Skill Performance Evaluation

## Guidance Q&A

***Question 1:*** Since 49 CFR 391.49 does not mandate a Skill Performance Evaluation, does the term “performance standard” mean that the State must give a driving test or other Skill Performance Evaluation to the driver for every waiver issued or does this term mean that, depending upon the medical condition, the State may give some other type of performance test? For example, in the case of a vision waiver, would a vision examination suffice as a performance standard?

***Guidance:*** Under the variances allowed in 49 CFR part 350, each State that creates a waiver program for intrastate drivers is responsible for determining what constitutes “sound medical judgment,” as well as determining the performance standard. In the example used above, a vision examination would suffice as a performance standard. It is the responsibility of each State establishing a waiver program to determine what constitutes an appropriate performance standard.