**Section § 393.42: Brakes required on all wheels.**

## Guidance Q&A

**Question 3: § 393.42(b)(3) of the FMCSRs states that any full trailer, any semitrailer, or any pole trailer having a gross weight of 3,000 pounds or less must be equipped with brakes if the weight of the towed vehicle resting on the towing vehicle exceeds 40 percent of the sum of the axle weights of the towing vehicle. Is the manufacturer of the trailer responsible for ensuring that the trailer is equipped with brakes when required?**

**Guidance:** No. The motor carrier pulling the trailer is responsible for ensuring that the trailer is in compliance with all applicable FMCSRs.