**§392.3 Ill or fatigued operator**

## Guidance Q&A

***Question 1:*** What protection is afforded a driver for refusing to violate the Federal Motor Carrier Safety Regulations (FMCSRs)?

***Guidance:*** Section 405 of the Surface Transportation Assistance Act of 1982 (STAA) (49 U.S.C. 31105) states, in part, that no person shall discharge, discipline, or in any manner discriminate against an employee with respect to the employee’s compensation, terms, conditions, or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rule, regulation, standard, or order applicable to Commercial Motor Vehicle (CMV) safety. In such a case, a driver may submit a signed complaint to the Occupational Safety and Health Administration.