



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

February 3, 2026

The Honorable Derek D. Barrs
Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
6th Floor, West Building
Washington, DC 20590-9898

RE: Guidance Requested Regarding Enforcement of the “K” Restriction for Commercial Motor Vehicle Drivers

Dear Administrator Barrs,

The Commercial Vehicle Safety Alliance (CVSA) requests that the Federal Motor Carrier Safety Administration (FMCSA) provide enforcement guidance regarding the definition of “interstate commerce” within the context of the intrastate license (K) restriction requirements, which limit a commercial motor vehicle driver to intrastate-only operations. Specifically, CVSA is seeking official guidance from FMCSA on how to interpret and apply the restriction, so enforcement can be conducted consistently.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial, and federal commercial motor vehicle safety officials, and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

Justification

CVSA has questions regarding application and enforcement of the regulation that restricts a commercial motor vehicle driver to intrastate-only operations, commonly referred to as the “K” restriction. Inspectors and industry members have noted that the application of the restriction is inconsistent due to different interpretations of the regulations. To address this, CVSA is requesting FMCSA provide official guidance regarding how this restriction should be interpreted and applied.

Currently, Title 49 Code of Federal Regulations (CFR) § 383.5 does not specifically define “interstate commerce” or “intrastate commerce;” however, it does define “commerce” as:

- (1) Any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; or
- (2) Trade, traffic, and transportation in the United States that affects any trade, traffic, and transportation described in paragraph (1) of this definition.

Additionally, § 390.5(T) defines “intrastate commerce” as:

Any trade, traffic or transportation in a State which is not described in the term “interstate commerce.”

Meanwhile, “interstate commerce” is defined as:

Trade, traffic, or transportation in the United States—

- (1) Between a place in a State and a place outside of such State (including a place outside of the United States);
- (2) Between two places in a State through another State or a place outside of the United States; or
- (3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Finally, Interpretation Question #6 under § 390.3 details how one should distinguish between intrastate and interstate commerce:

How does one distinguish between intra- and interstate commerce for the purposes of applicability of the FMCSRs?

Guidance: Interstate commerce is determined by the essential character of the movement, manifested by the shipper’s fixed and persistent intent at the time of shipment, and is ascertained from all of the facts and circumstances surrounding the transportation. When the intent of the transportation being performed is interstate in nature, even when the route is within the boundaries of a single State, the driver and CMV are subject to the FMCSRs.

Based on these definitions and guidance, CVSA is seeking guidance from FMCSA on how roadside enforcement should apply the requirements in § 383.95 and § 383.153 when encountering a driver with a “K” restriction. Specifically, CVSA is requesting guidance from the agency on how to apply the requirements in the following scenarios:

Scenario 1

A driver with a “K” restriction is completing an intrastate portion of an interstate trip. The driver has no intention of leaving the state of domicile (state of license issuance) but will transfer the cargo to another driver to complete the interstate movement.

Currently, some roadside inspectors consider the driver in this scenario as being in their state of domicile at the time of inspection with no intention of leaving the state and therefore not in violation of the intrastate restriction. However, others consider the driver in violation of the “K” restriction because, while they are operating intrastate, the load itself meets the § 390.5 definition of interstate commerce.

Guidance Requested: In this scenario, is the driver considered in violation of the intrastate-only limitation associated with a “K” restriction?

Scenario 2

A driver with a “K” restriction conducts an interstate trip and is stopped for inspection on the return portion of their trip after arriving back in their state of domicile (state of license issuance).

Currently, some roadside inspectors consider the driver in this scenario as being in their state of domicile (state of license issuance) at the time of inspection and therefore not in violation of the intrastate restriction. Others consider the driver in violation of the “K” restriction because supporting documentation validates that the driver was operating in commerce outside of their state of domicile (state of license issuance), or the driver admits such behavior to the inspector/officer.

Guidance Requested: In this scenario, is the driver considered in violation of the intrastate-only limitation associated with a “K” restriction, even though they are stopped for inspection while in their home state (state of license issuance)?

Scenario 3

A driver with a “K” restriction issued by state A gets a job in neighboring state B, driving solely in an intrastate capacity in state B while retaining their state of domicile as state A.

Currently, some roadside inspectors do not consider the driver in violation of the “K” restriction because the driver is only operating in one state. However, others consider the driver in violation of the “K” restriction because they are operating in commerce outside of their state of domicile (state of license issuance).

Guidance Requested: In this scenario, does the “K” restriction limit the driver to operating in state A only, or is the driver permitted to operate in intrastate commerce in another state, as long as they remain exclusively in that state?

Historically, FMCSA has indicated that the intrastate restriction is intended to limit drivers to operations within their state of domicile (state of license issuance); not necessarily to prohibit them from operating the intrastate leg of an interstate trip. However, the definitions in Part 383 for “commerce” and in Part 390 for “interstate commerce” conflict with this interpretation. In addition, CVSA recently received verbal guidance from FMCSA officials that any leg of an interstate trip constitutes “interstate commerce” and therefore a driver with a “K” restriction is not permitted to operate on any leg of the trip. To ensure consistent, accurate application of the intrastate restrictions found in § 383.153, CVSA is requesting that FMCSA provide written guidance in response to the scenarios presented above.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge, and we need the involvement of all affected parties to help us better understand these issues and put practical solutions into place. We appreciate the agency’s commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,



Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance