

# Conditions of Variance for CDL Driver to Haul Hazardous Materials

## Conditions of Variance

In accordance with Va. Code §§ 10.1-1402 (11), 10.1 - 1405, and 10.1 - 1450, a variance has been granted from the Regulations Governing the Transportation of Hazardous Materials with regard to the physical qualifications of commercial motor vehicle drivers. The variance is contingent on strict adherence to the following conditions:

- ▶ The driver must maintain a valid Virginia commercial driver's license and a driving record with no convictions for motor vehicle accidents or moving violations while operating a motor vehicle transporting hazardous materials.
- ▶ The driver must comply with all other portions of the regulations not directly related to operating a hazardous materials vehicle with disqualifying disability.
- ▶ The driver must have an annual physical examination as required by Title 49 of the Code of Federal Regulations, Part 391.43 and submit a Customer Medical Report (MED 2) and CDL Disability Waiver or Hazardous Materials Variance Application (MED 30) to DMV.
- ▶ The driver must have in his possession a commercial driver's license with codes for the hazardous materials endorsement, the variance requirement, and the restriction to driving in Virginia only.
- ▶ The driver and/or the employer indicated on the most recent application must immediately notify DMV when the employment terminates.

## Period of Validity

The variance becomes effective on the date of approval and remains in effect for one year. It may be renewed sixty days prior to the expiration date upon proper application and approval.

The variance is terminated when the driver:

- ▶ Is no longer employed by the company indicated on the most recent variance application,
- ▶ Does not comply with the conditions of the variance.

The variance applies only to the transportation of hazardous materials within Virginia and is non-transferable.

