

Complying with Federal Motor Carrier Safety Regulations

The GCWR of this truck and trailer are over 10,001 pounds, making it a commercial motor vehicle.



Much confusion exists about who needs to comply with Federal Motor Carrier Safety Regulations (FMCSR). Many organizations think they do not have to comply because they do not have large trucks with CDL drivers, or their vehicles do not cross state lines. This is incorrect. Vehicles as small as pick-ups may require compliance with FMCSR and many states have incorporated some or all of the FMCSR into their state regulations.

Commercial Motor Vehicles

The FMCSR apply to Commercial Motor Vehicles (CMV) operating in interstate commerce. A CMV is defined as any vehicle or trailer:

- With a gross vehicle weight rating¹ (GVWR) or gross combination weight rating² (GCWR) of 10,001 pounds or more.
- Designed to transport more than eight passengers (including the driver) for compensation
- Designed to transport more than 15 passengers (including the driver) not for compensation
- Used in transporting hazardous materials under 49 U.S.C. 5103 and transported in quantities requiring placarding.

¹ GVWR is designated by the manufacture and includes the sum of actual vehicle weight and its maximum load capacity.

² GCWR is the sum of the GVWRs of the power unit and the trailer. The GCWR only applies if the vehicle is pulling a trailer.

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Interstate Commerce

means trade, traffic, or transportation in the United States between a place in a state and a place outside of such state (including a place outside of the United States). Also, if you move a load solely within a state but transfer it to another CMV or mode of transportation that transports it across state lines, you are operating in interstate commerce.

Organizations not involved in interstate commerce are regulated by the individual states. Many states have adopted some or all the FMCSR regulations into their state regulations. Some states have different definitions of what is a commercial motor vehicle. For this reason, additional research is needed to determine how your state is enforcing these requirements. All states are required to follow general CDL licensing requirements but may have some variations.

CDL License

A Commercial Driver's License (CDL) is required to drive larger CMV or to haul hazardous materials. A Commercial Learners Permit allows a driver to operate certain vehicles that require a CDL while the driver is in training.

A CDL is required when operating:

- Class A: A combination of vehicles with a GVWR of 26,001 or more pounds, provided the vehicle being towed is in excess of 10,000 pounds GVWR;
- Class B: A single vehicle with a GVWR of 26,001 or more pounds;
- Class C: (unless class A or B applies)
 - A vehicle designed to transport 16 or more passengers, including the driver
 - Any vehicle that is transporting hazardous materials and is required to be placarded in accordance with State and Federal regulations.

CDL endorsements are required when operating the following:

- T - Truck with double or triple trailers (knowledge test)
- N - Truck with a tank (knowledge test)
- H - Truck carrying hazardous materials (knowledge test)
- X - Combination of a tank vehicles and hazardous materials (knowledge test)
- P - Passenger carrying vehicle (knowledge & skills test)
- S - School bus (knowledge & skills test)

Additional information about the classes of CDL and CDL endorsements can be found [here](#).

The FMCSA has issued some guidance and limited waivers of compliance due to COVID-19. Click [here](#) for more information.

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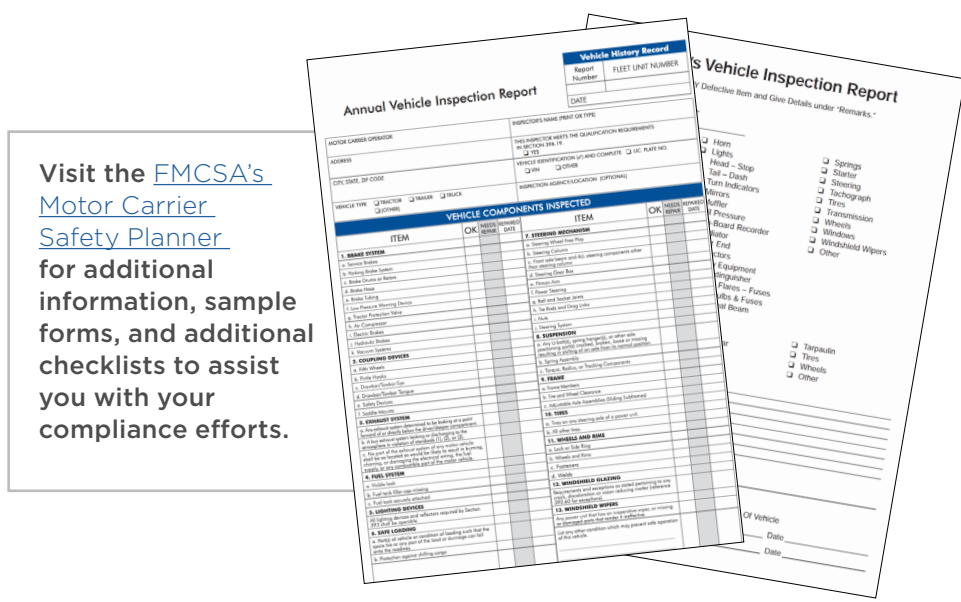
The FMCSR includes parts [§350-399](#) of Title 49 – Transportation. The following table highlights the most commonly referenced regulations for operators of CMV. Organizations should review the entire FMCSR to ensure they are in compliance.

	CMV	CDL
<p>CDL Drug and Alcohol Testing (§382) Additional Support</p> <ul style="list-style-type: none"> ■ Written policy - signed by employee ■ Pre-employment, random, reasonable suspicious, and post-accident testing ■ Pre-employment previous employer D&A check ■ FMCSA D&A Clearinghouse check (pre-employment and annually) ■ Educational materials to drivers ■ Supervisor reasonable suspicion training 		✓
<p>Commercial Driver's License (CDL) (§383)</p> <ul style="list-style-type: none"> ■ Be 21 years of age (18-21 for intrastate, depending on state) ■ Proper license class and endorsements ■ Driver required to notify employer of any conviction of any traffic violation within 30 days. ■ Unique CDL disqualifications (moving violations) ■ Medical certification (medical certificate tied to CDL through state licensing) ■ Special Training Requirements <ul style="list-style-type: none"> ▪ Entry Level Drivers (less than one year of CDL experience) ▪ Drivers of Longer Combination Vehicles 		✓
<p>Minimum Insurance Requirements (§387)</p> <ul style="list-style-type: none"> ■ Applies to for-hire motor carriers of property or passengers and private carriers of hazmat ■ \$750,000 to \$5,000,000 depending on operations ■ Exemptions for: school transportation, some taxicabs, some work commuting pools. 	✓	✓
<p>General Requirements (§390)</p> <ul style="list-style-type: none"> ■ DOT Registration (390.19T) and DOT # on vehicle (390.21) ■ Accident register (390.15) ■ Updating your organization's data every 24 months via MSC-150. 	✓	✓
<p>Driver Qualification Files (§391)</p> <ul style="list-style-type: none"> ■ DOT application: driving history & experience by vehicle type (21 years of age) ■ Prior employer background checks/investigation. ■ MVR and driver violation review: pre-employment and annually. ■ Copy of license or CDL. ■ Road test. ■ Medical examine certificate (2 years). Confirmation doctor is on Registry of Certified Examiners ■ Disqualifications (moving violations). Driver must notify of license revocation or suspension. 	✓	✓

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	CMV	CDL
<p>Driving of Motor Vehicles (§392) and Parts for Safe Operation (§393)</p> <ul style="list-style-type: none"> ■ Prohibits texting and hand-held Phone ■ Prohibits driving if ill, fatigued or under influence of drugs or alcohol. ■ Cannot possess alcohol in vehicle or consume alcohol 4 hours prior to being on-duty. ■ Cargo securement, stopping at rail crossings, seat belts, radar detectors, tire tread requirements, emergency equipment (fire extinguishers, spare fuses, warning triangles) 	✓	✓
<p>Hours of Service (§395)</p> <ul style="list-style-type: none"> ■ Daily and weekly limits for on-duty and driving time as well as required time off ■ Record of duty requirements (electronic logs, paper logs, time records) ■ Supporting documents 	✓	✓
<p>Inspection, Repair and Maintenance (§396)</p> <ul style="list-style-type: none"> ■ Systematic inspection, maintenance and repair of vehicles/trailers ■ Driver pre- and post-trip inspections (documented if defects identified) ■ Annual (periodic) inspections by qualified persons ■ Brake inspections by qualified individual ■ Maintenance record/file on each vehicle and trailer ■ Driver must submit roadside inspection report to employer 	✓	✓
<p>Hazardous Materials (§397) - If applicable</p>	✓	✓



Visit the [FMCSA's Motor Carrier Safety Planner](#) for additional information, sample forms, and additional checklists to assist you with your compliance efforts.

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