***Question 3:*** If a vehicle’s GVWR plate and/or VIN number are missing but its actual gross weight is 10,001 pounds or more, may an enforcement officer use the latter instead of GVWR to determine the applicability of the FMCSRs?

*Guidance:* Yes. A vehicle is a “commercial motor vehicle” under § 390.5 if it has either a GVWR/GCWR or actual GVW/GCW of 10,001 pounds or more, whichever is greater.