



July 25, 2024

Dockets Operations  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building, Ground Floor  
Washington, DC 20590-0001

**RE: Commercial Driver's License; 3 North LLC; Application for Exemption [Docket No. FMCSA-2024-0125]**

The American Association of Motor Vehicle Administrators (AAMVA) thanks the Federal Motor Carrier Safety Administration (FMCSA) for the opportunity to comment on the exemption request from 3 North LLC's application for a 5-year exemption to enable 3 of its commercial driver's license (CDL) holders under the age of 21, with the requisite "K" restriction for intrastate-only operations, to drive commercial motor vehicles (CMVs) in intrastate operations other than their state of domicile. While AAMVA is responsive to this exemption request, AAMVA's comments regarding the utilization of the K restriction beyond the jurisdiction of initial issuance are applicable to other situations and circumstances for continued consideration by FMCSA.

AAMVA supports 3 North LLC's dedication in facilitating the transition to green energy through wind turbine installation and understands the frustration associated with multi-state intrastate operations and the movement of specialized installation components. AAMVA's comments are more general in nature and directed at the necessity of preserving continuity of the driver record and consistent application and utilization of the K restriction.

The K restriction as used by each individual state, has numerous different meanings. The intrastate only operation designation (K) can be issued to individuals with federally disqualified medical conditions, individuals who take an abbreviated examination (both skills and road), underage driving scenarios and other instances that do not meet federal standards. This has historically proven a useful control over the driver record and restricts a driver within a single jurisdiction where certain conditions regarding the driver (such as minimum age requirements) are not met, but all other aspects of their licensure have been met in accordance with state statute. However, the application of the K restriction as limited to intrastate operations is specifically meant to ensure that the driver, who has not met federal regulatory obligations, is prevented from moving to another jurisdiction and exchanging a restricted driver's license for another restricted license. If the license transfer process does not include a reason for issuance, drivers may now be allowed to operate in environments for which they may not be qualified.

AAMVA, from the perspective of the states, struggles with the concept of the utility of a K restriction that is not restricted to single, intrastate operation restriction. Should FMCSA grant an exception to a purposeful restriction, AAMVA has concerns that multiple other entities subject to intrastate restrictions will look to utilize the K restriction exemptions between jurisdictions to facilitate and introduce non-proven, and not subject to federal regulation, drivers into what amounts to interstate commerce. There is great incentive to find work around to federal regulations. Subjecting the K restriction and individual state law to interstate jurisdictional interpretation blurs the line between state authority as predominant in a single jurisdiction and instead places it subject to interstate commerce requirements – negating the purposefulness of adherence to federal regulation. AAMVA defers to FMCSA on all aspects of federal regulatory interpretation but cautions against relaxing intrastate controls on the license and driver record for purposes of multi-state operations.

Additionally, the temptation to fit any driver that may not meet all federal regulatory obligations into a K restriction as a solution is a dangerous precedent. To date, FMCSA has advised that application of the K restriction means that the individual cannot operate outside the authority of the issuing jurisdiction. This is sound for many reasons, first being that any additional states may not have insight into the rationale for the application of the K restriction. Has the applicant not satisfied testing requirements, do they have special and limiting circumstances, is it due to a prior but now expired age restriction, or conditions requiring redress? Jurisdictions outside that of initial CDL issuance may note that the restriction was previously applied, but if they are requested to honor exemptions from the K restriction, future interacting driver's license agencies will not be aware of the conditions under which the restriction was applied and will not have any recourse in applying any federal regulatory requirements on that driver once exempted – including any related to testing, age, etc.

AAMVA again notes to 3 North LLC that its comments are more globally applied to ensuring continuity in application of the federal regulations between jurisdictions. Our concerns about the K restriction becoming a blanket exemption request and applied liberally between jurisdictions would severely limit the ability of any state to ensure that its applicants are meeting applicable requirements to each specific circumstance and does not confuse the very intentional differentiation between interstate operations, under which the federal government has been squarely placed with obligatory authority, and intrastate operations which should remain exclusively within a single jurisdiction until all federal interstate commerce obligations have been satisfied.

AAMVA thanks FMCSA for the opportunity to comment and looks forward to continued discussion on how to accommodate specialized drivers in interstate commerce.

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