

**ISSUE NUMBER**

22-028-DRV

**ISSUE NAME**

CDL Restriction K - Intrastate Only

**STATUS**

Closed

Driver-Traffic Enforcement Committee

**NAME**

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**EMAIL**[tstaffen@michels.us](mailto:tstaffen@michels.us)**SUMMARY OF ISSUE**

CDL K—CDL intrastate only

If a driver is under 21 years old and has a valid WI CDL with a 'K-Restriction' and a Valid Med Card, are they legally allowed to drive intrastate only outside of their home state?

For example:

A utility worker drives from their residence located in Wisconsin with their personal vehicle to a jobsite in Minnesota. They operate a CDL vehicle within Minnesota (intrastate only) for their workday. They then return home to Wisconsin with their personal vehicle.

The utility worker meets the FMCSA and WI definition of 'intrastate commerce' and has a valid medical card. Using this example scenario, is the driver operating legally?

Based on reciprocity agreements and the FMCSA definition of Intrastate Commerce, our interpretation of the K-restriction is that the utility worker is legally allowed to operate a vehicle within the state of Minnesota using their valid Wisconsin CDL and medical card.

Reciprocity Agreement Example:

An Illinois resident/driver who operates a CMV with a GVWR of greater than 16,000 lbs. but less than 26,001 lbs. is required to have a Class C license (and med card). Whereas a WI resident/driver could operate the same vehicle in Illinois with only a Regular Class D license (and med card) in inter or intra state commerce.

**JUSTIFICATION OR NEED**

The K-Restriction has become a 'gray area' and needs to be uniform across all states to prevent further misinterpretations of the restriction. Some states allow an out-of-state CDL holder to drive intrastate within their state, while others do not. While operating under our current interpretation of the K-restriction, Michels Corporation has received both clean inspections and been cited and placed out-of-service for having no valid CDL. It is extremely difficult to provide guidance to drivers when the policy itself is unclear and conflicting.

**REQUEST FOR ACTION**

Please release guidance and a uniform policy regarding the 'K-Restriction' to all states.

Thank you for your time,  
Ted Staffen (retired WI State Patrol)  
Tyler Konecny (former WI State Patrol)  
Michels Corporation

#### **ACTION TAKEN BY COMMITTEE**

Example was given of a power lineman drives personal vehicle to MN and stays in hotel. Class A or B CDL under 21. Feds say okay but state may have different regulation. Driver had valid MEC. Cited in MN for violation, court dismissed. AAMVA indicated that when a state issues a CDL to resident with K restriction, the state certifies the driver is valid only in that state, and they cannot operate in any other state.

Intent of K restriction was to allow to operate in that state. Several discussions indicated that this is not being enforced consistently. We have to use caution with dictating what states do. States have right for intrastate commerce.

The state has jurisdiction over these matters and every state regulates differently. Definition for intrastate says you work in one state. Custom harvesters filed a petition on this issue. FMCSA denied the petition.

Federal register states the K restriction is not valid outside state of issuance. State authority does not apply in other states. The issue was closed with the guidance being that the "K" restriction is intended to allow a driver to operate only in the issuing state.