**Section § 393.48: Brakes to be operative.**

## Guidance Q&A

**Question 3: Are the brakes on a vehicle towed in a driveaway-towaway operation or towed disabled vehicle required to be operable at all times?**

**Guidance:** Section 393.48(c) provides an exception to the requirement that brakes be operable at all times. This exception covers disabled vehicles being towed and vehicles towed in a driveaway-towaway operation.

The driveaway-towaway exception in § 393.48(c) is contingent upon the conditions outlined in § 393.42(b)(2). Towed vehicles must have brakes as may be necessary to ensure compliance with the performance requirements of § 393.52. A motor vehicle towed by means of a tow-bar when any other vehicle is full-mounted on the towed vehicle, or any combination of motor vehicles utilizing 3 or more saddle-mounts, would not be covered under the exception found at § 393.48(c).

With regard to the disabled-vehicle provision of § 393.48(c)(1), the combination vehicle would have to meet the applicable performance requirements of § 393.52.