

MOTOR CARRIER SAFETY ACT OF 1963 (EXCERPT)
Act 181 of 1963

480.12k Waiver of physical disqualification.

Sec. 2k. (1) A person who is not physically qualified to drive under 49 C.F.R. 391.41 and who is otherwise qualified to drive a commercial motor vehicle may drive a commercial motor vehicle if the motor carrier division of the department of state police or the appeal board has granted a waiver to that person.

(2) An application for a waiver shall be submitted jointly by the person who seeks a waiver of his or her physical disqualification and by the motor carrier that will employ the person if the application is granted. The application shall be delivered to the headquarters of the motor carrier division of the department of state police.

(3) An application for a waiver shall contain all of the following:

(a) A description of all of the following:

(i) The type, size, and special equipment, if any, of the vehicles the individual applicant intends to drive.

(ii) The general area and type of roads the individual applicant intends to traverse while driving.

(iii) The maximum distances the individual applicant intends to drive.

(iv) The periods of time he or she will be on duty and driving.

(v) The nature of the commodities or cargo the individual applicant intends to transport.

(vi) The methods the applicant or any other person will use to load and secure the commodities or cargo.

(vii) The nature and extent of the individual applicant's experience at operating commercial motor vehicles of the type he or she intends to drive.

(b) An agreement that the motor carrier will promptly file with the motor carrier division of the department of state police such reports as the division may require, including reports about all of the following which involve the individual applicant:

(i) Driving activities.

(ii) Accidents.

(iii) Arrests.

(iv) License suspensions, revocations, or withdrawals.

(v) Convictions.

(c) An agreement that if a waiver is granted, it authorizes the individual applicant to drive intrastate only when employed by the motor carrier that joined in the individual's application.

(4) An application for a waiver shall be accompanied by all of the following:

(a) Not less than 2 reports of medical examinations, conducted within the preceding 60 days of the date of the application, pursuant to 49 C.F.R. 391.43, at least 1 of which was conducted by a medical examiner selected and compensated by the motor carrier, each of which includes the medical examiner's opinion concerning the individual applicant's ability to operate safely a vehicle of the type the applicant intends to drive.

(b) A copy of the certificate of driver's road test that was issued to the individual applicant pursuant to 49 C.F.R. 391.31.

(c) A copy of the individual applicant's application for employment made pursuant to 49 C.F.R. 391.21 or this act.

(5) An application for a waiver shall be signed by both the individual applicant and the motor carrier. If the motor carrier is a corporation, the application shall be signed by an officer of the corporation. If the motor carrier is a partnership, the application shall be signed by a general partner.

(6) The driver applicant or motor carrier applicant shall not falsify information in the letter of application or the renewal application.

(7) The motor carrier division of the department of state police may deny the application or may approve the application, in whole or in part, and issue a waiver subject to the terms, conditions, and limitations as it considers consistent with safety and the public interest. A waiver is valid for not more than 2 years, and a waiver may be renewed upon submission of a new application under this act.

(8) If the motor carrier division of the department of state police grants a waiver, it shall notify each applicant by a letter that sets forth the terms, conditions, and limitations of the waiver. The motor carrier shall retain the letter or a legible copy of it in the driver's qualification file as long as the individual applicant is employed by that motor carrier and for 3 years thereafter. The individual applicant shall have the letter or a legible copy of it in his or her possession when he or she drives a commercial motor vehicle or is otherwise on duty.

(9) The motor carrier division of the department of state police may suspend a waiver at any time. The motor carrier division may revoke a waiver after the person to whom it was issued is given notice of the

proposed revocation and a reasonable opportunity to be heard.

History: Add. 1990, Act 339, Eff. Apr. 2, 1991;—Am. 1995, Act 265, Imd. Eff. Jan. 8, 1996.