



Applicability of FMCSA's Safety Rules

Larry W. Minor

Associate Administrator for Policy

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Commercial Motor Vehicles Subject to FMCSA's Rules

Commercial Motor Vehicle (CMV) is defined in 49 CFR 390.5:

- Vehicles with a gross weight or weight rating of 10,001 lbs. or more, or gross combination weight or combination weight rating of 10,001 lbs. or more.
- Passenger carrying vehicles: 9 to 15 passengers (including the driver), for direct compensation; 16 or more (including the driver);
- Any size vehicle, transporting hazardous materials in a quantity requiring placards.

Interstate Commerce

- Trade, traffic or transportation in the United States:
 - Between a place in a State and a place outside of the State (including a place outside of the United States);
 - Between two places in a State through another State or a place outside of the United States;
 - Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Safety Rules

- Carrier Identification (USDOT Number), and Biennial Updates (FMCSA Form MCS-150);
- Accident Register
- Driver Qualifications (Part 391)
 - Check with previous employers
 - Check official DMV driving record;
 - Medical certificate.
- Driving rules (e.g., prohibition against texting, use of hand-held cell phones) (Part 392)
- Hours of Service (Part 395)
- Equipment, Inspection and Maintenance (Parts 393 and 396)

Examples of Exceptions to the Requirements Under Parts 390-399

- Transportation performed by the Federal, State and local governments;
- School bus operations performed by non-government entities (transporting students from home to school, and school to home);

CDL – Drug and Alcohol Testing

The requires cover CMVs, as defined in 49 CFR 383.5, operated in commerce (interstate or intrastate). This includes:

- Vehicles with a gross weight or weight rating of 26,001 lbs. or more, or gross combination weight or combination weight rating of 26,001 lbs or more.
- Passenger carrying vehicles designed or used to transport 16 or more people (including the driver);
- Any size vehicle, transporting hazardous materials in a quantity requiring placards.

CDL – Drug and Alcohol Testing (Cont.)

- CDL and Drug and Alcohol rules cover interstate and intrastate carriers.
- CDL and Drug and Alcohol rules cover Federal, State and local government employees operating CMVs, as defined in 49 CFR 383.5.

QUESTIONS

Federal Motor Carrier Safety Administration

Office of Policy

1200 New Jersey Avenue, SE
Washington, DC 20590

Phone: 202-366-2551

<http://www.fmcsa.dot.gov>