

# Minnesota Commercial Truck and Passenger Regulations Fact Sheet

## Hearing Waiver

The Commissioner of Transportation may grant a waiver to a person who is deaf or hard of hearing, and does not meet the physical qualifications established in the Federal Motor Carrier Safety Regulations, 49 CFR, Part 391.

**Note:** *Currently, a hearing waiver is not available to drivers who transport passengers or hazardous materials (HM).*

### Definitions

*“Deaf or hard of hearing”* is when the average loss of hearing is greater than 40 decibels in the better ear.

*“Intrastate transportation”* is the transportation that takes place entirely within Minnesota and does not involve interstate transportation.

### Application Requirements

A hearing waiver applicant must be medically qualified, as defined in 49 CFR 391.41, except for the hearing requirement, to operate a commercial motor vehicle (CMV).

A hearing waiver applicant must submit the following to Mn/DOT’s Office of Freight and Commercial Vehicle Operations:

- A completed USDOT prescribed physical examination form and medical examiner’s certificate with the statement “medically unqualified unless accompanied by a hearing waiver”;
- A completed Mn/DOT waiver application/checklist;
- A completed Mn/DOT physician’s examination/checklist form; and
- A photocopy of the front and back of the applicant’s current driver’s license.

### Medical Conditions

The state may not issue a waiver to a driver who:

- Suffered an onset of hearing loss or a dramatic change of hearing within the last 12 months;
- Experiences episodes of vertigo, dizziness, or balance problems; or
- Received a physician’s diagnosis as possibly having recurring episodes of vertigo, dizziness, or balance problems.

### Restrictions

The state will not issue a waiver to a driver who in the previous 3 years had:

- A driver’s license suspended, revoked, or canceled for the operation of any motor vehicle (including your personal vehicle);
- Any involvement in an accident while driving a CMV **and** received a citation for a moving violation when the accident resulted in: fatalities; injuries requiring immediate medical treatment away from the scene; or disabling damage to a vehicle requiring the vehicle to be towed from the scene;
- Any conviction for a disqualifying offense as described in 49 CFR 391.15(c)(2);
- More than one conviction for a serious moving violation while driving a CMV as defined in 49 CFR 383.5; or
- More than two convictions for any moving traffic violations while driving a CMV.

## Conditions for Drivers with Waivers

The driver must carry a valid medical examiner's certificate and waiver document at all times while operating a CMV.

## Reporting Requirements

Each driver must notify the Office of Freight and Commercial Vehicle Operations of:

- Any accidents in which they are involved within 15 calendar days of the incident;
- Any citations for moving violations within 15 calendar days of issuance; and
- The **disposition** of any citations within 15 days of notice of disposition.

## Vehicle Accommodations

Any CMV operated by a driver with a valid hearing waiver must have:

- A **visible** low air or low hydraulic fluid warning device (as applicable to the vehicle) to indicate brake failure; and
- Outside rear view mirrors on both sides of the vehicle.

## Questions & Answers

*Who needs a deaf/hard of hearing waiver?*

A person who cannot meet the hearing requirements of 49 CFR 391.41 and who operates a CMV in intrastate commerce needs a waiver.

*Can I operate in interstate commerce?*

No. This waiver is only for intrastate freight operations.

*Is there an expiration date for this waiver?*

A waiver expires on the same date the driver's medical examiner's certificate expires.

*Can the state revoke a waiver?*

Yes. The state will revoke the waiver if the driver has a suspended, revoked, or canceled driver's license, or if other medical problems arise. The state will also revoke the waiver if the applicant fails to comply with the reporting requirements of this waiver.

This Fact Sheet is intended as a resource. It is not intended to explain all the requirements of Minnesota or Federal law. The actual Statutes, Rules and Regulations (49 CFR) are recommended as a resource, and can be purchased at the Minnesota Bookstore (phone number 651/297-3000 or 1-800-657-3757). For additional assistance contact the US DOT at 651/291-6150 or Mn/DOT's Office of Freight and Commercial Vehicle Operations.



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