

**TITLE 37**

**PUBLIC SAFETY AND CORRECTIONS**

**PART 1**

**TEXAS DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 16**

**COMMERCIAL DRIVERS LICENSE**

**SUBCHAPTER A**

**LICENSING REQUIREMENTS, QUALIFICATIONS, RESTRICTIONS, AND ENDORSEMENTS**

**RULE §16.9**

**Qualifications To Drive in Intrastate Commerce**

(a) Persons who do not qualify to drive in interstate commerce may still qualify to drive in intrastate commerce. In such cases the commercial driver's license (CDL) will contain an "M" restriction which will indicate that the holder of the license is restricted to travel in intrastate commerce.

(b) Intrastate commerce is the transportation of persons or property (a commodity) within the State of Texas where both the point of origin and the destination point are within the state and where no state line or international boundary is crossed. The bill of lading will be an indicator as to whether a shipment or commodity is interstate or intrastate.

(c) A person applying for a CDL which authorizes operation of a commercial motor vehicle (CMV) in intrastate commerce must meet the same requirements as those for interstate driving, except for the following:

(1) The applicant must be at least 18 years of age and has held a driver license for a minimum of three (3) years.

(2) There is no English language requirement.

(3) An applicant may present the department's vision or limb waiver certificate in lieu of meeting the vision or physical requirements of Title 49, Code of Federal Regulations, Part 391.41. Waivers issued by the department may be renewed through the License Issuance Bureau of the department in Austin.

(4) A driver who operates a motor vehicle in intrastate commerce only, and does not transport property requiring a hazardous material placard, and was regularly employed operating a commercial motor vehicle in Texas prior to August 28, 1989, is not required to meet the federal physical and vision standards.

(5) A driver who operates a CMV in intrastate commerce only may obtain a vision or limb waiver from the department provided the following qualifications are met: (Only one waiver can be used to obtain a CDL)

**(A) Vision Waiver requirements:**

(i) the applicant has 20/40 (Snellen) or better distant visual acuity with corrective lenses in the better eye; or  
(ii) the applicant's vision is uncorrectable in one eye and the applicant does not wear corrective lenses, then uncorrected vision must be at least 20/25 (Snellen) in the better eye;

(iii) has the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber, and

(iv) a medical certificate required under Title 49, Code of Federal Regulations, Part 391.43.

(v) Applicants may be referred to a vision specialist in cases involving a failure on the vision examination:

(I) when the applicant protests the results of the vision examination; or

(II) when other conditions necessitate verification by a medical professional.

**(B) Limb Waiver requirements:**

(i) Medical certificate required under Title 49, Code of Federal Regulations, Part 391.43; and

(ii) Pass a comprehensive driving examination in the appropriate class vehicle (equipped with all necessary vehicle modifications) for the CDL the applicant is applying for.

(6) Applications for a Texas Intrastate Vision/Limb Waiver will include a review of the applicant's driving record for the three-year period immediately preceding the date of the application. An applicant may obtain a waiver from the department only if their driving record:

(A) contains no suspensions, revocations, disqualifications or cancellations of the driver license based on an alcohol, drug or driving related conviction or an administrative action resulting from the operation of any motor vehicle, including a personal vehicle;

(B) contains no involvement in an accident for which a citation was issued resulting in a conviction for a moving violation;

(C) contains no convictions for a disqualifying offense, as defined in Transportation Code, §522.081, or more

than one serious traffic conviction, as defined in Transportation Code, §522.003, during the three-year period, which disqualified or should have disqualified the applicant in accordance with the driver disqualification provisions of Transportation Code, §522.081; or

(D) contains no more than two convictions for moving violations in a CMV.

(7) If the driving record shows either convictions for moving violations or accident involvement but does not indicate the type of vehicle operated or the number of miles per hour above the posted speed limit, the department may request additional official documentation (e.g., a copy of the citation or accident report, or copies of court records) from the applicant.

(8) If the applicant is arrested, cited for, or convicted of any disqualifying offense or other moving violations during the period an application is pending, the applicant must immediately report such arrests, citations, or convictions to the Texas Department of Public Safety, Driver License Division/License Issuance Bureau, P.O. Box 4087, Austin, Texas 78773-0310. No waiver determination will be completed while any charge against the applicant, for what would be a disqualifying offense, is still pending. Convictions occurring during the processing of an application will be considered in the overall driving record. The applicant must also report any conviction that is not listed on the driving record because of processing delays. If a subsequent review of the applicant's driving record identifies incidents that should have been reported, any waiver issued may be subject to revocation.

(9) Applicants for a Texas Intrastate Vision or Limb Waiver must be able to meet all other physical requirements specified in 49 CFR, Part 391.41 without the benefit of any other waiver.

(10) Applicants for a CDL must present a valid vision or limb waiver certificate (Medical Examiner's Certificate, form LI-5 or LI-5A) which they obtain from the department's License Issuance Bureau in Austin. A vision waiver may be used to obtain a Hazardous Materials Endorsement; however, a limb waiver cannot be used to obtain this endorsement.

(11) All recipients of a Texas Intrastate Vision/Limb Waiver will be required to have a license with the appropriate "M" (CDL-Intrastate Commerce Only), "P" (valid Texas vision/limb waiver required) and any other restrictions as they apply. Waiver recipients will be notified in writing by means of the most recent address on file of the requirement to add the restrictions and will be given sixty days to comply. The waiver recipient's driver record will be alarmed until the appropriate restrictions have been added to their license. Failure to comply within the specified period may result in the revocation of any waiver and their disqualification as a commercial motor vehicle driver.

(12) Applications for the renewal of the Vision or Limb Waiver certificates will be granted provided the applicant's driving history continues to meet the requirements as detailed in paragraph (6) of this section and:

(A) the applicant for a vision waiver continues to meet the vision standards listed in subsection (c)(5)(A) of this section and all other requirements of Title 49, Code of Federal Regulations, Part 391.41; or

(B) the applicant for a limb waiver certificate continues to meet all other requirements of Title 49, Code of Federal Regulations, Part 391.41.

(13) Applicants denied a limb waiver may appeal the decision of the department by contacting the director or his designee, in writing, within 20 days after receiving notification of the denial. The request for an appeal must contain the name, address, and driver license number of the applicant, the reasons why the waiver should be granted, and include all pertinent documents which support the reasons why the waiver should be granted. The denial is stayed pending the review of the director or his designee. The decision of the director or his designee is final.

(14) Appeal procedures for vision waiver denials are found in 37 TAC §3.62 (relating to Regulations Governing Transportation Safety).

(15) Waiver certificates will be approved by the director or his designee and are valid for a period not to exceed two years after the date of the applicant's medical examiner's physical examination.

(16) If the vision or limb waiver application is denied and the applicant currently holds a commercial driver license, the commercial driver license privilege will be cancelled and a demand for the surrender of the commercial driver license will be made. Failure to surrender the CDL may result in charges being filed for failure to surrender on demand.

(17) If the holder of a Texas vision/limb waiver fails to renew the waiver, the driver will be notified in writing by the department of this requirement via the most recent address on file. Failure to comply within a 60 day period may result in the cancellation of their commercial driver license and the demand for the surrender of the CDL currently held.

(18) Prior to the renewal of their CDL those applicants who were previously issued a vision waiver with an indefinite expiration date must comply with this section in order to retain their CDL. Notice of this requirement will be sent to the mailing address on record. Failure to comply with this section will result in the denial of their renewal application and the cancellation of their CDL operating privilege.

(19) Applicants desiring to obtain a limb waiver for interstate operation must apply to the State Director, Federal Motor Carrier Safety Administration as described in §16.14, of this title (relating to Qualifications To Obtain Interstate Skills Performance Evaluation Certificate).

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**Source Note:** The provisions of this §16.9 adopted to be effective February 5, 2003, 28 TexReg 962