

FMCSA - ETA: The Motor Carrier Safety Planner

1 Introduction

Following Federal safety regulations is not just the law, it is vital for the well-being of your drivers, your business, and your reputation. The Federal Motor Carrier Safety Administration (FMCSA) created this easy-to-understand regulation digest to help you to zero in on the regulations most relevant to your business, helping you ensure safe operations every day, on every trip.

To reduce crashes, injuries, and fatalities involving large trucks and buses, FMCSA uses two programs to monitor motor carrier compliance with the federal safety regulations. To learn more about each program, see the “How FMCSA Monitors Motor Carrier Safety” section of this planner, and visit the [New Entrant Program](#) and [Compliance, Safety Accountability \(CSA\)](#) program websites.

Don't get caught off guard by audits and inspections. Use this guide to take charge of your business and proactively make our Nation's highways safer for all drivers.

Still have questions? Call 1-877-254-5365 or find contact information for your local FMCSA Field Office.

Have an idea to improve this guide? Let us know.

Disclaimer

This publication is distributed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA). It is meant to serve as a guide only and the Agency does not assume responsibility for any omissions, errors, or ambiguity contained herein. The contents may not be relied upon as a substitute for the Agency's published regulations.

1.1 Who is FMCSA?

Part of the U.S. Department of Transportation, the Federal Motor Carrier Safety Administration ([FMCSA](#)) develops and enforces safety regulations to reduce crashes, injuries, and fatalities involving large trucks and buses. FMCSA implements its safety programs in partnership with Federal, State, and industry organizations.

1.2 What are Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Materials Regulations (HMRs) and Where are They Published?

The Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Material Regulations (HMRs) set forth minimum safety standards for motor carriers and drivers. They are published in [Title 49 of the U.S. Code of Federal Regulations \(CFR\)](#) and organized into Sections and Parts, designated by a numbered entry. You will see references to the CFR throughout this document so that you can easily locate the original code in the online CFR. Citations appear as follows: 49 CFR 390 or 49 CFR 390.15, where:

Title: 49

Part: 390

Section: 15

Title 49 governs transportation.

1.3 Who Must Comply with the FMCSRs and HMRs?

Applicability of the regulations depends on a number of factors including the **types of vehicles you operate**, whether you **transport passengers or hazardous materials**, and if you **operate for-hire (for compensation)**.

Motor carriers are responsible for ensuring that their drivers know and comply with the FMCSRs and HMRs listed in [Title 49 of the U.S. Code of Federal Regulations](#). If a driver fails to comply, it will affect the carrier's safety record. The table below can help you determine which regulations may apply to you, but specific exceptions and exemptions are detailed within each “Part” of the Federal code.

Type of Vehicle	Applicable Regulations
I operate a self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle: <ol style="list-style-type: none">Has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR), or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; orIs designed or used to transport more than 8 passengers (including the driver) for compensation; orIs designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or	<ul style="list-style-type: none">Part 380: Special Training RequirementsPart 385: Safety Fitness ProceduresPart 386: Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials ProceedingsPart 387: Minimum Levels of Financial Responsibility

Type of Vehicle	Applicable Regulations
<p>4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C (49 CFR Parts 171-177).</p>	<ul style="list-style-type: none"> • Part 390: General FMCSRs • Part 391: Qualification of Drivers and Instructors • Part 392: Driving of Commercial Motor Vehicles • Part 393: Parts and Accessories Necessary for Safe Operation • Part 395: Hours of Service of Drivers • Part 396: Inspection, Repair, and Maintenance
<p>I operate a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a:</p> <ol style="list-style-type: none"> 1. Combination Vehicle (Group A)—having a GCWR or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a GVWR or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or 2. Heavy Straight Vehicle (Group B)—having a GVWR or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or 3. Small Vehicle (Group C) that does not meet Group A or B requirements but that either— <ol style="list-style-type: none"> 1. Is designed to transport 16 or more passengers, including the driver; or 2. Is of any size and is used to transport hazardous materials as defined in 49 CFR 383. 	<p>Interstate operations: All of the above regulations, plus:</p> <ul style="list-style-type: none"> • Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing • Part 382: Controlled Substances and Alcohol Use and Testing • Part 383: Commercial Driver's License (CDL) Standards: Requirements and Penalties <p>Intrastate ONLY operations may be subject to:</p> <ul style="list-style-type: none"> • Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing • Part 382: Controlled Substances and Alcohol Use and Testing • Part 383: Commercial Driver's License (CDL) Standards: Requirements and Penalties • Part 385: Safety Fitness Procedures • Part 386: Rules of Practice for Motor Carrier, Intermodal Equipment Provide, Broker, Freight Forwarder, and Hazardous Materials Proceedings
<p>I operate a vehicle of <u>any size</u> that is used to transport hazardous materials (identified under the Hazardous Materials Transportation Act), and which requires the vehicle to be placarded in accordance with 49 CFR 177.823.</p>	<p>All of the above regulations, plus:</p> <ul style="list-style-type: none"> • Parts 171-180 Hazardous Materials Regulations • Part 397: Transportation of Hazardous Materials; Driving and Parking Rules

1.4 Who Monitors Motor Carrier Safety?

The Federal Motor Carrier Safety Administration (FMCSA) monitors motor carrier compliance with safety regulations to reduce crashes, injuries, and fatalities involving large trucks and buses, but it does not do this important work alone. FMCSA partners with industry, safety advocates, and State and local governments to keep our Nation's roadways safe through regulation, education, enforcement, research, and technology.

Below is a list of the organizations that monitor commercial motor vehicle (CMV) safety compliance.

1.4.1 U.S. Department of Transportation

- Oversees all aspects of transportation including highways, railroads, pipelines, maritime, and air.
- Creates regulations to keep the traveling public safe and increase their mobility.
- U.S. DOT modal administrations are responsible for compliance and enforcement.

1.4.2 Federal Motor Carrier Safety Administration (FMCSA)

- U.S. DOT administration with emphasis on preventing commercial motor vehicle (CMV) crashes, injuries, and fatalities by enforcing safety regulations.
- Partners with Federal, State, and local enforcement agencies, the motor carrier industry, and labor and safety interest groups.
- Focus areas:
 - **Commercial Driver's Licenses**: standards to test and license CMV drivers.
 - **Data and Analysis**: collection and publication of safety-related data.
 - **Regulatory Compliance and Enforcement**: programs to improve safety performance and remove high-risk carriers from operating.
 - **Research and Technology**: studies on improving CMV safety.
 - **Safety Assistance**: funding to State agencies to train local enforcement personnel to conduct roadside inspections and other CMV safety initiatives.

FMCSA Programs and Tools for Motor Carriers

Program Name	Description of Tools
Unified Registration System (URS)	Online registration system to help carriers register and obtain authority to operate in compliance with Federal regulations.
Compliance, Safety, Accountability (CSA)	Comprehensive safety compliance and enforcement program that enables FMCSA and State Partners to monitor carrier safety, and intervene with carriers to address problems. Carriers are monitored under CSA throughout the life of their business.
New Entrant Safety Assurance Program	Program to educate new motor carriers that operate in interstate commerce, and evaluate their safety fitness during their first 18 months on the road.
Safety Measurement System (SMS)	Online system that quantifies motor carrier safety data collected from roadside inspections, investigations, and crash reports. Serves as a central location for law enforcement to access carrier safety data.
DataQs	Online system that enables carriers to submit and track a Request for Data Review if they suspect Federal or State data issued by FMCSA is incomplete or incorrect.
Pre-employment Screening Program (PSP)	Provides carriers with electronic access to a commercial driver's five-year crash and three-year inspection history for employee screening and evaluation.

1.4.3 State Agencies (State Partners)

While FMCSA is primarily responsible for developing Federal safety regulations, it partners with State and local governments (e.g., State DOTs) and law enforcement (e.g., police/highway patrol) to conduct roadside inspections, Safety Audits, interventions, and other types of carrier monitoring. Funded through several critical grants that FMCSA distributes, State Partners employ approximately 7,000 certified roadside inspectors throughout the United States that work with FMCSA to conduct approximately 3.5 million roadside inspections and 8,000 investigations per year.

- Only law enforcement officials that have been trained and certified will conduct inspections or audits that are used in FMCSA data systems, but any enforcement official may access FMCSA's Safety Measurement System (SMS) to view a carrier's safety record.
- States may also have their own intrastate motor carrier regulations and registration fees, and are responsible for issuing Commercial Driver's Licenses (CDLs).
- Motor carriers are required to comply with both State and Federal regulations that are applicable.

2 Registration Requirements

This chapter outlines procedures motor carriers must use to:

- Register and update information biennially
- Obtain operating authority registration

Carriers domiciled in Mexico should review the [Mexico-Domiciled Motor Carriers](#) chapter of this planner for additional registration, monitoring, and

intervention procedures. All carriers, regardless of domicile, are required to comply with applicable FMCSRs and HMRs while operating on U.S. roads.

2.1 Getting Started as a Motor Carrier

Before commencing interstate operations, motor carriers are required to register with FMCSA. Generally, new motor carriers must comply with the following requirements:

- [Identify and comply with FMCSA registration requirements based on their type of operation:](#)
 - U.S. DOT Number.
 - Hazardous Materials Safety Permit.
 - Operating authority registration.
- [Complete the FMCSA registration process, by filing the MCSA-1, MCS-150 or OP-1 series form.](#)
- [Determine State notification and registration requirements.](#)
- Complete the [New Entrant Safety Assurance Program](#) (first 18 months).
- Maintain/update [U.S. DOT Number and operating authority information](#).
- Operate in compliance with all applicable FMCSRs and HMRs.

2.2 Registering—Obtaining a U.S. DOT Number (390.200T, 390.19T, 385.301T, 392.9a)

Companies may find they are subject to both registration requirements (Registration [49 USC 31134](#); U.S. DOT Number [\[49 CFR 390\]](#) and operating authority [\[49 CFR 365\]](#)) or either one separately. Motor carriers can find out which registration requirements are applicable to their operation and register on [FMCSA's Registration web page](#).

Everyone that registers with FMCSA is required to understand and comply with all applicable Federal safety regulations [before registering](#).

Who Can Access Carrier Registration Information?

Once carriers register, the registration becomes public information, and third-party organizations may contact them to offer services or solicit business. [Learn how to protect yourself from potentially fraudulent calls, e-mails, faxes, or other correspondence.](#)

2.3 Obtaining Operating Authority (365)

In general, companies that do the following are required to have interstate operating authority, in addition to a U.S. DOT Number [\[49 U.S.C. 13902, 13903 or 13904 and 49 CFR 365\]](#):

- Transport passengers in interstate commerce (for a fee or other compensation, whether direct or indirect).
- Transport federally-regulated commodities owned by others or arrange for their transport, (for a fee or other compensation, in interstate commerce). This includes brokers or freight forwarders of general commodities or household goods.

FMCSA operating authority is often identified as an "MC," "FF," or "MX" number, depending on the type of authority that is granted. Unlike the U.S. DOT Number application process, a company may need to obtain multiple operating authorities to support its planned business operations. Operating authority dictates the type of operation a company may run and the cargo it may carry, as well as the level of insurance/financial responsibilities a company must maintain. Motor carriers providing transportation without the required operating authority may be ordered out-of-service and subject to penalties.

Visit [FMCSA's Operating Authority web page](#) to begin the application process.

Operating authority requirements for carriers based in the United States and Canada are different than those for carriers based in Mexico. See the [Mexican-Domiciled Motor Carriers](#) chapter for additional information. Additionally, operating authority requirements are different for U.S.-based carriers that are owned or controlled by a Mexican citizen or resident alien. More information can be found on the [FMCSA Types of Operating Authority web page](#).

2.4 Updating Registration Information Biennially

FMCSA requires all entities under its jurisdiction to update their information every two years, or more often if your business information has changed. You are required to provide this update every two years.

Failure to complete a biennial update will result in deactivation of your U.S. DOT Number and may result in civil penalties of up to \$1,000 per day, not to exceed \$10,000 as periodically adjusted for inflation.

FMCSA strongly encourages carriers to use the [electronic update process](#), as it has built-in edit checks for accuracy.

Filing schedule: Each motor carrier or intermodal equipment provider must file the biennial update at the following times:

1. Before it begins operations; and
2. Every 24 months according to the schedule in the table provided.

The deadline for filing your biennial update is determined by the digits of your U.S. DOT Number.

- If the next-to-last digit of your U.S. DOT Number is odd, you shall file your update in every odd-numbered calendar year. If the next-to-last digit of your USDOT Number is even, you shall file your update in every even-numbered calendar year.
- The last digit in your U.S. DOT Number determines the month your biennial update is due; see schedule in the table provided.

Example: If your U.S. DOT Number is 123456, you would file your update by the last day of June every odd-numbered calendar year (2019, 2021, 2023, etc.).

Updating your information is free. For information on how to update, go to the [Update Registration web page](#).

U.S. DOT Number ending in:	Must file by last day of:
1	January
2	February
3	March
4	April
5	May
6	June
7	July
8	August
9	September
0	October

3 How FMCSA Monitors Motor Carrier Safety

This chapter explains FMCSA's New Entrant Safety Assurance and Compliance, Safety, Accountability (CSA) programs, and outlines the policies and procedures FMCSA uses to:

- Identify motor carriers that pose a safety hazard.
- Intervene with these motor carriers so that they can correct safety problems.
- Assign motor carrier safety ratings under the procedures in [49 CFR 385](#).
- Prohibit motor carriers that receive an "Unsatisfactory" safety rating from operating a CMV.

3.1 New Entrant Safety Assurance Program (385.307)

After a motor carrier satisfies all applicable pre-operational requirements, including establishing safety management controls, and registering with FMCSA, it is considered a new entrant subject to the new entrant safety monitoring procedures for a period of 18 months. During this 18-month period FMCSA will:

- **Closely monitor the new entrant's safety performance through inspections** to ensure that the new entrant has basic safety management controls that are operating effectively.
- **Conduct a Safety Audit of the new entrant** once the carrier has been in operation for enough time to have sufficient records to allow FMCSA to evaluate the adequacy of its safety management controls.

Carriers that fail to demonstrate basic safety management controls may have their new entrant registration revoked. **New entrants are also monitored through the [CSA program](#) and are subject to all CSA interventions during the 18-month new entrant period.**

3.1.1 Safety Audits (385.309, 385.311)

A Safety Audit is a review of a carrier's records designed to verify that a carrier has basic safety management controls in place to ensure compliance with applicable FMCSRs and HMRs. The Safety Audit will be conducted, usually within the first 12 months of operation, by an

FMCSA- or State-certified auditor at the carrier's place of business, an agreed upon location, or electronically, by submitting relevant documents [online](#) or via fax.

The areas a Safety Auditor may review include, but are not limited to: (See the [Safety Audit Evaluation Criteria in Appendix A to Part 385](#)).

- [Driver Qualifications and Fitness](#)
- [Driver Duty Status](#)
- [Vehicle Maintenance](#)
- [Accident Register](#)
- [Controlled Substances and Alcohol Use and Testing Requirements](#)
- [Hazardous Materials](#)

What Happens When a Carrier Passes or Fails a Safety Audit? (385.319)

Upon completion of the Safety Audit, the auditor will review the findings with the carrier. New entrant motor carriers will be notified in writing if they have passed or failed no later than 45 days after completion of the Safety Audit.

Result	What Happens to the Carrier
Pass	The carrier's safety performance will continue to be closely monitored for the remainder of the 18-month new entrant period under FMCSA's New Entrant Safety Assurance Program . If no subsequent safety performance problems are found, the carrier will be granted permanent registration and continue to be monitored under CSA.
Fail	FMCSA will provide the carrier written notice that its U.S. DOT new entrant registration will be revoked and its operations placed out-of- service unless it takes the actions specified in the failure notice to correct safety problems. For more information about reinstating registration after a failed Safety Audit, see 49 CFR 385.329T .

New entrant carriers will automatically fail a Safety Audit if they do not comply with all 16 specific regulations detailed in [49 CFR 385.321](#).

3.1.2 Expedited Actions (385.308)

A new entrant that commits any of the violations listed in [49 CFR 385.308](#), identified through roadside inspections or by any other means, may be subjected to an expedited Safety Audit or a compliance review, or may be required to submit a written response that describes the corrective action it will take to address the problems.

3.1.3 Monitoring After the New Entrant Period (385.333)

If a carrier meets the following requirements, then at the conclusion of the 18-month new entrant safety monitoring period, the carrier will be notified in writing that its new entrant registration designation will be removed and its registration will become permanent. FMCSA will continue to monitor the motor carrier on the same basis as any other carrier, under [Compliance, Safety, Accountability \(CSA\)](#).

- Has passed a Safety Audit; or if failed the audit, has taken appropriate corrective action as determined by FMCSA within the timeframe specified.
- Has not been determined to be "unfit" after a compliance review.
- Is not currently under an Out-of-Service Order (OOSO) or under a notice ordering it to take specified actions to remedy its safety management controls under [49 CFR 385.319\(c\)](#).

3.2 Compliance, Safety, Accountability (CSA) Program

[CSA](#) is FMCSA's data-driven safety compliance and enforcement program, which monitors the safety performance of all carriers registered with FMCSA throughout the life of the carrier's business. FMCSA and State law enforcement organizations use CSA to identify, prioritize, and intervene with motor carriers that pose a safety risk on U.S. roadways.

CSA has three core components:

- **The [Safety Measurement System \(SMS\)](#)**
The SMS collects and analyzes data from inspections, investigations, and crash reports (from the last two years) to prioritize carriers for FMCSA interventions (e.g., warning letters, investigations). Carriers are encouraged to view and monitor their safety data on the [SMS Website](#). Law enforcement officials use the information in the SMS to help determine whether additional action is required when they encounter a CMV during a traffic stop. If a carrier believes data in the SMS is incorrect, it can [request a data review](#) using FMCSA's DataQs process.
- **[Interventions Process](#)**
An intervention is an action, such as a warning letter or investigation that may be taken when a carrier's safety performance indicates a potential safety risk. The interventions process evaluates why safety problems occur, recommends remedies, encourages corrective action,

and when necessary, assesses penalties for carriers that fail to comply.

- **Safety Ratings Process**

A safety rating is an evaluation of a motor carrier's compliance with the safety fitness standard in [49 CFR 385.5](#). FMCSA issues a safety rating only after an onsite investigation. FMCSA may issue one of three safety ratings ([Satisfactory](#), [Conditional](#), [Unsatisfactory](#)). Final safety ratings are publicly available. FMCSA does not issue safety ratings to drivers.

Carriers can visit the [CSA Help Center](#) to access resources to help them understand the interventions, and use the [Safety Management Cycle](#) to identify process breakdowns that may have contributed to the safety problem.

3.3 Identifying Carriers that Pose a Safety Hazard

FMCSA identifies carriers that pose a safety hazard by reviewing data stored in its Safety Measurement System ([SMS](#)). FMCSA updates the SMS once a month with data from [inspections](#), including driver and vehicle violations; crash reports from the last two years; and investigation results. The SMS considers the following to prioritize carriers for [interventions](#) (e.g., warning letters, Onsite Investigations):

- The number of safety violations, inspections, and crashes.
- The severity of safety violations and crashes.
- When the safety violations and crashes occurred, with recent events weighted more heavily.
- The number of trucks/buses a carrier operates and the number of vehicle miles traveled.
- Acute and Critical Violations found during investigations. (See [49 CFR 385, Appendix B, VII](#) for a list of Acute and Critical Violations).

FMCSA also considers other factors, such as complaints and Federal mandates, in prioritizing carriers for intervention and determining which type of intervention is most appropriate. Learn more about the [SMS Methodology](#).

3.3.1 What Happens During an Inspection?

Inspections may be conducted at a variety of locations, such as weigh stations, border checkpoints, bus terminals, a carrier's terminal, or when a law enforcement official stops a CMV.

All inspectors must be certified to conduct roadside inspections as outlined by the Commercial Motor Vehicle Alliance (CVSA). CVSA developed the [North American Standard Inspection Criteria](#), which outline procedures based on the level of inspection conducted.

Motor carriers may be stopped by Federal, State, or other law enforcement officials for a variety of reasons, most often common traffic violations. Not all traffic stops result in an FMCSA roadside inspection.

Carriers are subject to inspections throughout the life of their business.

3.3.2 What Happens After an Inspection?

Several things may happen after an inspection.

First, the inspection data is collected and then used by the SMS to prioritize the carrier for future FMCSA interventions. Even inspections with no violations are added to the SMS; these clean inspections can improve a carrier's SMS data.

Second, any violations can affect the driver's Commercial Driver's License (CDL) and Motor Vehicle Record (MVR) as well as the carrier's SMS data. See which safety-based violations affect a motor carrier's SMS data, and the point values associated with each violation, in Appendix A of the [SMS Methodology document](#).

Third, if the vehicle is found to be unsafe, the inspector may place it out-of-service, meaning that it cannot continue to be operated until safety issues have been corrected. Drivers can also be placed out-of-service.

3.4 Addressing Carriers that Pose a Safety Hazard

FMCSA has a number of ways to intervene with carriers that demonstrate unsafe behavior and noncompliance with regulations. FMCSA (and State) investigators are equipped to systematically evaluate why safety problems are occurring; recommend corrective action; and when appropriate, assess penalties.

Interventions provide carriers with the information necessary to understand their safety problems and to change unsafe behavior. Depending on the type and severity of the violation, FMCSA may use any of these interventions with a carrier at any time. If the motor carrier implements corrective action recommended by FMCSA, the penalty amount may be reduced.

Intervention	Intervention Description
Warning Letter	A letter sent to a carrier's place of business that identifies potential safety performance and compliance issues based on SMS data. A warning letter is an opportunity for a carrier to improve its safety performance and compliance without further intervention from FMCSA.

Intervention	Intervention Description
Targeted Roadside Inspection	Inspectors may use the data in SMS to identify vehicles for inspection.
Offsite Investigation	A non-ratable investigation conducted remotely, rather than at the carrier's place of business. An offsite investigation will not result in a safety rating, but penalties may be assessed for any violations found. An Offsite Investigation may be converted to an Onsite Focused or Comprehensive Investigation.
Onsite Focused Investigation	An investigation conducted at the carrier's place of business that targets specific areas of regulatory compliance. A focused investigation will not result in Satisfactory safety rating because not all regulatory parts are examined. A focused investigation may be unrated, or may result in a Conditional or Unsatisfactory safety rating. Penalties may be assessed for any violations found.
Onsite Comprehensive Investigation	An investigation conducted at the carrier's place of business that examines all areas of regulatory compliance under 49 CFR 385, Appendix B. A comprehensive investigation may result in a Satisfactory, Conditional, or Unsatisfactory safety rating. Penalties may be assessed for any violations found.
Notice of Violation (NOV)	A document alleging that a carrier has safety violations for which corrective action is recommended. If the violations are not addressed, formal enforcement action may be taken.
Notice of Claim (NOC)	The initial document issued by FMCSA to assert a civil penalty for alleged safety violations.
Unfit/Operations Out-of-Service Order (OOSO)	If a proposed Unsatisfactory safety rating becomes final, FMCSA will issue an order placing out-of-service the carrier's operations in interstate and intrastate commerce.

3.5 Correcting a Motor Carrier's Safety Data (DataQs)

Carriers that believe that data in FMCSA systems is incomplete or incorrect, can submit a request for data review (RDR) using the [DataQs website](#). Further, if a motor carrier has had a citation changed or dismissed in a judicial proceeding, it can request a correction to safety data in FMCSA's systems by submitting an RDR accompanied by certified court documentation and details about the inspection. Visit the CSA website for additional information about [adjudicated citations](#).

3.6 Safety Ratings (385, Appendix B)

A safety rating is an evaluation of a motor carrier's compliance with the [safety fitness standard](#); the process is described in [49 CFR 385, Appendix B](#). FMCSA may issue one of three safety ratings (Satisfactory, Conditional, Unsatisfactory) after a Rated Investigation (compliance review). Not all investigations result in a safety rating. A compliance review may be conducted to investigate potential violations of safety regulations or complaints about motor carriers, among other reasons.

Final safety ratings are publicly available through the [SAFER Website](#), and may be used by shippers and consumers to make decisions about which motor carriers to hire. FMCSA does not issue safety ratings to drivers, only to motor carriers.

Safety Ratings

- **Satisfactory safety rating** means that a motor carrier has functional and adequate safety management controls to meet the safety fitness standard prescribed in [49 CFR 385.5](#). Safety management controls are adequate if they are appropriate for the size and type of operation of the carrier.
- **Conditional safety rating** means a motor carrier does not have adequate safety management controls in place to ensure compliance with the [safety fitness standard](#) that **could** result in occurrences listed in [49 CFR 385.5 \(a\) through \(k\)](#).
- **Unsatisfactory safety rating** means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard, which **has** resulted in occurrences listed in [49 CFR 385.5](#).
- **Unrated** means that a safety rating has not been assigned to the motor carrier by the FMCSA.

3.6.1 Safety Fitness Standard for Motor Carriers (385.5)

To meet FMCSA's safety fitness standard [49 CFR 385.5](#), a motor carrier must demonstrate that it has adequate and effective safety management controls in place to ensure compliance with the FMCSRs and HMRs that apply to its operation. For intrastate motor carriers subject to the hazardous materials safety permit requirements of [Subpart E of 49 CFR 385](#), the motor carrier must meet the equivalent State requirements.

3.6.2 Factors that Affect the Safety Rating (385.7)

FMCSA considers the following factors, outlined in [49 CFR 385.7](#), in determining a safety rating:

- Adequacy of safety management controls.
- Frequency and severity of regulatory violations. See list of critical and acute violations in [Appendix B to 49 CFR 385, VIII](#).
- Frequency and severity of driver/vehicle regulatory violations identified during inspections of motor carrier operations in commerce and, if the

motor carrier operates in the United States, of operations in Canada and Mexico.

- Number and frequency of out-of-service driver/vehicle violations of motor carrier operations in commerce and, if the motor carrier operates in the United States, of operations in Canada and Mexico.
- Increase or decrease in similar types of violations discovered during safety or compliance reviews.
- For motor carrier operations in commerce and, if the motor carrier operates in the United States, of operations in Canada and Mexico: frequency of accidents; hazardous materials incidents; accident rate per million miles; indicators of preventable accidents; and whether such accidents, hazardous materials incidents, and preventable accident indicators have increased or declined over time.
- Number and severity of violations of CMV and motor carrier safety rules, regulations, standards, and orders that are both issued by a State, Canada, or Mexico and compatible with Federal rules, regulations, standards, and orders.

3.6.3 How a Carrier is Notified of Its Safety Rating (385.11)

The motor carrier will receive written notice of a safety rating from FMCSA within 30 days after the compliance review. The notice will take the form of a letter issued from the FMCSA's headquarters office and will include a list of FMCSR and HMR compliance deficiencies that the motor carrier must correct.

If the safety rating is "Satisfactory" or improves a proposed "Unsatisfactory" safety rating, it is final and becomes effective on the date of the notice.

In all other cases, a notice of a proposed safety rating will be issued. If the carrier doesn't take steps to improve the safety rating within the time periods listed below, the safety rating becomes final.

Carrier Type	Corrective Action Must Be Taken Within
Carriers transporting passengers OR placardable amounts of hazardous materials	45 days after date of notice
All others types of carriers	60 days after date of notice

3.6.4 "Conditional" and "Unsatisfactory" Safety Ratings

Carriers that receive a "Conditional" or "Unsatisfactory" safety rating receive guidance from FMCSA about how they can improve their rating.

A proposed safety rating of "Unsatisfactory" is notice to the motor carrier that the FMCSA has made a preliminary determination that the motor carrier is "unfit" to continue operating in interstate commerce, and that the prohibitions in [49 CFR 385.13](#) will be imposed after 45 or 60 days, depending on the carrier type, if necessary safety improvements are not made.

3.6.5 Requesting a Review or Change of Safety Rating

Administrative Review of Safety Rating

A motor carrier may request that FMCSA perform an administrative review of a proposed or final safety rating. The process and the time limits are described in [49 CFR 385.15](#).

Request to Change a Safety Rating

A motor carrier may request a change to a proposed or final safety rating based upon corrective actions it has taken. The process and the time limits are described in [49 CFR 385.17](#).

3.6.6 Finding a Carrier's Safety Rating

Carrier safety ratings are available to the public and carriers in the [SMS](#), as well as by viewing the Company Profile on the [SAFER Website](#).

4 Operational Requirements

This chapter covers safety requirements that pertain to the carrier's operation as a whole, and includes definitions, as well as information about financial responsibility (insurance) requirements and reporting, accidents, and records retention.

4.1 General FMCSRs (Part 390)

General requirements, applicability, definitions, and information regarding safety regulations are explained in [49 CFR 390](#). Federal Motor Carrier Safety Regulations (FMCSRs) apply to all employers, employees, and commercial motor vehicles (CMVs) transporting property or passengers in interstate commerce.

4.1.1 Applicability (390.3T)

See all general applicability guidelines in [49 CFR 390.3T](#), and exceptions or exemptions related to specific Parts of the Code of Federal Regulations (CFR) at the beginning of each chapter of this planner.

Understanding how the U.S. DOT defines commercial motor vehicles and other terminology is essential to understanding which regulations apply to your business. Please view definition in the [glossary](#); pay specific attention to the definition of a CMV.

- Motor carriers must be knowledgeable and comply with all FMCSRs and HMRs relevant to their operation.
- Employers must teach employees about relevant FMCSRs, and employees must comply.

- Motor vehicle equipment and accessories must be maintained in compliance with the performance and design criteria of relevant FMCSRs.

Applicability: Hazmat Carriers in Intrastate Commerce (390.3T(g))

FMCSRs that apply to hazmat carriers engaged in intrastate commerce can be found at [49 CFR 390.3T\(g\)](#), and in the [hazmat chapter](#) of this planner.

Applicability: Intermodal Equipment Providers (390.3T(h))

FMCSRs that apply to intermodal equipment providers can be found at [49 CFR 390.3T\(h\)](#).

4.1.2 Exceptions (390.3T(f))

These types of operations are exempt from the FMCSRs unless otherwise specified:

- School bus operations as defined in [49 CFR 390.5T](#) except for the provisions of 391.15(e) and (f), 392.80, and 392.82;
- Transportation provided by Federal, State, local governments, or any agency established under a compact between States that has been approved by Congress;
- Occasional transportation of personal property by individuals not for compensation or in the furtherance of a commercial enterprise;
- Transportation of human corpses or sick and injured people;
- Fire trucks and rescue vehicles while involved in emergency and related operations;
- The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating such vehicles are required to comply with [49 CFR 390.15](#), [49 CFR 390.19T](#), [49 CFR 390.21T\(a\) and \(b\)\(2\)](#), [49 CFR 391.15\(e\) and \(f\)](#), [49 CFR 392.80](#), and [49 CFR 392.82](#).
- Either a driver of a commercial motor vehicle used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency, if regulations would prevent the driver from responding to an "emergency condition requiring immediate response," as defined in [49 CFR 390.5T](#).

4.1.3 Relief from Regulations in Emergencies (390.23)

Relief from Parts 390 through 399 of the FMCSRs may be granted during declared emergencies to any motor carrier who provides emergency assistance. Motor carriers and drivers who want to provide assistance may check [FMCSA's emergency declaration website](#) to see if an emergency has been declared and obtain a copy of the emergency declaration which will provide additional information.

4.1.4 Employee Coercion (390.6)

Carriers, brokers, and other parties in the logistics chain are explicitly prohibited from threatening, taking, or permitting an adverse employment action against a driver in order to make that driver violate regulations described in [49 CFR 390.6\(a\)\(1\) and \(2\)](#). To constitute coercion, the driver must either state that the conditions would require him or her to violate the regulation, or be punished for refusing to violate the regulation.

Drivers who believe they were coerced into violating regulations described in [49 CFR 390.6\(a\)\(1\) or \(2\)](#) may file a written complaint as explained in [49 CFR 386.12](#) or may obtain more information on filing a written complaint by calling 1-800-DOT-SAFT (1-800-368-7238). For more information, visit [FMCSA's National Consumer Complaint Database](#).

4.1.5 Employee Harassment (390.36)

No motor carrier may harass a driver ([49 CFR 390.36](#)). A driver who believes they are, or have been, the subject of harassment by a motor carrier may file a written complaint under [49 CFR 386.12\(b\)](#).

4.1.6 Carriers' Responsibility for Drivers (390.11)

Carriers must require their drivers to comply with imposed duties and prohibitions, as described in [49 CFR 390.11](#).

4.1.7 Accident Register (390.15)

See the [Accidents](#) section of this planner for accident recordkeeping requirements.

4.1.8 Biennial Update (Motor Carrier Identification Report) (390.19T)

See [biennial update](#) section of this planner for information about updating your registration information every two years.

4.1.9 Marking of CMVs and Intermodal Equipment (390.21T)

CMVs engaged in interstate commerce must have the following markings on both sides of the self-propelled CMV:

- The motor carrier's legal name or a single trade name, as listed on the motor carrier identification report;
- The motor carrier's identification number, preceded by the letters "USDOT;" and
- Letters that contrast sharply in color with the background on which they are placed and are legible during daylight hours from a distance of 50 feet.

See additional guidance on marking CMVs and intermodal equipment at [49 CFR 390.21](#).

4.1.10 Location of Records or Documents (390.29)

Carriers with multiple offices may maintain required records or documents at a principle place of business, a regional office, or driver

work-reporting location unless otherwise specified in this subchapter ([49 CFR 390.29](#)).

Requested records and documents must be made available for inspection at the CMV's principle place of business or other location specified by the special agent or representative of FMCSA. Requests must be fulfilled within 48 hours, excluding Saturdays, Sundays, and Federal holidays.

4.1.11 Copies of Records or Documents (390.31)

Carriers may make copies of records and documents, but copies must meet the following minimum requirements ([49 CFR 390.31](#)):

1. Copies must be readily accessible, legible, identifiable, and reproducible.
2. Any significant element of the original record or document that will not be preserved in black and white copy must be clearly indicated before the copy is made.
3. The reverse side of printed forms do not need to be copied if it lacks content common to all forms, but an identified specimen for each form shall be on the film for reference.
4. The film used for photographing copies must meet the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer must be observed to protect copies from deterioration or accidental destruction.
5. Each roll of film must include a microfilm of a certificate or certificates stating that the photographs are direct or facsimile reproductions of the original records.

Original records and documents may be destroyed if the copies meet these minimum preservation requirements. Records requiring signatures are exempt from photographic preservation.

4.1.12 Falsification (390.35)

No motor carrier, its agents, officers, representatives, or employees will make or cause to make ([49 CFR 390.35](#)):

- A fraudulent or intentionally false statement on any application, certificate, report, or record;
- A fraudulent or intentionally false entry on any application, certificate, report, or record required to be used, completed, or retained for compliance; or
- A reproduction, for fraudulent purposes, of any application, certificate, report, or record.

4.2 Insurance: Minimum Levels of Financial Responsibility (Part 387)

[49 CFR 387](#) prescribes the minimum levels of financial responsibility passenger and property motor carriers must maintain.

4.2.1 Property Carriers (387, Subpart A)

Applicability and Exceptions (387.3)

For-hire motor carriers operating motor vehicles transporting property in interstate or foreign commerce; as well as those transporting hazardous materials, substances, or wastes in interstate, foreign, or intrastate commerce; must obtain and have in effect the minimum levels of financial responsibility outlined in [49 CFR 387.9](#). A "for-hire" motor carrier is a carrier that receives compensation, either direct or indirect, for providing services.

Property motor carriers that have a gross vehicle weight rating (GVWR) of less than 10,001 pounds are exempt from the minimum level of financial responsibility requirements in [49 CFR Part 387, Subpart A](#) unless they transport any of the following in interstate or foreign commerce:

- Division 1.1, 1.2, or 1.3 materials;
- Division 2.3, Hazard Zone A materials;
- Division 6.1, Packing Group 1, Hazard Zone A materials; or
- A highway route controlled quantity of a Class 7 material as defined in [49 CFR 173.403](#).

Minimum Levels of Financial Responsibility (387.9)

The minimum levels of financial responsibility referenced in [49 CFR 387.7](#) are summarized in [49 CFR 387.9](#) as follows.

Schedule of Limits—Public Liability

Motor Carriers of Property

Kind of Equipment/Carriage	Commodity Transported	Minimum Limits
1. For-hire (interstate or foreign commerce; GVWR of 10,001 or more pounds).	Property (nonhazardous)	\$750,000
2. For-hire and private (interstate or foreign commerce of any quantity, or intrastate commerce in bulk only; GVWR of 10,001 or more pounds).	<ul style="list-style-type: none"> • Oil listed in 49 CFR 172.101; or • Hazardous waste, materials, and substances defined in 	\$1,000,000

Kind of Equipment/Carriage	Commodity Transported	Minimum Limits
	49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned below.	
3. For-hire and private (interstate, foreign, or intrastate; GVWR of 10,001 or more pounds).	<ul style="list-style-type: none"> • Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons. • In bulk Division 1.1, 1.2, 1.3, 2.1, or 2.2 materials; • Any quantity of Division 2.3, Hazard Zone A; • Any quantity of Division 6.1, Packing Group I, Hazard Zone A; or • Any quantity of highway route controlled quantities for a Class 7 material (49 CFR 173.403). 	\$5,000,000
4. For-hire and private (interstate or foreign commerce; GVWR less than 10,001 pounds).	<ul style="list-style-type: none"> • Any quantity of Division 1.1, 1.2, or 1.3; • Any quantity of Division 2.3, Hazard Zone A; or • Division 6.1, Packing Group I, Hazard Zone A. • Highway route controlled quantities of a Class 7 material (49 CFR 173.403). 	\$5,000,000

Financial Proof (387.7)

Proof of compliance with the minimum levels of financial responsibility in 49 CFR 387.9 is to be maintained at the motor carrier's principal place of business. The below documents are considered public information. Acceptable proof consists of the following:

- Form MCS-90;
- Form MCS-82; or
- Written authorization from FMCSA to self-insure under 49 CFR 387.309, provided the motor carrier maintains a satisfactory safety rating as defined in 49 CFR 385.

Note: All vehicles operated within the United States by motor carriers domiciled in a contiguous foreign country must carry on board a legible copy, in English, of their proof of minimum levels of financial responsibility.

4.2.2 Passenger Carriers (387, Subpart B)

Applicability and Exceptions (387.27)

In general, for-hire motor carriers transporting passengers in interstate or foreign commerce must obtain and have in effect the minimum levels of financial responsibility outlined in 49 CFR 387.33.

Exceptions are listed in 49 CFR 387.27 and apply to motor vehicles that meet these conditions:

- Transport only school children and teachers to or from school;
- Under contract providing transportation of preprimary, primary, and secondary students for extracurricular trips organized, sponsored, and paid for by a school district;
- Carry less than 16 individuals in a single daily round-trip commute to and from work; and
- Taxicab services having a seating capacity of less than 7 passengers that do not operate on a regular route or between specified points

Minimum Levels of Financial Responsibility

The minimum levels of financial responsibility for passenger carriers referenced in 49 CFR 387.31 are summarized in 49 CFR 387.33T as follows.

Schedule of Limits—Public Liability

For-Hire Motor Carriers of Passengers Operating in Interstate or Foreign Commerce/p>

Vehicle Seating Capacity	Minimum Limits
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Vehicle Seating Capacity	Minimum Limits
1. Any vehicle with a seating capacity of 16 passengers or more .	\$5,000,000
2. Any vehicle with a seating capacity of 15 passengers or less .	\$1,500,000

Financial Proof (387.31)

Proof of compliance with the minimum levels of financial responsibility in [49 CFR 387.33](#) must be maintained at the motor carrier's principal place of business. Acceptable proof consists of either [Form MCS-90B](#) or [MCS-82B](#). These documents are considered public information.

Note: All passenger carrying vehicles operated within the United States by motor carriers domiciled in a contiguous foreign country must carry on board a legible copy, in English, of their proof of minimum levels of financial responsibility.

4.2.3 Related Forms

Forms needed to demonstrate that a motor carrier holds the required insurance can be found in the Insurance section of [FMCSA's Registration Forms Library](#).

4.3 Financial Reporting Requirements (Part 369)

Some carriers are required to submit balance sheets and income statement data, along with information on tonnage, mileage, employees, transportation equipment, and other related items to FMCSA on an annual basis (as prescribed in [49 CFR 369](#)). The [type of form a carrier must submit](#) to meet this requirement is dependent on its operating revenue and whether it is a property or passenger carrier; see [49 CFR 369.2](#) (property) and [49 CFR 369.3](#) (passenger).

4.3.1 Property Carriers (369.1—369.2)

Under [49 CFR 369.2](#), for-hire, non-exempt motor carriers of property including household goods and dual property carriers, are classified by their adjusted annual carrier operating revenues as follows:

- Class I, Property: \$10 million or greater;
- Class II, Property: \$3-10 million; or
- Class III, Property: less than \$3 million.

Class I and Class II property carriers must file an [Annual Report Form M](#) on or before March 31 of the following year.

4.3.2 Passenger Carriers (369.3—369.4)

Under [49 CFR 369.3](#), **passenger carriers** are classified by their adjusted average annual gross transportation operating revenues as follows:

- Class I, Passenger: \$5 million or greater; or
- Class II, Passenger: less than \$5 million.

Class I passenger carriers must file an [Annual Report Form MP-1](#) on or before March 31 of the following year.

4.3.3 Exemptions (369.8)

To receive a financial reporting exemption for 49 CFR 369, motor carriers must prove that if made public, the financial report may cause substantial harm to the carrier's competitive position or impair protectable government interests. Requests are due on or before March 31 following the year of operation, and must include the contents listed in [49 CFR 369.9\(c\)](#).

Requesting an Exemption from Financial Reporting

Requests for an exemption from annual and financial reporting should be submitted to the Office of Registration and Safety Information (MC-RS), 1200 New Jersey Ave. SE, Washington, DC, 20590.

FMCSA will grant or deny each request within a reasonable period of time. While a request is pending, carriers are required to submit any reports under [49 CFR 369.1](#). An accepted exemption will exempt a carrier from the reporting requirements for three years. Find out more about what must be included in the request at [49 CFR 369.8](#).

4.3.4 Public Release of Data (369.10)

In general, data from property motor carriers compiled in [49 CFR 369.1](#) shall be made publicly available. Carriers may file a request for exemption as listed in [49 CFR 369.9](#).

4.4 Accidents

While no one wants to be involved in a crash, accidents happen. The Federal Motor Carrier Safety Regulations are designed to help carriers establish practices to avoid crashes, and FMCSA has developed a [Safety Management Cycle](#) to help carriers examine their procedures and identify and correct the sources of safety problems.

This section offers guidance about the types of documents a carrier must maintain if it has been involved in an FMCSA-reportable accident, discusses the financial impact of crashes on a motor carrier, and provides links to crash prevention resources.

4.4.1 What is an Accident? (390.5T)

Federal Motor Carrier Safety Regulations define “accident” as an occurrence involving a commercial motor vehicle in interstate or intrastate commerce in which:

- A vehicle was towed from the scene;
- A fatality occurred; or
- A person was injured and required immediate medical treatment away from the accident scene.

4.4.2 Accident Recordkeeping (Accident Register) (390.15)

Motor carriers are required to maintain an accident register of all accidents (as defined in [49 CFR 390.5T](#)) that occurred in the past 36 months. The accident register must contain, at minimum, the date of the accident, the city or town and state most near where the accident occurred, the driver’s name, the number of injuries or fatalities, and whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident, were released.

If an accident involves the release of hazardous materials, carriers must complete a hazardous incident report. See [49 CFR 171.15](#) and [49 CFR 171.16](#) for further details.

Accident registers must be kept for three years after the date of the accident.

View a sample [accident register](#) and additional [record-keeping guidance](#).

4.4.3 How Accidents Affect Carrier Safety Records

All reportable accidents over the last 24 months, regardless of the role of the carrier or driver, are considered in FMCSA’s Safety Management System (SMS) and used to calculate a [Crash Indicator](#) measure.

SMS does not weight a crash differently based on the role of the carrier or driver, though it does weight crashes based on severity. The State-reported crash data used in the SMS does not list or factor in fault or preventability. In the case of the Crash Indicator measure, the carrier’s crash rates are being compared to other carriers’ crash rates. A high Crash Indicator percentile suggests that a further examination of cause is needed, and if correctable, the motor carrier should make changes to address the problem. For a more detailed explanation of how the Crash Indicator measure is calculated, please see the [SMS Methodology](#) document.

If a carrier believes any part of its SMS data is incorrect, including crash data, it can submit a Request for Data Review through [FMCSA’s DataQs Website](#).

FMCSA started a Crash Preventability Demonstration Program in 2017 to evaluate the preventability of certain categories of crashes through DataQs. To learn more about the program, visit <https://www.fmcsa.dot.gov/safety/crash-preventability-demonstration-program>.

4.4.4 How Accidents Affect Carriers Financially

Promoting safe driving practices not only helps carriers operate in compliance, but it also affects their bottom line. In addition to the tragic human impact of accidents, carriers should understand the related financial impacts.

Direct Costs of Accidents	Indirect (Hidden) Costs of Accidents
<ul style="list-style-type: none">• Cargo Damage• Vehicle Damage• Injury(s) Costs• Medical Costs• Loss of Revenue• Administrative Costs• Police Report• Possible Effect on Cost of Insurance• Possible Effect on Cost of Workmen’s Compensation Insurance• Towing Costs• Storage of Damaged Vehicle	<ul style="list-style-type: none">• Lost Clients/Customers/Sales• Salaries Paid to Employees in Accident• Lost Time at Work• Cost to Hire/Train Replacement Employees• Supervisor’s Time• Loss of Personal Property• Replacement Vehicle Rental• Damaged Equipment Downtime• Accelerated Depreciation of Equipment• Accident Reporting• Medical Costs Paid by Company• Poor Public Relations/Publicity• Increased Public Relations Costs• Government Agency Costs

5 Vehicle Requirements

This chapter covers vehicle safety requirements, including components, maintenance, and inspections.

5.1 Parts and Accessories Needed for Safe Operation (393)

Carriers operating commercial motor vehicles as defined in 390.5T must comply with parts and accessories regulations in [49 CFR 393](#). This section outlines some of the most common standard equipment that every commercial motor vehicle (CMV) must have. Additional equipment or accessories are allowed if those items do not decrease operational safety. See [Marking of Self-Propelled CMVs and Intermodal Equipment](#) for information about what business information must be displayed on carrier equipment.

5.1.1 Brake Systems (Part 393 Subpart C)

Brake components include actuators, slack adjusters, linings, pads, drums, and rotors. Components must be constructed, installed, and maintained so that vehicles can be stopped safely and reliably.

Commercial vehicles must also meet relevant service, parking, and emergency brake requirements. Brakes must be operable at all times and brakes must act on all wheels, with some limited exceptions for certain trailers, dollies, and driveaway–towaway operations ([49 CFR 393.42 \(b\)](#)).

Requirements for coupling devices, including requirements for full trailers, saddle mount operations, and for attaching and locating a fifth wheel, are in [49 CFR Sections 393.70](#) and [393.71](#).

See [49 CFR 393, Subpart C](#) for full requirements and exceptions related to brake systems.

Antilock Brake Systems (393.55)

Some commercial motor vehicles must have antilock brake systems. Hydraulic brake systems must meet the antilock brake requirements included in [49 CFR 571.105](#). Air brake systems must meet the antilock brake requirements included in [49 CFR 571.121](#).

See the applicable regulations mentioned here, and in [49 CFR 393.55](#), for full antilock brake requirements.

Breakaway and Emergency Braking (393.43)

Every motor vehicle, if used to tow a trailer equipped with brakes, shall be equipped with a means of providing that in the case of a breakaway of the trailer, the service brakes on the towing vehicle will be capable of stopping the towing vehicle. Trucks or truck tractors with air brakes that are towing other vehicles with air brakes must have both manual and automatic means of activating the emergency features of the trailer brakes.

See [49 CFR 393.43](#) for full regulations on breakaway and emergency braking requirements and exceptions, including for driveaway–towaway operations.

Tubing and Hoses (393.45)

All brake tubing and hoses, brake hose assemblies, and brake hose end fittings such as gladhand connectors must meet the applicable requirements of FMVSS No 106 ([49 CFR 571.106](#)).

Brake tubing and hose installation must:

- Have length and flexibility that allow parts to move normally, without damage, where the hose is attached;
- Be protected against chafing, kinking, and mechanical damage; and
- Not contact exhaust pipes and other sources of high temperature.

See [49 CFR 393.45](#) for complete tubing and hose requirements.

Warning Devices (393.51)

In general, buses, trucks, and truck tractors must have a signal that warns their driver when the vehicle's service brake system fails. This warning signal applies to hydraulic brake systems, air brake systems, vacuum brake systems, and hydraulic brakes applied or assisted by air or vacuum.

See [49 CFR 393.51](#) for full requirements on warning devices and exceptions for certain commercial vehicles.

5.1.2 Cab Doors (393.203)

Cab doors or door parts used as an entrance or exit cannot be missing or broken and must be fully operable. No door may be wired shut or otherwise secured closed so that it cannot be easily opened, except when a vehicle is loaded with pipe or bar stock that blocks the door and the cab has a roof exit.

See [49 CFR 393.203](#) for full requirements and exceptions for cab doors.

5.1.3 Cargo Securement (393.100)

Secure cargo requirements prevent cargo from leaking, spilling, blowing, or falling from a commercial vehicle. Regulations include minimum strength requirements for devices used to secure cargo, requirements that prevent cargo from moving, and rules for securing specific commodities. When commercial motor vehicles are used to transport cargo on public roads, they must be loaded and equipped, and their cargo must be secured, according to regulation.

See [49 CFR 393, Subpart I](#) for full requirements on cargo securement.

5.1.4 Emergency Equipment (393.95)

Each CMV (except those towed in a driveaway–towaway operation) must have the following emergency equipment:

- Fire extinguishers
- Spare fuses
- Warning devices for stopped vehicles

See [49 CFR 393.95](#) for full emergency equipment specifications, regulations, and exceptions.

5.1.5 Exhaust Systems (393.83)

All exhaust systems must be securely fastened to the vehicle and cannot be placed where likely to burn or damage electrical wiring, fuel supply, and any combustible part of the vehicle. Exhaust systems may not be temporarily repaired with patch or wrap material. Location requirements for exhaust systems vary for trucks and truck tractors, buses powered by gasoline, and buses powered by diesel or other fuel.

See [49 CFR 393.83](#) for full requirements on exhaust system performance and location.

5.1.6 Frames (393.201)

The frame or chassis of each commercial motor vehicle must not be cracked, loose, sagging, or broken. Parts and accessories must not be welded to the frame or chassis of a commercial vehicle except per vehicle manufacturer recommendations. Any welded repair of the frame must comply with vehicle manufacturer recommendations.

See [49 CFR 393.201](#) for full requirements on vehicle frames.

5.1.7 Fuel Systems (393 Subpart E)

Fuel systems include the fuel tanks and lines that supply fuel to a motor vehicle's engine. Fuel systems for commercial vehicles and auxiliary equipment are subject to location, installation, and other requirements that ensure drivers and other road users stay safe.

See [49 CFR 393.65](#) for requirements that apply to all types of fuel systems. For requirements specific to liquid fuel tanks, see [49 CFR 393.67](#). For requirements specific to compressed natural gas fuel containers, see [49 CFR 393.68](#). For requirements specific to liquefied petroleum gas systems, see [49 CFR 393.69](#). Gravity or syphon feeds directly to the carburetor or injector are prohibited for all types of fuel systems.

5.1.8 Lighting Devices and Reflectors (393 Subpart B)

Lighting device and reflector requirements apply to most commercial vehicles on the road today, but motor vehicles manufactured on or before December 25, 1968, must, at a minimum, meet requirements that were in effect on the date of the vehicle's manufacture.

Stop lamps must activate when brakes are applied. Lamps and reflectors must be visible, with exceptions. Certain trailers manufactured on or after December 1, 1993, must also have retroreflective sheeting or additional reflex reflectors to make them more visible. Trailers manufactured before December 1, 1993, must be retrofitted with retroreflective sheeting or additional reflectors as stated in [49 CFR 393.13](#).

Other than head lamps and certain temporary lamps, all lamps must be securely mounted on a permanent part of the vehicle. Temporary lamps on motor vehicles being transported in driveaway–towaway operations, and temporary electric lamps on loads that are outside the footprint of the vehicle—called projecting loads—must be securely attached

See [49 CFR 393 Subpart B](#) for complete requirements and exceptions for lighting devices and reflectors.

5.1.9 Rear-End Protection (393.86)

Each trailer and semitrailer must have rear impact guards (bumpers) or other devices that prevent another vehicle from riding underneath, except for tractors, pole trailers, and driveaway–towaway vehicles. Rear-impact guards on **certain trailers** manufactured on or after January 26, 1998, must be permanently marked or labeled and meet standards in [49 CFR Sections 571.223](#) and [571.224](#).

See [49 CFR 393.86](#) for complete regulations and exceptions regarding rear-end protection.

5.1.10 Seat Belts (393.93)

In general, commercial motor vehicles must be equipped with seats, seat belt assemblies, seat belt anchors, seat belt warning systems, and other specifications regulating occupant crash protection. Specifications may vary based on a vehicle's model year.

See [49 CFR 393.93](#) for complete regulations on seat belts.

5.1.11 Sleeper Berths (393.76)

Sleeper berths must meet minimum dimension and installation guidelines. Sleeper berths must be adequately ventilated, and located so that occupants are protected against exhaust heat and fumes, and fuel leaks.

For sleeper berths installed before 1975, please refer to the special provisions in [49 CFR 393.76](#).

See [49 CFR 393.76](#) for complete requirements on sleeper berths.

5.1.12 Steering Wheel Systems (393.209)

Steering wheels must be secure and not have any spokes cracked or missing. There are further requirements for the steering wheel lash, the steering column, the overall steering system, and for power steering systems.

See [49 CFR 393.209](#) for full steering wheel system requirements.

5.1.13 Suspension Systems (393.207)

All components of a suspension system must be structurally sound and in safe working order, including the following:

- Axles
- Adjustable axles
- Leaf springs
- Coil springs
- Torsion bars
- Air suspensions
- Air suspension exhaust controls

See [49 CFR 393.207](#) for full requirements regarding suspension systems.

5.1.14 Tires (393.75)

Tires on commercial motor vehicles must meet safety standards, including load restrictions, inflation pressure, and other safety standards, and be free from specified defects.

See [49 CFR 393.75](#) for full requirements for tires.

5.1.15 Wheels (393.205)

Wheels and rims must not be cracked or broken. Stud or bolt holes on wheels must not be elongated—also called being out of round—and nut and bolts must not be missing or loose.

See [49 CFR 393.205](#) for regulations ensuring wheel safety.

5.1.16 Windshield Condition (393.60)

Windshields on commercial vehicles must meet specifications on condition, coloring, obstruction prohibitions, and decals and stickers.

See [49 CFR 393.60](#) for full requirements on windshield condition.

5.1.17 Common Violations

The following table lists some of the most common parts and accessories-related violations.

Violation	Relevant Code
Not having required operable lamps	393.9
Clamp/roto-chamber type brake(s) out of adjustment	393.47E
Tire tread depth less than 2/32 of an inch	393.75C
No/discharged/unsecured fire extinguisher	393.95A
No/defective lighting devices/reflective devices/projected	393.11
Inoperative turn signal	393.9TS
Windshield wipers inoperative/defective	393.78
Automatic brake adjuster CMV manufactured on or after 10/20/1994—air brake	393.53B
Brake hose/tubing chaffing and/or kinking	393.45B2
No/insufficient warning devices	393.95F

5.2 Inspection, Repair, and Maintenance (Part 396)

Each motor carrier and intermodal equipment provider must systematically inspect, repair, and maintain all commercial motor vehicles (CMVs) under its control. Every employee of a carrier that is directly involved with the inspection and upkeep of vehicles must comply with the rules and regulations of [49 CFR 396](#).

Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in [49 CFR 393](#) and any additional parts and accessories that may affect safety of operation, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems. Pushout windows, emergency doors, and emergency door marking lights in buses

shall be inspected at least every 90 days.

5.2.1 Records

Records of all inspections, repairs, and maintenance must be retained. According to [49 CFR 396.3](#), required records include the following:

- Identifying information of the vehicle, including company number, make, serial number, year, and tire size; (See also, [Marking of Self-Propelled CMVs and Intermodal Equipment](#).)
- A schedule highlighting the type and due date of inspections and maintenance to be performed; and
- Inspection, repair, and maintenance records indicating the date and nature of each.

Carriers must maintain records for each vehicle they control through ownership or lease for 30 consecutive days. These records must be retained for one year at the location where the vehicle is housed or maintained. These records must be retained for six months after the vehicle leaves the carrier's control (sale, trade-in, etc.).

Passenger carriers must keep records of tests conducted on emergency doors, emergency door marking lights, and pushout windows, which must be inspected at least every 90 days as stated in [49 CFR 396.3](#).

5.2.2 Vehicle Inspections

Roadside Inspection Reports (396.9)

Any driver who receives a roadside inspection report is required to deliver it to the motor carrier **within 24 hours**. If a vehicle is declared "out-of-service," violations or defects **must** be corrected before a vehicle may operate again. Carriers must sign and return the completed roadside inspection report **within 15 days** of the inspection, verifying all violations have been corrected. A copy of this report must be retained by the carrier for 12 months following the date of inspection.

Driver Vehicle Inspection Reports (DVIR) (Post-Trip) (396.11)

Per [49 CFR 396.11](#), drivers of passenger-carrying and non-passenger CMVs must inspect vehicles and prepare and sign a written report at the completion of each day's work on each vehicle operated, except for intermodal equipment tendered by an intermodal equipment provider. See FMCSA's additional guidance on [completing and retaining DVIRs](#). See [49 CFR 396.11\(b\)](#) for intermodal equipment inspection requirements.

The report shall cover at least the following parts and accessories, and must list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown.

- Service brakes, including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rear-vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

If a driver operates more than one vehicle during the day, a report must be prepared for each vehicle operated.

Type of CMV	Inspection Reporting Requirements
For-Hire Passenger CMVs	Submit report after every trip, even if no defects are found by or reported to the driver.
All other CMVs	Submit report only if a defect that would affect the safety operation of the vehicle is found or has been reported to the driver.

Corrective Action

Carriers must repair any defect or deficiency before the vehicle is dispatched again, and certify on the original driver vehicle inspection report that the defect or deficiency has been repaired or that repair is unnecessary.

Retention

The motor carrier must maintain the original driver vehicle inspection report (DVIR), the certification of repairs, and the certification of the driver's review for three months from the date of the initial report.

Pre-trip Inspection (396.13)

Before operating the vehicle, **the driver must inspect the vehicle and be satisfied that it is in safe operating condition**. If the last vehicle inspection report notes any deficiencies, the driver must review and sign to acknowledge and certify that the required repairs were made.

Periodic Inspection (396.17, 396.21)

Every commercial vehicle, including each segment of a combination vehicle, must undergo periodic inspection at least once every 12 months. At a minimum, inspections must include all items listed in [49 CFR 399 Appendix G: Minimum Periodic Inspection Standards](#).

The periodic inspection report must be retained by the motor carrier for 14 months while documentation of the most recent periodic inspection (sticker, report, or decal) must be kept on the vehicle. Carriers in States without a Federal inspection program equivalent (see [49 CFR 396.23](#)) may perform required annual inspections themselves or allow a third-party to conduct inspections, so long as the inspector meets the qualifications mandated in [49 CFR 396.19](#).

- Motor carriers must ensure that inspectors:
 - Understand the inspection standards of [49 CFR 393](#) and [Appendix G](#);
 - Can identify defective components; and
 - Have knowledge and proficiency in methods, procedures, and tools.
- Motor carriers must also ensure that inspectors have gained experience or training by:
 - Completing a State or Federal training program, or earning a State or Canadian Province qualifying certificate in commercial motor vehicle safety inspections; or
 - A combination of other training or experience totaling at least a year.

Motor carriers must retain evidence of an inspector's qualifications until one year after the inspector ceases to perform inspections for the carrier.

Equivalent to Periodic Inspection (396.23)

Motor carriers may meet periodic inspection requirements through a State inspection program that FMCSA has deemed equivalent to its Federal inspection requirements.

The following States have adopted periodic inspection requirements that FMCSA has deemed **equivalent** to its periodic inspection requirements:

- Alabama (only LPG Board)
- California
- Connecticut
- District of Columbia
- Hawaii
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan (bus inspection program)
- Minnesota
- New Hampshire
- New Jersey
- New York
- Ohio (church bus inspection program)
- Pennsylvania
- Rhode Island
- Texas
- Utah
- Vermont
- Virginia

- West Virginia
- Wisconsin (bus inspection program)

Note: Arkansas and Oklahoma no longer carry inspection programs that are approved by FMCSA. The inspection programs of Mexico (NOM 68), the 10 Canadian Provinces, and the Yukon Territory are FMCSA compliant.

See [49 CFR 396.23](#) for more information.

Intermodal Equipment Provider (IEP) Inspection

Information regarding IEP inspections can be found in [49 CFR 396.3](#), [49 CFR 396.9](#), and [49 CFR 396.25](#). IEP report requirements are stated in [49 CFR 396.11\(b\)](#) and [49 CFR 396.12](#).

5.2.3 Brake Inspections

Qualifications for Brake Inspectors (396.25)

Motor carriers must ensure that all inspections, maintenance, repairs, and service to brakes of CMVs comply with regulations, and that employees responsible for brake inspection and maintenance meet minimum brake inspector qualifications.

Motor carriers must confirm that brake inspectors:

- Understand and are able to perform brake services and inspections;
- Know the methods, procedures, tools, and equipment needed; and
- Are qualified to perform brake services or inspections through firsthand training and/or experience.

Qualifying brake training or experience includes successful completion of the following:

- A State, Canadian Province, Federal agency, or union training program;
- A State-approved training program;
- Training that led to a State or Canadian Province qualifying certificate to perform assigned brake services or inspections, including passage of CDL air brake test; or
- One year of brake-related training, experience, or combination of both.

Recordkeeping Requirements

Motor carriers must maintain evidence of brake inspector qualification at the principal place of business or the location where the inspector works for as long as the brake inspector is employed, and for one year thereafter. However, motor carriers do not have to maintain evidence of qualifications to inspect air brake systems for such inspections performed by persons who have passed the air brake knowledge and skills test for a CDL.

5.2.4 Common Violations

The following table lists some of the most common repair and maintenance-related violations.

Violation	Relevant Code
Parts or accessories in disrepair	396.3(a)(1)
Oil or grease leak	396.5(b)
Operating a CMV without periodic inspection	396.17(c)
Hubs—Oil/Grease leaking from hub	396.5(b)
Hubs/Wheel seal leaking	396.5(b)
Failure to correct defects on inspection report	396.5(b)
Brakes (general)	396.3(a)(1)
Brakes—reserve system pressure loss	396.3(a)(1)
Tires (general)	396.3(a)(1)

Violation	Relevant Code
Failure to correct defects noted on inspection report	396.9(d)(2)

6 Driver Requirements

This chapter covers regulations and tips to help drivers operate safely and in compliance. Driver violations found during inspections affect the motor carrier's safety record.

6.1 Hiring Qualified Drivers (Part 391)

Motor carriers must ensure and verify that their CMV drivers meet the minimum requirements specified in [49 CFR 391](#) before operating a vehicle. CMV owner–operators must comply with both rules that apply to motor carriers and rules that apply to drivers. An owner–operator is a person who operates a CMV under his or her own authority (U.S. DOT Number), as both a motor carrier and self-employed driver.

To drive a CMV in interstate commerce, drivers must comply with the general qualifications outlined in [49 CFR 391.11](#), including:

- Be at least 21 years of age.
- Speak and read English satisfactorily to:
 - Converse with the general public;
 - Understand traffic signs and signals;
 - Respond to official questions; and
 - Make legible entries on reports and records.
- Drive the vehicle safely.
- Be physically qualified to perform all duties of a driver.
- Have only one valid commercial motor vehicle operator's license issued by one State or jurisdiction.
- Provide an employing motor carrier with:
 - A list of all motor vehicle violations; or
 - A signed statement that the driver has not been convicted of any motor vehicle violations during the past 12 months.
- Pass a driver's road test or equivalent.

A disqualified driver must not drive a commercial motor vehicle for any reason. See [49 CFR 391.15](#).

6.1.1 Exceptions

The following categories of drivers and vehicles in [49 CFR 391.2](#) are generally exempt from some or all of the driver qualifications listed above:

- Farm custom operation.
- Beekeeping industries.
- Certain farm vehicle drivers.
- Covered farm vehicles.
- Pipeline welding trucks.

[49 CFR 391](#), [Subpart G](#) includes some additional limited exemptions.

6.1.2 Driver Qualification File

All motor carriers must maintain a qualification file for each employed driver. A driver qualification file checklist may be helpful to ensure that all required documents and inquiries are obtained. A description of the documents required to be in each driver's qualification file is included in the following subsections and in [49 CFR 391.51](#), which also details the document retention requirements.

Driver's Application for Employment

A driver must not drive a CMV unless an application for employment is completed and signed. See [49 CFR 391.21](#) for a list of information that must be included as part of the application, and view example application for employment. Non-CDL drivers must list any employer they have worked for in the last three years. CDL drivers must do the same and must also list any employer for whom they operated a CMV in the last 10 years.

Every driver must have an application of employment including owner–operators and mechanics that operate vehicles on public

Inquiry to Previous Employers for Safety Performance History

Motor carriers must investigate, document, and retain all drivers' previous employment safety performance history for the three years immediately prior to the driver joining a new employer. See [49 CFR 391.23](#).

The inquiry may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate, but all investigations and efforts to contact previous employers must be documented.

Records must be received within 30 days of the start of employment. Inquiries to previous employers must include, at minimum:

- General driver identification and employment verification information.
- Any accidents as defined in [49 CFR 390.5T](#), including accident details when possible.
- Whether the driver violated the alcohol and controlled substances prohibitions under [49 CFR 382](#) or [49 CFR 40](#).

As applicable, the following documents must also be maintained in the qualification file:

- Records Request for Driver/Applicant Safety Performance History (Release Form)
Applicants submit this form to authorize previous employers to release their records. See [49 CFR 391.53\(b\)\(1\)](#).
- Safety Performance History Information Driver/Applicant Correction Request or Rebuttal
Applicants may use this form to dispute information that was provided by previous employers. See [49 CFR 391.23\(j\)\(3\)](#).
- Response notes received from investigations
See [49 CFR 391.53 \(b\)\(2\)](#).

All files related to the employee's safety performance history and inquiries to prior employers must be retained for the length of employment and for three years thereafter. See [49 CFR 391.53](#).

Inquiry to State Agencies for Driver's Motor Vehicle Record and Carrier's Annual Review of Record

At the time of application, carriers must contact all States where each driver holds, or has held in the past 3 years, a motor vehicle operator's license or permit to obtain the driver's Motor Vehicle Record (MVR) ([49 CFR 391.23\(a\)\(1\)](#) and [\(b\)](#)).

A copy of the MVR(s) obtained in response to the inquiry must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with [49 CFR 391.51](#). If no MVR is received from the State required to submit this response, the motor carrier must document a good faith effort to obtain such information, and certify that no record exists for that driver. The inquiry to the State driver licensing agency or agencies must be made in the form and manner each agency prescribes. See example Inquiry to State Agencies form.

The carrier must then obtain an updated MVR annually, and review it to determine whether minimum safe driving requirements have been met, and confirm that there are no disqualifying offenses. See [49 CFR 391.15](#). The reviewer must place a note including the name of the reviewer and the date the record was reviewed in the driver qualification file ([49 CFR 391.25 \(c\)\(2\)](#)). See example Annual Review of Driving Record form.

See [49 CFR 391.53](#) for driver history record retention requirements.

Annual Driver's Certification of Violations

Each year motor carriers must require their employed drivers to provide a list of all convicted violations of motor vehicle traffic laws and ordinances during the previous 12 months. See [49 CFR 391.27](#), and example Annual Driver's Certification of Violations form. This certification of violations should be compared with the driver's Motor Vehicle Record annually; reviewing both records at the same time is useful for assessing a driver's overall safety performance. **Note:** Drivers who have already provided information required by [49 CFR 383.31](#) do not need to repeat information in this annual list of violations.

Driver's Road Test Certificate or Equivalent

Drivers must not drive a CMV until they have completed a road test and are issued a certificate ([49 CFR 391.31](#)). As an equivalent to the driver's road test certificate, a motor carrier may accept and retain a copy of the driver's valid CDL, or a copy of the driver's valid road test certificate (issued within the past 3 years). See [49 CFR 391.33](#). **Note:** Drivers must be issued copies of these certificates.

Medical Examiner's Certificate

A driver must pass a [medical examination](#) and be issued a [Medical Examiner's Certificate](#) ([49 CFR 391.41](#)). For non-CDL holders, the carrier must keep a copy of the Medical Examiner's Certificate in the driver's qualification file.

For CDL holders, the motor carrier employer must obtain the CDLIS MVR defined at [49 CFR 384.105](#). The CDLIS MVR must be obtained from the current licensing State and placed in the driver qualification file. See exceptions as noted in [49 CFR 391.51\(b\)\(7\)\(ii\)](#). CDL drivers must submit a copy of their medical examiner's certificate to their State Drivers Licensing Agency.

The driver must renew the certificate every two years, unless the medical examiner specifies a date of less than two years on the certificate. Medical examinations must be performed by a medical examiner listed on the [National Registry of Certified Medical Examiners](#) under subpart D of part 390.

See [49 CFR 391.41](#) to learn more about the physical requirements for drivers.

Drivers with physical impairments which affect their ability to safely operate CMVs according to their medical examiners, or with missing limbs

(e.g., hand, arm, foot, or leg), are required to obtain a [Skill Performance Evaluation certificate](#).

Note of Medical Examiner Listing

A note must be included in the driver's qualification file to verify that the medical examiner is listed on the [National Registry of Certified Medical Examiners](#):

- Notes are needed for [non-CDL drivers](#) (See [49 CFR 391.51\(b\)\(9\)\(i\)](#)).
- Notes are needed for (See [49 CFR 391.51\(b\)\(9\)\(ii\)](#)).

Inquiry about Drug and Alcohol Tests

Employers must ask potential employees if they have tested positive, or refused to test, on any pre-employment drug or alcohol test where the employee applied for, but did not obtain, safety-sensitive transportation work. See [49 CFR 391.23\(e\)](#), and a sample Pre-employment Drug or Alcohol Test questionnaire. If the potential employee admits to having a positive test or refused to test, that individual must not perform safety-sensitive functions until the successful completion of the return-to-duty process. See [49 CFR 40.25\(j\)](#) and [49 CFR 40, Subpart O](#).

If a driver refuses to allow the prospective employer to make an inquiry about previous drug and alcohol tests, the employer must not permit the driver to operate a CMV. See [49 CFR 391.23\(f\)\(1\)](#).

6.1.3 Common Violations

The following table lists some of the most common driver qualification violations.

Violation	Relevant CFR
Non-English speaking driver	391.11
Incomplete driver qualification file	391.51
Operating a property-carrying vehicle without possessing a valid medical certificate	391.41
Driver does not have a valid operator's license for the CMV being operated	391.11
Expired medical examiner's certificate	391.45
Driver lacking physical qualification(s)	391.11
Driver operating a CMV without proper endorsements or in violation of restrictions	391.11
Driving a CMV while disqualified—suspended for safety-related or unknown reason and in the State of driver's license issuance	391.15
Driving a CMV while disqualified—suspended for non-safety-related reason and in the State of driver's license issuance	
Driver lacking valid license for type vehicle being operated	391.11

6.2 CDL Driver Training and Standards (Parts 380 and 383)

This section outlines training and standards applicable to drivers holding a Commercial Driver's License (CDL).

Part 383 establishes standards to help prevent truck and bus accidents, fatalities, and injuries by requiring drivers to have a single CDL, and by disqualifying drivers who operate commercial motor vehicles (CMVs) in an unsafe manner. With certain limited exceptions listed in [49 CFR 383.3](#), a driver must hold a CDL if he or she operates in interstate, intrastate, or foreign commerce and drives a CMV as defined in [49 CFR 383.5](#). A commercial learner's permit (CLP) is also considered a valid CDL for the purpose of behind-the-wheel training. The complete list of CLP requirements are in [49 CFR 383.25](#).

CDLs are State-issued Licenses.

Because the CDL is a State-issued license, carriers should check with the appropriate State officials regarding particular license classes and specific exceptions stated in [49 CFR 383.3](#).

The Commercial Driver's License Information System (CDLIS) enables States to exchange information about the driving records of CMV drivers. CDLIS helps ensure that only one license is issued to a driver, and that currently disqualified drivers cannot obtain a CDL. Employers can access

information in the CDLIS clearinghouse through their State's vehicle licensing agency.

6.2.1 CMV Groups (383.91)

There are three commercial motor vehicle groups: A, B, and C. Every driver must be tested for the CMV group for which he or she desires a CDL. See [49 CFR 383.91](#) for full definitions.

CMV Group	Definition
GROUP A (Combination Vehicle)	Any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more, provided the gross vehicle weight rating (GVWR) of the vehicles(s) being towed is in excess of 10,000 pounds.
GROUP B (Heavy Straight Vehicle)	Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.
GROUP C (Small Vehicle)	Any single vehicle, or combination of vehicles, that does not meet the definition of Group A or Group B, but is designed to transport 16 or more passengers including the driver, or is used in the transportation of hazardous materials as defined in 49 CFR 383.5 .

6.2.2 CDL Endorsements (383.93)

Drivers who operate the specialized CMVs listed below must pass additional tests and obtain endorsements on their CDLs.

- **T**—Double/triple trailers (knowledge test only)
- **P**—Passenger (knowledge and skills tests)
- **N**—Tank vehicle (knowledge test only)
- **H**—Hazardous materials (knowledge test only)
- **X**—Hazardous materials and for tank and HM combination
- **S**—School Bus (knowledge and skills test)

See [49 CFR 383.93](#) about endorsements.

6.2.3 Hazardous Materials Endorsement (383.141)

State agencies are responsible for issuing hazardous materials endorsements for a CDL, and approve the applicants for these endorsements. See [49 CFR 383.141](#) for full regulations on prohibition, individual notification, and the hazardous materials endorsement renewal cycle.

6.2.4 Air Brake Restrictions (383.95)

If a CDL is issued to a driver that:

- Fails the air brake section of the knowledge test; or
- Performs the skills test in a vehicle not equipped with air brakes;

The CLP/CDL must show that the license holder may not operate any CMV equipped with any type of air brake. See [49 CFR 383.95](#).

6.2.5 Disqualification of Drivers (383.51)

If an employer knows, or reasonably should know, that a driver is disqualified, it must not allow the disqualified driver to operate a CMV. See [49 CFR 383.37](#). The disqualification period of a driver is determined by the offense and the driver's record of prior convictions. There are separate disqualification tables for the following types of offenses in [49 CFR 383.51](#): major offenses, serious offenses, railroad-highway grade crossing offenses, and violations of out-of-service orders. Major and serious offenses require driver disqualification even if the CDL holder is driving a non-CMV.

Disqualifying Offenses

Major offenses require a minimum disqualification of one year and include the following:

- Driving under the influence of alcohol as prescribed by State law.
- Driving under the influence of a controlled substance.
- Having an alcohol concentration of .04 or greater while operating a CMV.
- Refusing to take an alcohol test as required by implied consent laws or regulations.
- Leaving the scene of an accident.
- Using the vehicle to commit a felony.

- Driving a CMV while revoked, suspended, canceled or disqualified as a result of prior violations committed while operating a CMV.
- Causing a fatality through the negligent operation of a CMV.
- Using the vehicle in the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance (mandatory lifetime disqualification).

Serious offenses require a minimum disqualification of 60 days and include the following:

- Speeding excessively (15 mph or more over the speed limit).
- Driving recklessly.
- Making improper or erratic traffic lane changes.
- Following the vehicle ahead too closely.
- Violating State or local law relating to motor vehicle traffic control arising in connection with a fatal accident.
- Driving a CMV without obtaining a CLP or CDL or without a CLP or CDL in the driver's possession.
- Driving a CMV without the proper class license and/or endorsements.
- Violating laws relating to prohibiting texting or using a handheld mobile telephone while driving a CMV.

See [49 CFR 383.51](#) for a list of all offenses and disqualifying periods for drivers convicted of an offense.

6.2.6 Drug and Alcohol Testing: Implied Consent (383.72)

Any person that holds a CLP or CDL or drives a CMV is considered to have consented to take an alcohol or drug test if he or she is suspected of driving under the influence. If a CMV driver refuses to submit to a test, or fails a test, the driver will face consequences and may be disqualified.

See [49 CFR 383.72](#) and Table 1 in [49 CFR 383.51](#).

6.2.7 Notifying Employer of Convictions (383.31)

A CDL holder must notify their employer(s) within 30 days of conviction for any State or local law pertaining to motor vehicle traffic control (other than a parking violation). The notification must be in writing and include all information outlined in [49 CFR 383.31\(c\)](#).

6.2.8 Special Training for LCV and Entry-Level Drivers (Part 380)

Special training requirements for **drivers of longer combination vehicles (LCVs)** and **entry-level drivers** are found in [49 CFR 380](#). Subparts A through D, apply to all operators of LCVs in interstate commerce, employers of such persons, and those who provide instruction to LCV drivers. An LCV is defined as any combination of a truck-tractor and two or more trailers operating on the [National System of Interstate and Defense Highways](#) with a GVW greater than 80,000 pounds. [Subpart E](#) lists the rules for all entry-level CMV drivers in interstate commerce.

LCV Driver Requirements (380.107)

Drivers wanting to operate a LCV must successfully complete a LCV driver-training program as detailed in [49 CFR 380.107](#).

Before receiving training, a driver must present evidence to the LCV driver-instructor that he or she meets the general requirements of [49 CFR 380.201](#) for the specific type of LCV training required. See [49 CFR 380.107](#).

LCV Training Certification Document (380.401) and Employer Responsibilities (380.113)

Drivers who successfully complete the LCV training will be issued an LCV Driver-Training Certificate.

A motor carrier is prohibited from allowing a driver to operate an LCV unless the driver can produce an LCV Driver-Training Certificate or an [LCV Driver-Training Certificate of Grandfathering](#). Employers are required to retain a copy of this certificate in the Driver Qualification File, as described in [49 CFR 380.401](#).

LCV Instructor Qualification Requirements (380.301)

There are two types of LCV instructors: classroom instructors and skills instructors. The requirements for each are as follows:

LCV Classroom Instructor

- Audit the driver training course he or she intends to instruct; and
- If employed by a training institution, meet all State requirements for a vocational instructor.

LCV Skills Instructor

- Provide evidence of successful completion of the Driver Training Program requirements, as stated in [49 CFR 380.201](#), when requested by an employer or as part of a compliance review;
- If employed by a training institution, meet all State requirements for a vocational instructor;
- Possess a valid Class A CDL with all appropriate endorsements necessary to operate the CMVs relevant to the subject matter being taught; and
- Have a minimum of two years of CMV driving experience in a vehicle representative of the type of LCV training being provided.

[49 CFR 380.303](#) lists acceptable substitutions that qualify for instructor requirements.

Entry-Level Driver Training Requirements (380, Subpart E)

An entry-level driver is a driver with less than one year of experience operating a CMV with a CDL in interstate commerce. Entry-level drivers who drive in interstate commerce, and are subject to the CDL requirements of [49 CFR 383](#), must comply with the rules of [49 CFR 380, Subpart E](#).

Exceptions to this rule include:

- Drivers who are subject to the jurisdiction of the Federal Transit Administration; or
- Drivers who are otherwise exempt under [49 CFR 390.3\(f\)](#).

In addition to passing the CDL test, entry-level drivers must complete the following training:

- Driver qualifications
- Hours of service of drivers
- Driver wellness
- Whistleblower protection

Rule Change Notification

FMCSA recently published a final Entry-Level Driver Training Rule. The compliance date for this rule is February 7, 2020. Until this date, the current rule summarized above, remains in effect. For more information, see FMCSA's [Entry-Level Driver Training Rule](#).

Entry-Level Training Certification Document (380.513) and Employer Responsibilities (380.509)

If entry-level drivers began operating a CMV requiring a CDL in interstate commerce after July 20, 2003, they must complete the additional required training noted in [49 CFR 380.503](#). Employers are responsible for verifying that each entry-level driver has completed the required training.

The trainer must provide a certificate to an entry-level driver upon completion of training. A copy of the certificate must be maintained in the driver's qualification file. See [49 CFR 380.509](#).

6.2.9 Common Violations

The following table lists some of the most common driver training-related violations.

Violation	Relevant Code
Operating a CMV without a CDL	383.23
Driving a CMV while CDL is suspended for a safety-related reason	383.51
Driving a CMV while CDL is suspended for a non-safety-related reason and in the State of driver's license issuance	383.51
Operating a CMV with an improper CDL group	383.91
Operating a CMV with more than one driver's license	383.21
No tank vehicle endorsement on CDL	383.93
No hazardous materials endorsement on CDL	383.93
No passenger vehicle endorsement on CDL	383.93
No double/triple trailer endorsement on CDL	383.93
Violating airbrake restriction	383.95

6.3 Requirements While Driving CMVs (Part 392)

[49 CFR 392](#) discusses requirements, such as those related to illness and fatigue, drug and alcohol use, and seat belt use, for anyone driving a commercial motor vehicle (CMV). It also identifies requirements that apply to carriers, brokers, and other parties in the logistics chain. Every CMV must be operated within the laws and regulations of its current jurisdiction. However, if FMCSA imposes a higher standard than that of the jurisdiction, the FMCSA rule must be obeyed.

FMCSA has instituted coercion rules intended to prevent motor carriers from influencing drivers to violate safety regulations. Only the driver can determine if he or she is too ill or tired to safely operate a vehicle, or if the road conditions pose too great a safety hazard to drive. See the coercion rule in 49 CFR 390.5T and 49 CFR 390.6 for further detail.

6.3.1 Illness or Fatigue (392.3)

Drivers may not operate, nor shall a motor carrier require or permit a driver to operate, a CMV if they are too tired or sick to drive safely.

Operation may be discontinued at the driver's discretion. In the case of a grave emergency, where danger to the driver, occupants, or other users on the road would increase if the driver stopped operating the CMV, the driver may continue until the nearest place the danger can be eliminated.

6.3.2 Alcohol (392.5)

Drivers are forbidden to consume or be under the influence of alcohol (as defined in [49 CFR 382.107](#)) **within four hours** of going on duty or operating a CMV ([49 CFR 392.5](#)). Drivers are forbidden to use alcohol, be under the influence of alcohol, or have any measured alcohol concentration, while on duty, or operating, or in physical control of a commercial motor vehicle. Alcohol can only be transported as part of a shipment.

Any driver found in violation of 49 CFR 392.5 (alcohol misuse) will be placed out-of-service for 24 hours effective immediately.

6.3.3 Drugs (392.4)

No driver may be on duty and possess, or be under the influence of, any of the following types of drugs or substances:

- Any [21 CFR 1308.11](#) *Schedule I* substance;
- Any type or formulation of an amphetamine;
- Any type or derivative of a narcotic; or
- Any other substance that would impede a driver's ability to safely operate a vehicle, including misused or abused prescription drugs, or marijuana, medicinal, or otherwise.

These rules do not apply to prescription drugs or substances given to a driver under the instruction of a licensed medical practitioner as noted in [49 CFR 382.107](#), so long as the substance does not impede the driver's ability to safely operate a vehicle.

The term "possession" does not apply to substances manifested and transported as part of a shipment.

6.3.4 Equipment, Inspection, and Use (392.7—392.9)

A vehicle may not be driven **unless the driver is satisfied** that its parts and accessories are in good working order. See the [Parts and Accessories Needed for Safe Operation](#) and [Vehicle Inspections](#) sections of this planner for additional information. Drivers must also be satisfied that the emergency equipment required in [49 CFR 393.95](#) is in place and ready for use. All drivers must use the vehicle's parts, accessories, and emergency equipment when and as needed.

[49 CFR 392.7](#) notes that, at minimum, the driver should inspect these parts and accessories to ensure that they are in good working order prior to operating the vehicle. See [Pre-trip Inspections](#).

- Service brakes, including trailer brake connections
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horns
- Windshield wipers
- Rear-vision mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

Prior to departure, cargo must also be properly distributed and sufficiently secured as listed in [49 CFR 392.9](#) and further explained in [49 CFR 393, Subpart I](#) (393.100—393.136).

6.3.5 Seat Belts (392.16)

Drivers may not operate CMVs without first properly restraining themselves and all passengers with a seat belt, if the vehicle is equipped with seat belts.

6.3.6 Emergency Warning Devices (392.22)

If a vehicle is stopped on a highway or shoulder for a reason other than a necessary traffic stop, the driver must turn on the vehicle's hazard warning system, which is to be left on until the vehicle's external warning devices are in position. The hazard warning system must again be utilized when the warning devices are being picked up before the vehicle moves on.

Warning devices (warning triangles, fusee flares, or liquid-burning flares) must be placed **within 10 minutes** in three locations:

- One on the traffic side, four paces (approximately 10 feet) from the vehicle, in the direction of approaching traffic;
- One in the center of the traffic lane or shoulder, 40 paces (approximately 100 feet) from the vehicle, in the direction of approaching traffic; and
- One in the center of the traffic lane or shoulder, 40 paces (approximately 100 feet) from the vehicle, in the direction away from approaching traffic.

If flares are used, the driver is responsible for ensuring that at least one flare remains lit at each location as long as the vehicle is stopped.

6.3.7 Radar Detectors (392.71)

[49 CFR 392.71](#) states that no driver may use a radar detector in a CMV, or operate a CMV that is equipped with, or contains, any radar detector.

6.3.8 Electronic Devices/Mobile Phones (392.80—392.82)

No driver may use a hand-held mobile telephone or engage in texting while driving a CMV, according to [49 CFR 392, Subpart H](#). The only occasion where either is permissible is when drivers are communicating with law enforcement officials or other emergency services.

Penalties for texting or using a hand-held mobile phone can reach \$2,750, as adjusted for inflation, for drivers and \$11,000, as adjusted for inflation, for employers who allow or require drivers to text or use a hand-held mobile phone while driving. Second and third offenses result in driver disqualifications for 60 and 120 days, respectively. States will suspend a driver's Commercial Driver's License (CDL) after two or more serious traffic violations.

6.3.9 Railroad Crossings (392.10—392.11)

Motor vehicles transporting passengers and certain types of hazardous materials, as cited in [49 CFR 392.10\(a\)](#), are forbidden from crossing railroad tracks without first stopping within 50 feet but no closer than 15 feet, listening, and looking both ways for an approaching train. Drivers may cross the railroad tracks once it is safe to do so, though they are not permitted to shift gears while crossing the tracks. See [49 CFR 392.10\(b\)](#) for a list of exceptions where a stop need not be made.

6.3.10 Hazardous Weather Conditions (392.14)

Extreme caution must be exercised when hazardous weather conditions adversely affect visibility or traction as it relates to a motor vehicle. Drivers are required to reduce speed under such conditions. If conditions become sufficiently dangerous, operations must immediately be discontinued until the vehicle can again be safely operated. In a case where the danger to the driver, occupants, or other users on the road would increase by stopping, the driver may continue operating the vehicle until the nearest place the danger can be eliminated.

6.3.11 Operating Authority (392.9a)

See the [Obtaining Operating Authority](#) section of this planner for information about registering with FMCSA and obtaining operating authority if you are a "for-hire" carrier.

6.3.12 Common Violations

The following table lists some of the most common violations associated with driving a CMV.

Violation	Relevant Code
Moving violations, such as: <ul style="list-style-type: none"> • Speeding • Following too closely • Improper lane changes • Reckless driving • Improper turns • Failure to yield to right of way • Railroad grade crossing violations • Failure to obey a traffic control device 	392.2
Failing to use seat belt while operating CMV	392.16
Using a hand-held mobile telephone while operating a CMV	392.82

Violation	Relevant Code
Unauthorized passenger on board CMV	392.60
Driving under the influence of drugs	392.4A
Driving while in possession of intoxicating beverage, non-cargo	392.5A3
Wheel (mud) flaps missing or defective	392.2WC
Failing to secure vehicle equipment or load (49 CFR 393, Subpart I)	392.9(a)(2)
Driver failing to conduct pre-trip inspection	392.7(a)
Failing/improper placement of warning devices	392.22(b)

6.4 Hours of Service (Part 395)

This section explains the hours of service (HOS) rules, and outlines Subpart A—General and Subpart B—Electronic Logging Devices (ELDs). “Hours of service” refers to the maximum amount of time drivers are permitted to be on duty including driving time, and specifies number and length of rest periods, to help ensure that drivers stay awake and alert. In general, all carriers and drivers operating commercial motor vehicles (CMVs) must comply with HOS regulations in [49 CFR 395](#). Exceptions are listed in [Sections 395.1 \(b through x\)](#). [FMCSA’s Interstate Truck Driver’s Guide to Hours of Service](#) provides detailed examples of how the HOS rules are applied, and how logbooks should be completed.

6.4.1 Exceptions (395.1)

HOS rules apply to all carriers and drivers except in specific situations related to the topics below. See [49 CFR 395.1](#) for more information.

Note: Some topics are complete or partial exemptions from compliance with HOS rules, while others are exceptions to the record of duty status (RODS) requirements.

- Adverse driving conditions
- Emergency conditions
- Agricultural operations
- Commercial beekeeping operations
- Construction materials and equipment utility
- Covered farm vehicles
- Division 1.1, 1.2, or 1.3 explosives
- Driver/salesperson
- Groundwater well drilling operations
- Hi-rail vehicles
- Livestock
- Motion picture production site
- Oilfield operations
- Pipeline welding trucks
- Railroad signal employees
- Ready-mixed concrete delivery
- Retail store deliveries
- Short-haul provision: CDL & non-CDL operator
- Sixteen-hour exception for property-carrying driver
- Sleeper berths
- State of Alaska
- State of Hawaii
- Travel time

- Utility service vehicles

6.4.2 Property-Carrying Operations (395.3)

49 CFR 395.3 lists the maximum driving time for property-carrying vehicles.

Hour of Service Rules for Property-Carrying Operations

Rule	Definition
Start of Work Shift	A driver must take 10 consecutive hours off duty prior to starting a shift.
14-Hour “Driving Window” Limit	A motor carrier must not permit or require a driver, nor shall a driver drive after the 14 th hour after coming on duty following 10 consecutive hours off duty. Once reaching the 14-consecutive-hour limit, drivers must have 10 consecutive hours off duty before driving again.
11-Hour Driving Limit	During the 14-consecutive-hour period explained above, drivers are only allowed to drive for up to 11 hours. Once a driver has driven 11 hours, he or she must have 10 consecutive hours off duty before driving again.
30-Minute Rest Break	Except for drivers who qualify for either short haul exception listed in 49 CFR 395.1 (e)(1) or (2), driving is not permitted if more than 8 hours have passed since the end of the driver’s last off duty or sleeper berth period of at least 30 minutes.
60 and 70-Hour Limits	A motor carrier must not permit or require a driver, nor shall a driver drive after a total of: <ul style="list-style-type: none"> • 60 hours on duty in 7 consecutive days (if the motor carrier does not operate CMVs every day of the week); or • 70 hours on duty in 8 consecutive days (if the motor carrier does operate CMV’s every day of the week).

Note: An off duty period of 34 or more consecutive hours may restart a driver’s 7 or 8 consecutive day period. See [Sections 395.3\(c\)\(1\) and 395.3\(c\)\(2\)](#) for applicable 34-hour restart provisions. FMCSA suspended indefinitely enforcement of the 1–5 a.m. periods and once in 168 hours.

Note: If the driver of a property-carrying CMV works more than one job of any kind, that time must also be included as on-duty time.

6.4.3 Passenger-Carrying Operations (395.5)

49 CFR 395.5 lists the maximum driving time for passenger-carrying vehicles.

Hours of Service Rules for Passenger-Carrying Operations

Rule	Definition
Start of Work Shift	A driver must take 8 consecutive hours off duty prior to starting a shift.
10-Hour Limit	Drivers are allowed to drive for up to 10 hours following 8 consecutive hours off duty.
15-Hour Limit	A motor carrier cannot permit or require a driver, nor shall a driver drive after 15 hours are spent on duty following 8 consecutive hours off duty.
60 and 70-Hour Limits	A motor carrier must not permit or require a driver, nor shall a driver drive after a total of: <ul style="list-style-type: none"> • 60 hours on duty in 7 consecutive days (carrier does not operate CMVs every day of the week); or • 70 hours on duty in 8 consecutive days (carrier operates CMVs every day of the week).

Note: If a driver of a passenger-carrying vehicle works more than one job of any kind, that time must also be included as on-duty time.

6.4.4 Driver’s Record of Duty Status (RODS) (395.8)

Every driver needs to prepare a record of duty status for each 24-hour period. Failure to record, complete, or retain the log, or knowingly falsifying logs or other reports, makes the driver and/or carrier liable to prosecution. Logs must be kept current by showing each change in duty status. The time zone used on a driver’s daily log should be the time standard of that driver’s home terminal. An [example driver’s record of duty status](#) can be found in FMCSA’s Interstate Truck Driver’s Guide to Hours of Service. See [49 CFR 395.8](#) for more information.

Short-Haul Exemptions to Record of Duty Status Regulations

There are exceptions to the RODS regulations for drivers that drive short distances:

- 100 air-mile radius driver exemption (see [49 CFR 395.1 \(e\)\(1\)](#)).
- 150 air-mile radius driver exemption, for drivers of property-carrying CMVs who do not require a CDL and operate within a 150 air-mile radius of their normal work reporting location (see [49 CFR 395.1 \(e\)\(2\)](#)).

Details about all exceptions from the HOS regulations can be found in [FMCSA's Interstate Truck Driver's Guide to Hours of Service](#) .

Drivers must meet all of the qualifications specified in the regulations to use an exemption. If even one of the qualifications is not met, then all of the standard hours of service rules apply.

Electronic Logging Devices (395 Subpart B) and Automatic On-Board Recording Devices (395.15)

Beginning December 18, 2017, motor carriers subject to the Electronic Logging Device (ELD) rule must automatically record on- and off-duty time using an ELD. Motor carriers who have an automatic on-board recording device (AOBRD) that was installed and in-use prior to December 18, 2017, may continue to use this device to record and share HOS data until December 16, 2019.

- Requirements for ELDs can be found in [49 CFR 395 Subpart B](#).
- Requirements for automatic onboard recording devices can be found in [49 CFR 395.15](#).

When requested by an authorized safety official, a motor carrier must produce ELD records in an electronic format either at the time of the request or, if the motor carrier has multiple offices or terminals, within the time permitted under [49 CFR 390.29](#). A motor carrier must retain for 6 months, a back-up copy of the ELD records on a device separate from that on which the original data are stored.

More information about the ELD rule, including a complete list of exemptions, can be found on [FMCSA's ELD webpage](#) .

Submitting/Retaining Duty Status Paper Logs (395.8 (a)(2)(ii) and 395.8 (k))

A driver who is not subject to the ELD rule may still be subject to HOS regulation. In this case, the driver must submit the original paper log sheet to the employing carrier within 13 days after trip completion. The driver shall retain a copy of each ROD status for the previous seven consecutive days, which shall be in his/her possession and available for inspection while on duty. All hard copies of the driver's record of duty status must be signed by the driver.

When a motor carrier uses a driver initially or intermittently, the carrier must obtain from its driver a signed statement giving the total time on duty during the immediately preceding seven days, and the time at which the driver was last relieved of duty. See Hours of Service for First Time or Intermittent Drivers form. Records of duty status must be maintained, with all supporting documents, for a minimum of 6 months. See [Sections 395.8 \(a\)\(2\)\(ii\) and 395.8 \(k\)](#).

6.4.5 Drivers Declared Out-of-Service (395.13)

A driver is not permitted to drive after being on duty in excess of the maximum periods permitted, as detailed in [49 CFR 395.13](#). Motor carriers cannot require or permit a driver who has been declared out-of-service to operate a CMV until the driver may lawfully do so.

6.4.6 Common Violations

The following table lists some of the most common hours of service violations.

Violation	Relevant Code
Form and manner issues, such as: <ul style="list-style-type: none">• Log does not include miles traveled• Log does not include locations	395.8
Driver's RODS not current	395.8(f)1
30-minute rest break after 8 hours on duty violations	395.3(a)(3)(ii)
14-hour violations	395.3(a)(2)
False RODS	395.8(e)
Failing to retain previous 7 days of RODS	395.8(k)(2)
No driver RODS	395.8(a)

Violation	Relevant Code
11-hour violations	395.3(a)(3)
On-board recording device violations	395.15
Driving after 70 hours on duty in 8 days	395.3(b)(2)

6.5 Controlled Substances and Alcohol Use and Testing (Part 382)

This section details programs and requirements that help prevent crashes and injuries due to drug or alcohol use.

6.5.1 Implementing a Drug and Alcohol Program

Motor carriers must take steps to ensure their drivers are enrolled in a U.S. DOT drug and alcohol program; non-compliance could lead to costly fines. FMCSA and the Office of Drug and Alcohol Policy Compliance (ODAPC) provide many resources to help carriers learn more about training and testing guidance. For more information on resources and downloads, see [U.S. DOT Drug and Alcohol Resources for Employers](#), [U.S. DOT Drug and Alcohol Supervisor Training Guidance](#), and [FMCSA Employers Resources and Downloads](#).

Alcohol is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Controlled substances are considered to be any of the drugs and other substances listed in 21 CFR 1308.11–1308.15. See 49 CFR 382.107 for a list of full definitions, and 49 CFR 40.85 for a list of the controlled substances that labs test for.

Applicability

Employers and employees can quickly find out if they are required to comply with U.S. DOT drug and alcohol testing regulations by using the “[Am I Covered?](#)” decision tree at [Transportation.gov](#). In general, controlled substances and alcohol use and testing regulations apply to the following:

- All service agents, employers, and employees who operate a CMV in any State and are subject to U.S. Commercial Driver’s License (CDL) requirements, Licencia Federal de Conductor (Mexico) requirements, or CDL requirements of the Canadian National Safety Code.
- An employer who employs himself/herself as a driver must comply with both employer and driver requirements.
- An employer who employs only himself/herself as a driver shall implement a random alcohol and controlled substances testing program with two or more covered employees in a random testing selection pool or consortium.

Exceptions to 49 CFR 382 include:

- Drivers required to comply with the Federal Transit Administration’s (FTA) alcohol and drug testing ([49 CFR 655](#)).
- Drivers exempt from CDL requirements by their issuing State.
- Active duty military personnel.
- Drivers who operate ‘covered farm vehicles’ as defined in [49 CFR 390.5T](#).

See [49 CFR 382.103](#) for a full list of exceptions.

Using Service Agents

A service agent helps to implement the U.S. DOT/FMCSA drug and alcohol testing regulations. The agent cannot be an employee of the motor carrier. The service agent can coordinate the employer’s testing services and be used to administer the employer’s U.S. DOT drug and alcohol testing program. If you are an owner–operator, you must use a service agent to manage your program. Service agent requirements are defined by [49 CFR 40](#). Also, see [What are Service Agents?](#)

Note: Use of service agents does not relieve employers of the responsibility to comply with all applicable requirements of 49 CFR Parts 40 and 382.

Recordkeeping Requirements

Employers must maintain records of alcohol and drug misuse prevention programs in a secure location with controlled access. See [49 CFR 382.401](#).

- Employers must make records available within two business days at the principal place of business to any authorized FMCSA representative requesting records. See [49 CFR 382.405](#).
- Records that are required to be prepared must be retained. See [49 CFR 382.401](#) for the minimum retention of each record type.
- When requested by authorized officials, employers are required to prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this part during the previous calendar year. In addition, if notified during the month of January of

a request to report the annual calendar year summary information, you must submit this report by March 15. See [49 CFR 382.403](#), as well as [MIS survey filling instructions](#).

Employer and Driver Education

Employers are required to promote and make known to each employee the policies and procedures on the misuse of drugs and alcohol. A policy that meets the requirements of the regulations is the foundation of an effective drug and alcohol program. Every person involved in the program should be familiar with the policy in order to avoid compliance problems. Every motor carrier must provide each of its employees with educational materials that explain the drug and alcohol use and testing regulations. See [49 CFR 382.601](#) for a full list of content. Also, see [FMCSA's Overview of Drug and Alcohol Rules](#) and [Resources for Employees](#).

6.5.2 Collecting Drug and Alcohol Records from Previous Employer

Employers must request alcohol and controlled substances information from previous employers in accordance with the requirements of [49 CFR 40.25](#). See [and 391.23\(e\)](#). See also [6.1.2 Inquiry about Drug and Alcohol Tests](#) section of this planner.

6.5.3 Testing Types and Requirements (49 CFR 382, Subpart C)

There are several types of required tests as noted below. Employers can find information on drug and alcohol testing rules and related resources at [FMCSA's Drug and Alcohol Testing](#) page.

Pre-Employment Testing (Controlled Substances Only)

Results of the negative pre-employment drug test for controlled substances must be received by the carrier prior to allowing the driver to operate a CMV. See [49 CFR 382.301\(a\)](#).

Post-Accident Testing

After an applicable accident occurs involving a CMV (operating on a public road in commerce), each employer must test for alcohol and drugs for each of the surviving drivers. See [49 CFR 382.303\(a\)](#) for **alcohol** tests and [49 CFR 382.303\(b\)](#) for **controlled substance** tests. Carriers must have a valid reason if tests were not conducted within the required time limits. In addition, carriers must document any information related to why the test(s) were not conducted.

The following flow chart and table are quick references for determining when post-accident tests are required.

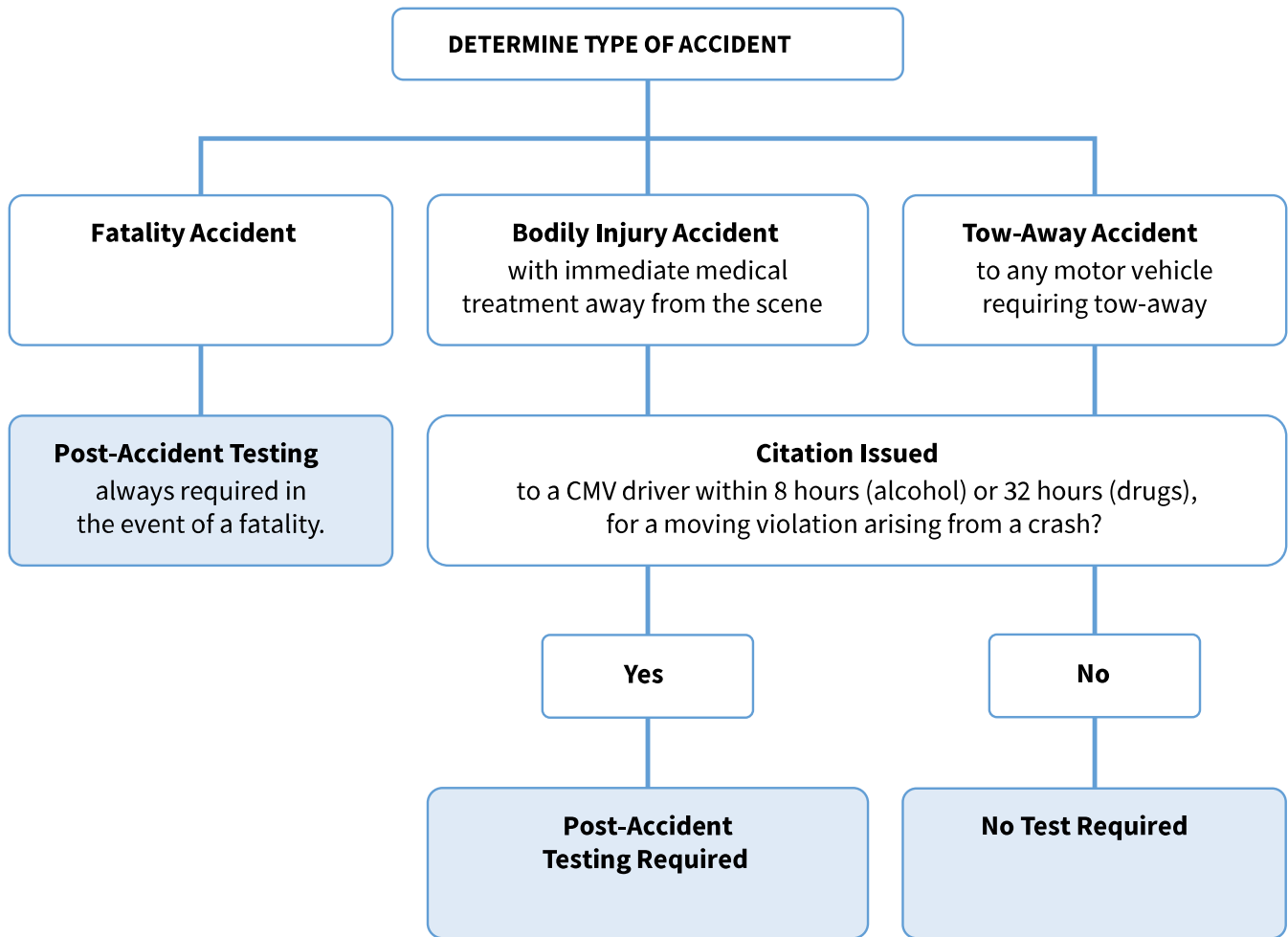


Figure 1: Post-Accident testing Flow Chart

Occurrence	Post-Accident Testing Requirements
Fatality Accident	Always test for drugs and alcohol.
Bodily Injury Accident	If a driver is issued a citation within 8 hours of the occurrence, an alcohol test is required. If a driver is issued a citation within 32 hours of the occurrence, a drug test is required.
Tow-Away Accident	If a driver is issued a citation within 8 hours of the occurrence, an alcohol test is required. If a driver is issued a citation within 32 hours of the occurrence, a drug test is required.

Random Testing (382.305)

- In general, employers need to randomly test drivers at a minimum annual percentage rate of per calendar year (January 1-December 31):
 - 10 percent of the number of drivers for alcohol testing; and
 - 25 percent of the number of drivers for drug testing.
- The random alcohol tests must be performed immediately prior, during, or immediately after a driver has performed a safety-sensitive function.
- All drivers must have an equal chance of being tested.
- See [49 CFR 382.305](#) for additional information.

Note: For current testing random rates check [DOT random testing rates](#).

Reasonable Suspicion Testing

- An employer may require a driver to submit to an alcohol and/or drug test when reasonable suspicion exists that the driver has violated the prohibitions concerning alcohol and/or drugs. See [49 CFR 382.307](#).
- A trained employer official determines whether reasonable suspicion exists based on specific, contemporaneous, and articulable observations of the appearance, behavior, and speech or body odors of the driver. See [49 CFR 382.603](#) for supervisor training requirements. The Federal Transit Administration provides a [reasonable suspicion training video](#). In addition to the video a booklet with questions and answers must be completed by the trainee in order to satisfy all the requirements of the training.
- Reasonable suspicion testing and training does not apply to an owner–operator who does not supervise any drivers.

6.5.4 Carrier Responsibilities When a Driver Tests Positive

Action must be taken when an employer receives a verified positive drug test result for a driver as described below.

Positive Driver Test Result	Motor Carrier Responsibility
<ul style="list-style-type: none"> • Alcohol 0.04 or Higher Alcohol Concentration • Controlled Substance Verified Positive Test Result 	<p>The employer must immediately remove the employee involved from any safety-sensitive functions. Do not wait for written verification of the test results. For full explanation, see 49 CFR 382.501, 49 CFR 40.23, Subpart B Employer Responsibilities.</p>

6.5.5 Return-to-Duty Process and Testing (Under Direct Observation)

Before an employer allows a driver to return to duty to perform a safety-sensitive function after the driver has violated prohibitions of [49 CFR 382, Subpart B](#), that driver must first do the following:

- Be evaluated by a substance abuse professional (SAP).
- Participate in/complete the treatment program prescribed.
- Pass a drug and/or alcohol return-to-duty test with the following results:
 - **Alcohol** with a result indicating an alcohol concentration of less than 0.02; and/or
 - **Controlled Substances** with a result indicating a verified negative result for drug use.
- Have a documented follow-up testing schedule.

See [49 CFR 40, Subpart O—Return-to-Duty Process](#)

A return to duty test can be used as pre-employment test when a pre-employment test is required and the new employer would be required to conduct both tests on the same day. See [49 CFR 382.309](#).

6.5.6 Follow-Up Testing (Under Direct Observation)

A substance abuse professional (SAP) will establish a mandatory follow-up testing plan. See [49 CFR 382.311](#).

- The employer must ensure that the follow-up testing is carried out.
- A minimum of six follow-up tests must be conducted in the first 12 months.
- The driver may also be subject to follow-up tests during the 48 months of safety-sensitive duty following the first 12-month period

See [49 CFR 40.287](#) and [49 CFR 40.23](#) for additional motor carrier responsibilities following a CMV driver's positive/refused drug test.

6.5.7 Refusal to Test

The employer must not allow a driver who refuses to submit to a required test to perform or continue to perform safety-sensitive functions. Refusing to submit to a required test covers a variety of situations, see the definition in [. A refusal has the same consequences as failing a drug or alcohol test](#). See [49 CFR 382.211](#). Any driver holding a CPL or CDL is considered to have agreed to complete an alcohol or controlled substances test; see [Controlled Substances and Alcohol Testing: Implied Consent \(383.72\)](#).

6.5.8 Drug and Alcohol Convictions While Operating a Non-commercial Vehicle

There are many categories that could disqualify a CMV driver. See [49 CFR 383.51, Subpart D](#). Drivers should be made aware that certain drug and alcohol convictions received in non-commercial vehicles may affect their CDL status.

6.5.9 Common Violations

The following table lists some of the most common alcohol and substance abuse violations.

Violation	Relevant Code
Failing to implement a drug/alcohol testing program	382.115(a)
Using a driver before receiving a pre-employment drug test result	382.301(a)
Failing to conduct post-accident alcohol or drug test	382.303
Failing to do random drug tests at applicable annual rate	382.305(b)(2)
Driver performing safety-sensitive function without follow-up	382.503
Using a driver who refused to take drug/alcohol test	382.211
Using a driver with a .04 alcohol level	382.201
Failing to implement a random controlled substance or alcohol testing program	382.305
Failing to do random alcohol tests at the applicable annual rate	382.305(b)(1)
Using a driver who has tested positive for a drug	382.215

7 Passenger Transportation

All commercial motor vehicles (CMVs) (as defined in 49 CFR 390.5T) used on a highway in interstate commerce to transport passengers must comply with applicable Federal Motor Carrier Safety Regulations (FMCSRs). This chapter explains passenger carrier operational requirements and outlines available resources.

7.1 Do I Need a U.S. DOT Number?

This is one of the most frequently asked questions by motor carriers. FMCSA provides many available resources to help with registration, operating authority registration, and other requirements. See the [Registration Requirements](#) section for additional information.

7.2 For-hire Motor Carriers of Passengers

For-hire non-exempt motor carriers of passengers transport passengers for compensation. An interstate for-hire passenger carrier must obtain operating authority registration before transporting passengers in interstate commerce. A passenger carrier may provide both for-hire and private transportation. See FMCSA's Passenger Carrier Guidance Factsheet for information about [exemptions](#).

A specific trip is for-hire if there is direct or indirect compensation. Direct compensation occurs when payment is made to a motor carrier by the passengers or their representative for transportation and the payment is not included in a total package charge. Indirect payment is compensation involving a total package charge. Companies such as hotels, car rental businesses, and parking facilities that transport their customers are often indirectly compensated for transportation because the transportation cost is covered by a total package charge.

For-hire passenger transportation can include a variety of vehicles and operations. A 'non-profit' status of an entity is irrelevant in determining whether it is for-hire. For-hire transportation is not required to be available to the general public.

7.3 Private Motor Carrier of Passengers (PMCP)

Private transportation cannot be available to the public at large. Private motor carriers of passengers (PMCPs) are separated into two groups: business or non-business.

PMCPs (Business)

PMCPs (business) provide private transportation of passengers for a commercial purpose, but transportation is not available to the public at large. Companies that use buses to transport their own employees, and professional musicians that transport their staff and equipment on concert tours are two examples of PMCP (business).

PMCPs (Non-business)

PMCPs (non-business) provide private transportation of passengers, but not in the furtherance of a commercial enterprise. A PMCPs (non-business) could be a civic organization, scout group, or other organization that purchases or leases a bus for the private transportation of their group.

7.3.1 Common Questions About PMCPs (Non-business)

Questions often come up regarding whether or not PMCP (non-business) carriers are subject to specific regulations. Below are the three most often asked questions.

Are PMCP (non-business) drivers required to be medically examined?

No. [49 CFR 391.68\(c\)](#) specifically states the content of sections 391.41 and 391.45, that require a driver to be medically examined and have a medical examiner's certificate on his/her person, do not apply to PMCPs (non-business). However, PMCP (non-business) drivers are subject to the minimum physical qualification standards found in [49 CFR 391.41\(b\)\(1\)-\(13\)](#).

PMCPs (non-business) that use a driver who has a lost or impaired limb should become familiar with the driver waiver conditions of [49 CFR 391.49](#). PMCP (non-business) drivers may be placed out-of-service during inspections if they are required by [49 CFR 391.41](#) to have a waiver and do not have one.

Are PMCP (non-business) drivers subject to the driver's hours of service regulations?

Yes. However, they are not required to prepare or maintain records of duty status. PMCP (non-business) driver's hours of service will be evaluated by enforcement officers during inspections based on evidence available at the inspection location.

It is recognized that some individuals who drive for PMCPs (non-business) may also drive for other motor carriers and in that capacity are required to maintain a record of duty status. All on-duty time performed for a PMCP (non-business) must be recorded on the records of duty status submitted to that driver's regularly employing motor carrier.

Are PMCPs (non-business) required to have their vehicles inspected?

Yes. [49 CFR 396.17](#) requires that commercial motor vehicles be inspected at least once annually. The inspection must be completed by a qualified inspector and must include all components identified in Appendix G of the FMCSRs. Documentation of this inspection must be kept on the vehicle.

7.4 Applicability of Safety Regulations

The table below summarizes the general applicability of FMCSRs to for-hire motor carriers of passengers, PMCPs (business), and PMCPs (non-business).

The table below is only a guide. Please refer to the FMCSRs to ensure full understanding and compliance with each regulatory topic.

CFR Part	FMCSR Topic	For-hire Motor Carrier of Passengers	PMCP (Business)	PMCP (Non-business)
380	Special Training Requirements	Partial	Partial	Partial
382	Controlled Substances and Alcohol Use and Testing	Yes	Yes ³	Yes ³
383	Commercial Driver's License	Yes ¹	Yes ³	Yes ³
387	Financial Responsibility (Insurance/Surety Bond)	Yes	No	No
390	General Applicability and Definitions	Yes ²	Yes	Yes
391	Qualification of Drivers	Yes	Partial ⁴	Partial ⁶
392	Driving of Commercial Motor Vehicles	Yes	Yes	Yes
393	Parts and Accessories	Yes	Yes	Yes
395	Hours of Service of Drivers	Yes	Yes	Partial ⁷
396	Inspection, Repair and Maintenance	Yes	Yes ⁵	Partial ⁸

¹A CDL is required on CMVs as defined in [49 CFR 383.5](#).

²Some exceptions in [49 CFR 390.3\(f\)](#) may apply.

³Drivers of CMVs meeting the definition of 49 CFR 383.5 are subject to the regulations in [49 CFR 382](#) and [49 CFR 383](#).

⁴Not subject to road test requirements of [49 CFR 391](#) if they meet the requirements of [49 CFR 391.69](#).

⁵Buses manufactured before Federal fuel system requirements were adopted may continue to be operated if the fuel system is maintained to the original manufacturer's standards.

⁶See [49 CFR 391.68](#) for the limited exceptions concerning driver qualification requirements. Non-business PMCPs are also not subject to [49 CFR 391, Subpart C](#) (Driver Background, Character, and Driving Record), the requirement that their drivers be medically examined, and the paperwork and recordkeeping requirements of [49 CFR 391](#).

⁷Not subject to paperwork and recordkeeping requirements in [49 CFR 395](#).

⁸Buses manufactured before Federal fuel system requirements were adopted may continue to be operated if the fuel system is maintained to the original manufacturer's standards. Also not subject to most paperwork and recordkeeping requirements in [49 CFR 396](#), but the periodic inspection recordkeeping requirements apply.

7.5 Applicability of Regulations to School Bus Transportation

The table below summarizes the applicability of 49 CFR 390 to 396 of FMCSRs to school bus transportation. School bus transportation that involves the operation of a CMV as defined in [49 CFR 383.5](#) is subject to [49 CFR 382](#) (drug and alcohol testing) and [49 CFR 383](#) (CDL).

Operating Entity	School to Home/Home to School	Extracurricular Activities
Public School Transporting Students	Not Subject	Not Subject
Private School Transporting Pre-primary, Primary, and Secondary Students	Not Subject	Subject as PMCP (Business)
Private School Transporting Post-Secondary Students	Subject as PMCP (Business)	Subject as PMCP (Business)
Contractor Transporting Pre-primary, Primary, and Secondary Students	Not Subject	Subject as For-hire Carrier
Contractor Transporting Post-secondary Students	Subject as For-hire Carrier	Subject as For-hire Carrier

7.6 Small Passenger Carrier Vehicles

FMCSA regulates for-hire carriers that operate vehicles designed or used to transport 9 to 15 passengers, including the driver, for compensation in interstate commerce.

When used for **direct compensation**, these carriers are subject to the safety regulations in [49 CFR 385](#), [49 CFR 387](#), and 49 CFR 390 through 396.

For-hire operators of vehicles designed or used to transport 9 to 15 passengers, including the driver, that **do not receive direct compensation**, and their vehicles do not otherwise meet the definition of a CMV, are subject to:

- [49 CFR 387](#)
- [49 CFR 390.19](#) (Motor carrier identification reports).
- [49 CFR 390.21\(a\) and \(b\)\(2\)](#) (Commercial motor vehicle marking requirements).
- [49 CFR 390.15](#) (Accident register recordkeeping requirements).
- [49 CFR 392.80](#) and [49 CFR 392.82](#) (Electronic device use limitations).
- [49 CFR 391.15\(e\)](#) (Driver disqualification standards for electronic device use violations).

See [Minimum Insurance Levels on Passenger Carrier Operations](#) for additional details.

7.7 Minimum Insurance Levels on Passenger Carrier Operations

Regulations covering the minimum levels of financial responsibility (insurance) are found in [49 CFR 387, Subpart B](#). These regulations are only applicable to **for-hire passenger carriers** in interstate commerce as summarized in the below table.

Designed Vehicle Seating Capacity	For-hire Passenger Carriers	Business PMCPs	Non-Business PMCPs
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Designed Vehicle Seating Capacity	For-hire Passenger Carriers	Business PMCPs	Non-Business PMCPs
16 or more, including driver	\$5,000,000 insurance required	Not Subject	Not Subject
15 or less passengers, including driver	\$1,500,000 insurance required	Not Subject	Not Subject

The table below summarizes the applicability of the minimum levels of financial responsibility regulations for **school bus transportation**.

Type of Student Transportation	School to Home/Home to School	Extracurricular School Activities Organized, Sponsored, and Paid by the School	Extracurricular School Activities Organized and Paid by an Independent Group (e.g., Athletic Boosters Club)
For-hire Contractors Transporting Pre-primary, Primary, and Secondary Students, and Accompanying Teachers	Not Subject, if paid for by school district	Not Subject	Bus seating capacity of 16 or more: \$5,000,000 insurance required. Bus seating capacity of 15 or less: \$1,500,000 insurance required.
For-hire Contractors Transporting Post-secondary Students	Bus seating capacity of 16 or more: \$5,000,000 insurance required. Bus seating capacity of 15 or less: \$1,500,000 insurance required.	Bus seating capacity of 16 or more: \$5,000,000 insurance required. Bus seating capacity of 15 or less: \$1,500,000 insurance required.	Bus seating capacity of 16 or more: \$5,000,000 insurance required. Bus seating capacity of 15 or less: \$1,500,000 insurance required.

7.7.1 Exceptions to Minimum Insurance Levels

Regulations do not apply to:

- A motor vehicle transporting only school children and teachers to or from school, if paid for by school district.
- A motor vehicle providing taxicab service, with seating capacity of less than 7 passengers, and not operating on a regular route or between specified points.
- A motor vehicle carrying less than 16 individuals in a single daily round trip to commute to and from work.
- A motor vehicle operated by a motor carrier under contract providing transportation of pre-primary, primary, and secondary students for extracurricular trips organized, sponsored, and paid by a school district.
- Certain carriers providing transportation services under the following Federal Transit Administration (FTA) grant fund programs:
 - [49 USC 5307](#) (Urbanized Area Formula Funding)
 - [49 USC 5310](#) (Enhanced Mobility of Seniors & Individuals with Disabilities)
 - [49 USC 5311](#) (Formula Grants for Other than Urbanized Areas)

Passenger carriers that are Federal Transit Administration grantees (Transit Benefit Operators) under 49 USC 5307, 5310, or 5311, are required to maintain liability insurance, at least at the highest level required by any of the States in which the transit service area is located, instead of the usual Federal required levels for for-hire passenger carriers.

7.8 Americans with Disabilities Act Requirements for Over-the-Road Bus Companies (OTRB)

The U.S. DOT's Americans with Disabilities Act (ADA) regulations ensure passengers with disabilities, including wheelchair users, have accessible and timely over-the-road bus (OTRB) service. A motorcoach meets the definition of an OTRB. FMCSA provides [information about the ADA regulations](#) on its website. See the ADA regulations at [49 CFR 37, Subpart H](#).

Disclaimer

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