (CDL Intrastate Only).

Drivers who certify to NI must have a certified medical status and MUST provide a current USDOT Medical Examiner's Certificate to DMV if it is not currently on file. Commercial motor vehicle operation is permitted across state lines.

Hazmat (H Endorsement) and Hazmat/Tank (X Endorsement) drivers must select either the NI or NA driving type. See the Hazardous Materials Manual (CDL-11) for additional information on licensing requirements for Hazmat drivers.

CHOOSE EXCEPTED INTERSTATE (EI) ONLY IF:

You are age 18 or older and you operate (or expect to operate) a commercial motor vehicle interstate in Excepted Operation* ONLY.

If you certify to EI:

- You will be issued a CDL with an A3 restriction (Med Cert Exempt) limiting your commercial driving to excepted operation* only.

Drivers who certify to EI are exempt from the certified medical status requirement and are NOT required to provide a USDOT Medical Examiner's Certificate to DMV. Commercial motor vehicle operation is permitted across state lines for excepted operation* only.

NOTE: If you obtained your NYS CDL prior to 9/9/1999 and do not operate or expect to operate in any other excepted operations, you cannot certify to EI. If you are choosing Excepted Operation, you must certify to EA.

INTRASTATE

CHOOSE NON-EXCEPTED INTRASTATE (NA) ONLY IF:

You are age 18 or older and operate (or expect to operate) a commercial motor vehicle in New York State ONLY (other than for excepted operation*).

If you certify to NA:

- You will be issued a CDL with a K restriction (CDL Intrastate Only). This will limit your commercial driving to New York State only.

Drivers who certify to NA must have a certified medical status and MUST provide a current USDOT Medical Examiner's Certificate to DMV if it is not already on file. Commercial motor vehicle operation is NOT permitted across state lines.

Hazmat (H Endorsement) and Hazmat/Tank (X Endorsement) drivers must select either the NI or NA driving type. See the Hazardous Materials Manual (CDL-11) for additional information on licensing requirements for Hazmat drivers.

CHOOSE EXCEPTED INTRASTATE (EA) IF:

You are age 18 or older and operate (or expect to operate) a commercial motor vehicle for Excepted Operation* ONLY and in New York State ONLY.

If you certify to EA:

- You will be issued a CDL with an A3 and a K restriction (Med Cert Exempt and CDL Intrastate Only) limiting your commercial vehicle operation to excepted operation* only and in New York State only.

Drivers who certify to EA are exempt from the certified medical status requirement and are NOT required to provide a USDOT Medical Examiner's Certificate to DMV. Commercial motor vehicle operation is NOT permitted across state lines.

***Excepted Operation** - Federal or State excepted operation as defined in Federal Motor Carrier Safety Regulations 49 CFR 390.3(f) & 391.2 and New York State Motor Carrier Safety Regulations NYCRR Part 820. Excepted Operations include, but are not limited to: Transportation of school children from home to school and from school to home (School Operation); Federal, State, or Local Government employees (Municipal Operation), and drivers who obtained NYS Commercial Driver License prior to 9/9/1999 who operate commercially within New York State ONLY (these drivers must certify to EA). For a full list of Federal and State excepted activities please visit www.FMCSA.dot.gov (Federal), and www.dot.ny.gov (State).