Missouri Department of Transportation
Motor Carrier Services

Safety Compliance Manual

- Alcohol and Drug Testing Requirements
- Periodic Inspection
- Aggregrate Gross Weight
- HM Safety Permits
- For-Hire Carriers
- Fire Extinguisher
- Exhaust Systems
- Seat Belts
- Cargo Securement
- 15-Hour Rule

January 2015

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Welcome!

Thank you for picking up a copy of Missouri's Commercial Motor Carrier Compliance Manual. Whether you're new to the motor carrier industry or a long-time safe operator, I'm sure you'll learn something new from these pages.

Compliance Safety Accountability

Though most of the regulations in this manual haven't changed, CSA changes the way overall interstate motor carrier safety is assessed. As of July 2010, all violations and warnings are figured into an interstate motor carrier's safety score – even if the violation doesn't result in a ticket, an out-of service order or points against a driver's CDL. The more serious the offense, the more weight it brings to bear on the company's score. All clean inspections count to the good.

Carriers and drivers can use the scores to better identify high-risk carrier and driver behaviors and correct them. MoDOT wants to work with drivers and companies before high-risk behaviors become bad safety habits. That is expected to reduce the number of commercial motor vehicle crashes, fatalities and injuries.

CSA is an adjustment, but carriers tell me they like what they've seen. They especially appreciate the early contact and safety assistance.

Safety is Primary – so is the seatbelt law for CMVs

No matter how many accident-free miles you have, no matter how big the truck you drive, no matter your opinion about seat belt law, the safest place for you to be in a crash is behind a buckled safety belt. Besides keeping you from careening through the cab, it holds you in a position to possibly regain control and avoid secondary collisions - so even more travelers get to Arrive Alive.

MoDOT Is Ready to Assist

There is a lot to know about operating safely and within the law. Visit us in person, by phone or through the Internet and ask us anything! Whether you need help with a form or guidance in understanding a regulation, we're ready to help 24 hours a day.

File fuel tax returns, renew the authority to operate, apply for oversize overweight permits and pay fees online with MoDOT Carrier Express. E-mail us anytime at *ContactMCS@modot.mo.gov.* Visit *www.modot.org* to find all you want to know about Missouri's highway and other transportation systems. There's even a traveler's map that reports the location of work zones and other lane closures.

Finally, we want you to be successful. Safety is key to success. I hope that you find this Safety Compliance Manual easy to understand. Keep in mind that it is strictly a tool to be used as guidance. It is not intended to take the place of studying the regulations. For specific regulations please refer to Title 49, Code of Federal Regulations.

Safe travels.

Scott Marion

Motor Carrier Services Director

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Preface

This guide was developed to assist motor carriers in achieving safety compliance with the State and Federal Motor Carrier Safety Regulations (FMCSR). Sample forms for driver qualification files, accident registers, maintenance records, and other items are included.

This is a guide and not intended to take the place of the regulations. For specific regulations please refer to Title 49, Code of Federal Regulations.

Some regulations contained in Title 49, Code of Federal Regulations, while not enforceable by Motor Carrier Services Division, may be enforceable by other agencies within the state. Sample forms included may be used to comply with regulatory requirements, but are not mandated. Other form layouts that contain the same information or perform the same task may be sufficient. Occasionally, regulations mandate a specified form or content of a form (e.g. 49 CFR 391.43 mandates the DOT physical examination form). Consult the underlying regulation if there is any question as to the correctness of a form.

Our overall goal is to improve the safe transportation of passengers and goods on Missouri's highways through a coordinated effort of federal, state, and industry organizations to reduce fatalities, injuries, property damage and hazardous materials incidents.

This booklet is comprised of eighteen sections, each containing a specific safety regulation topic that is covered in the FMCSRs. These parts are listed in the Table of Contents. Each part contains information sheets that cover the highlights of that section. Please feel free to reproduce any or all material in this package and to distribute copies as needed. You may also obtain this information on the Federal Motor Carrier Safety Administration (FMCSA) web site at www.fmcsa.dot.gov/ or the MoDOT Motor Carrier Services web site at http:\\www.modot.org/mcs.

It is the responsibility of motor carrier operators and drivers to know and comply with all applicable FMCSRs. Safety compliance and safe operations translate into saved lives and property. We believe the information in this package, when effectively applied, will contribute to safer motor carrier operations and highways.

Effective August 28, 2004, (Signing of Senate Bill 1233)

Code of Federal Regulations Parts 100 through 180 (Hazardous Material Regulations) and Parts 382 through 397 (Safety Regulations) generally pertain to:

- Any person operating any Commercial Motor Vehicle with a Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) greater than 10,000 pounds in Interstate Commerce.
- Any person operating any Commercial Motor Vehicle with a GVWR or GCWR greater than 26,000 pounds in Intrastate Commerce, unless transporting any amount of Hazardous Materials.
- Any person operating any Commercial Motor Vehicle in Interstate or Intrastate Commerce transporting Hazardous Materials that is required to be placarded.

Missouri Intrastate Exemptions

A. Vehicles with less than 26,001 pounds GVWR or GCWR unless transporting passengers or any amount of Hazardous Materials.

B. Vehicles licensed for 60,000 pounds or less and are used exclusively to transport solid waste (Intrastate only);

C. Vehicles licensed for 42,000 pounds or less and the license plate has been designated for farm use by the letter F (Intrastate only), unless such vehicle is transporting hazardous materials;

D. Persons having a valid Missouri Chauffeur's License on May 13, 1988 are not subject to the medical requirements of Section 391.41 (In intrastate commerce only).

Notice To Passenger Carriers

Passenger carriers are subject to the Safety Regulations if the vehicle is:

- Designed or used to transport 9 or more passengers (including the driver);
- Designed or used to transport 16 or more passengers (including the driver) and is not used to transport passengers for compensation.
- Exceptions:
  390.3(f)(6) The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver) not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle except for the texting provisions of 391.15(3) and 392.80, and except that motor carriers operating such vehicles are required to comply with 390.15; 390.19; 390.21(a) and (b)(2); 391.15(f); 392.80; and 392.82

Notes:
Effective June 1, 2010, Commercial Motor Vehicles designed or used to transport 9-15 passengers (including the driver), for direct compensation are subject to the Safety Regulations, regardless of the distance traveled.

Effective May 13, 1988, Missouri adopted the Federal Regulations with the signing of Senate Bill 433.

Effective August 28, 2012 Parts 390-397 no longer are applicable to passenger vehicles operating in intrastate commerce with a designed seating capacity of 7-8 passengers including the driver unless the vehicle otherwise meets the definition of a commercial motor vehicle. For Missouri intrastate commerce, a commercial motor vehicle is defined as a vehicle having a gross vehicle weight rating or gross combination weight rating in excess of 26,000 pounds, a vehicle having a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more, and transporting any amount of hazardous materials, of any size and transporting placardable quantities of hazardous materials, or have a designed seating capacity of 9 or more passengers including the driver.

New Entrant Rule Summary

Are you a new entrant?
Are you new to interstate commerce?
Have you been notified that you are subject to a New Entrant Safety Audit?
If so, this subject applies to you!

What is the applicability of the rule?

The changes to the New Entrant Safety Assurance Program (new entrant program) under 49 CFR Part 385, subpart D apply to all new U.S.- and Canada-domiciled motor carrier owners and operators seeking authority to conduct interstate operations within the United States.

The new application process and safety monitoring system under 49 CFR Part 385, subparts H and I respectively, apply to all new non-North America-domiciled motor carrier owners and operators seeking authority to provide transportation of property and passengers in interstate commerce within the United States.

Conforming amendments to 49 CFR Parts 365, 387 and 390 apply to all new U.S.-, Canada-, and non-North America-domiciled motor carrier owners and operators seeking authority to conduct interstate operations within the United States.

NE Rule Questions and Answers (Q&A)

What are the consequences of furnishing misleading information or making a false statement in connection with the registration process? (§ 385.306)

A carrier that furnishes false or misleading information, or conceals material information in connection with the registration process, is subject to the following actions:

(a) Revocation of registration.
(b) Assessment of the civil and/or criminal penalties prescribed in 49 U.S.C. 521 and 49 U.S.C. chapter 149.

What happens after a motor carrier begins operations as a new entrant? (§ 385.307)

The new entrant's roadside safety performance will be closely monitored to ensure the new entrant has basic safety management controls that are operating effectively.

What may cause an expedited action? (§ 385.308)

A new entrant that commits any of the following actions, identified through roadside inspections or by any other means, may be subjected to an expedited safety audit or a compliance review or may be required to submit a written response demonstrating corrective action:

(1) Using a driver not possessing a valid commercial driver's license to operate a commercial vehicle as defined under § 383.5. An invalid commercial driver's license includes one that is falsified, revoked, expired, or missing a required endorsement.
(2) Operating a vehicle placed out of service for violations of the Federal Motor Carrier Safety Regulations or compatible State laws and regulations without taking necessary corrective action.
(3) Being involved in, through action or omission, a hazardous materials reportable incident, as described under 49 CFR 171.15 or 171.16, involving:
    (i) A highway route controlled quantity of certain radioactive materials (Class 7).
    (ii) Any quantity of certain explosives (Class 1, Division 1.1, 1.2, or 1.3).
    (iii) Any quantity of certain poison inhalation hazard materials (Zone A or B).
(4) Being involved in, through action or omission, two or more hazardous materials reportable incidents as described under 49 CFR 171.15 or 171.16, involving hazardous materials other than those listed above.
(5) Using a driver who tests positive for controlled substances or alcohol or who refuses to submit to required controlled substances or alcohol tests.
(6) Operating a commercial motor vehicle without the levels of financial responsibility required under Part 387 of this subchapter.
(7) Having a driver or vehicle out-of-service rate of 50 percent or more based upon at least three inspections occurring within a consecutive 90-day period.

If a new entrant that commits any of the expedited action violations listed above:

(1) Carrier has not had a safety audit or compliance review; FMCSA will schedule the new entrant for a safety audit as soon as practicable.
(2) Carrier has had a safety audit or compliance review, FMCSA will send the new entrant a notice advising it to submit evidence of corrective action within 30 days of the service date of the notice.
    (a) FMCSA may schedule a compliance review of a new entrant that commits any of the actions listed in paragraph (a) of this section at any time if it determines the violation warrants a thorough review of the new entrant's operation.
    (b) Failure to respond within 30 days of the notice to an Agency demand for a written response demonstrating corrective action will result in the revocation of the new entrant's registration.

What happens after completion of the safety audit? (§ 385.319)

Upon completion of the safety audit, the auditor will review the findings with the new entrant.

(a) Pass. If FMCSA determines the safety audit discloses the new entrant has adequate basic safety management controls, the Agency will provide the new entrant written notice as soon as practicable, but not later than 45 days after completion of the safety audit, that it has adequate basic safety management controls. The new entrant's safety performance will continue to be closely monitored for the remainder of the 12-month period of new entrant registration.
(b) Fail. If FMCSA determines the safety audit discloses the new entrant's basic safety management controls are inadequate, the Agency will provide the new entrant written notice, as soon as practicable, but not later than 45 days after the completion of the safety audit, that its USDOT new entrant registration will be revoked and its operations placed out-of-service unless it takes the actions to remedy its safety management practices.
(1) 60-day corrective action requirement. All new entrants, except those specified in paragraph (b) of this section (below), must take the specified actions to remedy inadequate safety management practices within 60 days of the date of the notice.
(2) 45-day corrective action requirement. The new entrants listed below must take the specified actions to remedy inadequate safety management practices within 45 days of the date of the notice.
    (i) A new entrant that transports passengers in a CMV designed tor used to transport between 9 and 15 passengers (9ncluding the driver) for direct compensation.
    (ii) A new entrant that transports passengers in a CMV designed or used to transport more than 15 passengers (including the driver).
    (iii) A new entrant that transports hazardous materials in a CMV as defined in the definition of a "Commercial Motor Vehicle" in § 390.5.

What failures of safety management practices disclosed by the safety audit will result in a notice to a new entrant that its USDOT new entrant registration will be revoked? (§ 385.321)

The failures of safety management practices consist of a lack of basic safety management controls or failure to comply with one or more of the regulations set forth in the chart below and will result in a notice to a new entrant that its USDOT new entrant registration will be revoked.

Automatic failure of the audit. A new entrant will automatically fail a safety audit if found in violation of any one of the following 16 regulations:

Table to § 385.321 Violations That Will Result in Automatic Failure of the New Entrant Safety Audit

Violation	**Guidelines for Determining Automatic Failure of the Safety Audit**
§ 382.115(a)/ § 382.115(b) – Failing to implement an alcohol and/or controlled substances testing program (domestic and foreign motor carriers, respectively).	Single occurrence.
§ 382.201 – Using a driver known to have an alcohol content of 0.04 or greater to perform a safety-sensitive function.	Single occurrence.
§ 382.211 – Using a driver who has refused to submit to an alcohol or controlled substances test required under Part 382.	Single occurrence
§ 382.215 – Using a driver known to have tested positive for a controlled substance.	Single occurrence.
§ 382.305 – Failing to implement a random controlled substances and/or alcohol testing program.	Single occurrence.
§ 383.3(a)/ § 383.23(a) – Knowingly using a driver who does not possess a valid CDL.	Single occurrence.
§ 383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee with a commercial driver's license which is suspended, revoked, or canceled by a State or who is disqualified to operate a commercial motor vehicle.	Single occurrence.
§ 383.51(a) – Knowingly allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle.	Single occurrence. This violation refers to a driver operating a CMV as defined under § 383.5.
§ 387.7(a) – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.	Single occurrence.
§ 387.31(a) – Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility.	Single occurrence.
§ 391.11(b)(4) – Knowingly using a physically unqualified driver.	Single occurrence. This violation refers to a driver operating a CMV as defined under § 390.5
§ 391.15(a) – Knowingly using a disqualified driver	Single occurrence.
§ 395.8(a) – Failing to require a driver to make a record of duty status.	Requires a violation threshold (51% or more of examined records) to trigger automatic failure.
§ 396.9(c)(2) – Requiring or permitting the operation of a commercial motor vehicle declared "out-of-service" before repairs are made.	Single occurrence.
§ 396.11(c)-Failing to correct out-of-service defects listed by driver in a driver vehicle inspection report before the vehicle is operated again.	Single occurrence.
§ 396.17(a)- Using a commercial motor vehicle not periodically inspected.	Requires a violation threshold (51% or more of examined records) to trigger automatic failure.

May FMCSA extend the period under § 385.319(c) for a new entrant to take corrective action to remedy its safety management practices? (§ 385.323)

FMCSA may extend the 60-day period in § 385.319(c)(1) for up to an additional 60 days provided FMCSA determines the new entrant is making a good faith effort to remedy its safety management practices.

FMCSA may extend the 45-day period in § 385.319(c)(2) for up to an additional 10 days if the new entrant has submitted evidence that corrective actions have been taken pursuant to §385.319(c) and the Agency needs additional time to determine the adequacy of the corrective action.

What happens after a new entrant has been notified under § 385.319(c) to take corrective action to remedy its safety management practices? (§ 385.325)

If a new entrant, after being notified that it is required to take corrective action to improve its safety management practices, fails to submit a written response demonstrating corrective action acceptable to FMCSA within the time specified in § 385.319, and any extension of that period authorized under § 385.323, FMCSA will revoke its new entrant registration and issue an out-of-service order effective on:

(1) Day 61 from the notice date for new entrants subject to § 385.319(c)(1).
(2) Day 46 from the notice date for new entrants subject to § 385.319(c)(2).
(3) If an extension has been granted under § 385.323, the day following the expiration of the extension date.

May a new entrant request an administrative review of a determination of a failed safety audit? (§ 385.327)

If a new entrant receives a notice under § 385.319(c) that its new entrant registration will be revoked, it may request FMCSA to conduct an administrative review if it believes FMCSA has committed an error in determining that its basic safety management controls are inadequate.

The request must:

(1) Be made to the Field Administrator of the appropriate FMCSA Service Center
(2) Explain the error the new entrant believes FMCSA committed in its determination.
(3) Include a list of all factual and procedural issues in dispute and any information or documents that support the new entrant's argument.

FMCSA may request that the new entrant submit additional data and attend a conference to discuss the issue(s) in dispute. If the new entrant does not attend the conference or does not submit the requested data, FMCSA may dismiss the new entrant's request for review.

A new entrant must submit a request for an administrative review within one of the following time periods:

(1) If it does not submit evidence of corrective action under § 385.319(c), within 90 days after the date it is notified that its basic safety management controls are inadequate.
(2) If it submits evidence of corrective action under § 385.319(c), within 90 days after the date it is notified that its corrective action is insufficient and its basic safety management controls remain inadequate.

If a new entrant wants to assure that FMCSA will be able to issue a final written decision before the prohibitions outlined in § 385.325(c) take effect, the new entrant must submit its request no later than 15 days from the date of the notice that is basic safety management controls are inadequate. Failure to submit the request within this 15-day period may result in revocation of new entrant registration and issuance of an out-of-service order before completion of administrative review.

FMCSA will complete its review and notify the new entrant in writing of its decision within:

(1) 45 days after receiving a request for review from a new entrant that is subject to § 385.319(c)(1).
(2) 30 days after receiving a request for review from a new entrant that is subject to § 385.319(c)(2).

The Field Administrator's decision constitutes the final Agency action.

May a new entrant that has had its USDOT new entrant registration revoked and its operations placed out of service reapply? (§ 385.329)

A new entrant whose USDOT new entrant registration has been revoked, and whose operations have been placed out of service by FMCSA, may reapply for new entrant registration no sooner than 30 days after the date of revocation.

If the USDOT new entrant registration was revoked because of a failed safety audit, the new entrant must do all the following:

(1) Submit an updated MCS-150.
(2) Submit evidence that it has corrected the deficiencies that resulted in revocation of its registration and will otherwise ensure that it will have basic safety management controls in effect.
(3) Begin the 18-month new entrant monitoring cycle again as of the date the re-filed application is approved.

If the USDOT new entrant registration was revoked because FMCSA found that the new entrant had failed to submit to a safety audit, it must do all the following:

(1) Submit an updated MCS-150.
(2) Begin the 18-month new entrant monitoring cycle again as of the date the re-filed application is approved.
(3) Submit to a safety audit.

If the new entrant is a for-hire carrier subject to the registration provisions under 49 U.S.C. 13901 and also has had its operating authority revoked, it must reapply for operating authority.

What happens if a new entrant operates a CMV after having been issued an order placing its interstate operations out of service? (§ 385.331)

A new entrant that operates a CMV in violation of an out-of-service order is subject to the penalty provisions in U.S.C. 521(B)(2)(A) for each offense as adjusted for inflation by 49 CFR Part 386, Appendix B.

What happens if a new entrant refused to permit a safety audit to be performed on its operations? (§ 385.337)

If a new entrant refuses to permit a safety audit to be performed on its operations, FMCSA will provide the carrier with written notice that its registration will be revoked and its operations placed out of service unless the new entrant agrees in writing, within 10 days from the service date of the notice, to permit the safety audit to be performed. The refusal to permit a safety audit to be performed by subject the new entrant to the penalty provisions of 49 U.S.C 521(b)(2)(A), as adjusted for inflation by 49 CFR Part 386, Appendix B.

How does a motor carrier apply for a safety permit? (§ 385.405)

Application form(s).

(1) To apply for a new safety permit or renewal of the safety permit, a motor carrier must complete and submit Form MCS-150B, Combined Motor Carrier Identification Report and HM Permit Application.
(2) The Form MCS-150B will also satisfy the requirements for obtaining and renewing a USDOT Number; there is no need to complete Form MCS-150, Motor Carrier Identification Report.

Under what circumstances will a safety permit be subject to revocation or suspension by FMCSA? (§ 385.421)

A motor carrier provides any false or misleading information on its application (Form MCS-150B) or as part of updated information it is providing on FORM MCS-150B (see § 385.405(d)).

Compliance
Safety
Accountability

What is CSA?

Compliance Safety Accountability (CSA) is a Federal Motor Carrier Safety Administration safety initiative that improves the effectiveness compliance and enforcement programs. CSA helps the FMCSA assess the safety performance of a greater segment of the motor carrier industry and allows earlier intervention to change unsafe behavior and practices before they result in tragedy. The ultimate goal of CSA is to achieve a greater reduction in large truck and bus crashes, injuries, and fatalities, while making efficient use of FMCSA and State resources.

In contrast to the current safety model, SafeStat, CSA is characterized by three principal components:

(1) A more comprehensive carrier safety measurement system;

(2) A broader array of interventions that increase in severity. In addition to comprehensive on-site investigations (compliance reviews), corrective steps include warning letters, off-site investigations and on-site investigations focused on areas of concern; and

(3) A PROPOSED new safety fitness determination (SFD) method based more on performance data and not necessarily tied to an on-site investigation.

CSA was implemented November 30, 2010. On that day, FMCSA:

(1) Replaced SafeStat with CSMS,

(2) Implemented a revised nationwide Inspection Selection System for roadside inspectors based on the Carrier Safety Measurement System.

Carrier Safety Measurement System (CSMS)

FMCSA replaced SafeStat with the Carrier Safety Management System (CSMS). CSMS works within the CSA operational model to monitor and quantify the safety performance of commercial motor carriers using data available in FMCSA's motor carrier database.

Under CSA, these data include violations found during roadside inspections, traffic enforcement and other types of interventions. CSMS groups these data into seven Behavioral Analysis Safety Improvement Categories (BASICs):

- Unsafe Driving,
- Fatigued Driving (Hours-of-Service),
- Driver Fitness,
- Controlled Substances and Alcohol,
- Vehicle Maintenance,
- Hazardous Materials, and
- Crash History.

The carrier and driver behaviors tracked by the BASICs are tightly correlated to crash incidence.

CSMS differs from SafeStat in that CSMS:

1. Is organized by seven specific behavioral areas (BASICs);

2. Uses all safety-based inspection violations;

3. Uses risk-based violation weightings.

For further information on the CSMS see the Safety Measurement System methodology at *http://csa.fmcsa.dot.gov.*

Policies and Procedures provide the foundation for an effective safety management strategy. Policies are directly related to established safety regulations and identify actions that need to be taken. Procedures are those actions that must be performed to comply with policies.

Roles and Responsibilities is the "Who" will be responsible for implementing the policies and procedures within an organization.

Qualification and Hiring is the process of carefully evaluating potential employees and ultimately selecting the best qualified candidate for every position.

Training and Communication is the education component that ensures all employees are knowledgeable of the organization's policies and procedures and understand the expectations of their role in supporting safe practices.

Monitoring and Tracking is the act of "looking and collecting". Observing how established safety practices are being performed and then recording the data that is collected from those observations.

Meaningful Action is the process of evaluating the data collected to determine if there are any breakdowns in the safety system. It also assists in identifying where in the process a breakdown may have occurred and should suggest some level of corrective action to minimize the risk of recurrence. If the breakdown is determined to be central to a core practice of the safety management system, a reevaluation of the organization's policies and procedures may be necessary.

The most critical breakdowns your organization may face cannot simply be repaired with a service call!

Minimize your risks by adopting strong safety practices that reinforce the Safety Management Cycle and ensure the continued success of your organization.

Part 380

Entry Level and Special Training Requirements

Applicability

- All entry-level drivers that operate a Commercial Motor Vehicle (CMV) requiring the possession of a Commercial Drivers License (CDL).
- Effective July 20, 2003, all new CDL holders with less than one (1) year experience must be trained.

Entry-level driver training is training the CDL driver receives in driver qualification requirements, hours of service of drivers, driver wellness, and whistle blower protection as appropriate to the entry-level driver's current position in addition to passing the CDL test.

Requirements

- Proof of training – An employer who uses an entry-level driver must ensure the driver has received a training certificate containing all the information contained in 380.513 from the training provider.

Employer Responsibilities

- Ensure entry-level drivers receive training
- File training certificate
- Maintenance of records
- Recordkeeping

Training Certificate Requirements

- Date of certificate issuance
- Name of training provider
- Mailing address of training provider
- Name of driver
- A statement that the driver has completed the training
- Printed name and signature of the person attesting that the driver received the required training

Note:
For more detailed information on Longer Combination Vehicles (LCV), see Title 49, FMCSR, Part 380.

Parts 382 & 40

Alcohol and Drug Testing Requirements

Part 382
Alcohol and Drug Testing Requirements

Applicability

Drivers required to have a commercial driver's license (CDL) are subject to the controlled substance and alcohol testing rules. This requirement extends to those drivers currently covered by the rule, including interstate and intrastate truck and motor coach operations. This includes all commercial motor vehicles operated by:

- For-hire and private companies
- Federal, state, local, and tribal governments
- Church and civic organizations
- Apiarian industries

Exemptions

- Drivers exempt from commercial driver's license requirements by their issuing State
- Active duty military personnel

Part 382 Definitions

382.107 Definitions

"Positive Drug and Alcohol Tests" –

1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
2) Verified positive drug tests;
3) Refusals to be tested (including verified adulterated or substituted drug test results)

"Positive rate for random drug testing" – means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (i.e., positives, negatives, and refusals) under this part.

"Refusal to submit (to an alcohol or controlled substance test)" - a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process.

"Safety-sensitive function" - any of those on-duty functions set forth in 395.2 On-Duty Time, paragraphs (1) through (6) as listed below:

1) All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3) All time spent at the driving controls of a commercial motor vehicle.
4) All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Additional definitions may be found in 49 CFR, Part 40 and Part 382.

Types of Alcohol and Controlled Substance Tests

Pre-employment: No employer shall allow a driver to perform a safety sensitive function until they have received the negative controlled substance test result.

Post-accident: As soon as practicable following an accident involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol and controlled substances of each surviving driver: Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or Who receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved: Bodily injury to any person who,

as a result of the injury, immediately receives medical treatment away from the scene of the accident; or One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Type of Accident Involved	Citation Issued to the CMV Driver	Test Must be Performed by Employer
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

Random: Companies are to scientifically and randomly test drivers at a minimum annual percentage rate of 10% of the number of drivers for alcohol testing, and 50% for controlled substances testing. The random alcohol test must be performed prior, during or just after a driver is about to, or has performed a safety sensitive function as defined in Section 382.107. All drivers must have an equal chance of being selected.

Reasonable suspicion: An employer shall require a driver to submit to an alcohol and/or controlled substance test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol and/or controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substance test must be based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors of the driver. The required observations shall be made by a supervisor or company official who is trained in accordance with Section 382.603 (Supervisor Awareness Training).

Return-to-duty: Each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by subpart B of this part concerning alcohol or controlled substances, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 or the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

Follow-up: If a substance abuse professional has determined that a driver needs assistance for the misuse of alcohol, or for use of a controlled substance, an employer must ensure that the driver is subject to follow-up testing. A minimum of six tests must be conducted in the first 12 months, and the driver may only be subject to this test for a maximum of 60 months.

Retention of Records

Five Years:

- Alcohol test results indicating a Breath Alcohol Concentration (BAC) of 0.02 or greater
- Verified positive drug test results
- Refusals to submit to required alcohol and drug tests
- Required calibration of Evidential Breath Testing (EBT) devices

Two Years:

- Records related to the collection process and required training

One Year:

- Negative and canceled controlled substance test results
- Alcohol test results indicating a BAC of less than 0.02

Location of Records

All required records shall be maintained in a secure location with limited access, and shall be made available for inspection by an authorized representative of the Federal Motor Carrier Safety Administration.

Driver Awareness

Every motor carrier shall provide educational materials explaining the requirements of the regulations as well as the employer's policies regarding alcohol misuse and controlled substances abuse. At a minimum, detailed discussions should include:

- The identity of the person designated to answer drug and alcohol questions
- Which drivers are subject to these requirements, what behavior is prohibited, and a clarification of what a "safety sensitive function" is
- The circumstances under which a driver will be tested, and the procedures that will be used for testing
- Explanations of the requirement that a driver submit to the testing, as well as what constitutes a driver's refusal to submit to testing
- The consequences for drivers who have violated the testing requirements
- Information concerning the effects of alcohol misuse, and controlled substances abuse on health, work, and personal life

Supervisor Training

Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under Section 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required. (382.603)

Company Policy

The FMCSA regulations require that a written policy on controlled substances use and alcohol misuse in the workplace be developed and that the policy be provided to every driver. The policy must incorporate the company's position and information on virtually all aspects of controlled substances use and alcohol misuse program (382.601). The following is a checklist of the items that should be included in a policy.

Policy Components Required by the Controlled Substances and Alcohol Rule (382.601)

- Overview (suggested but not required)
- Categories of drivers subject to testing
- Participation as a requirement of employment
- Required hours of compliance
- Prohibited behavior
- Circumstances for testing
- Behavior that constitutes a refusal to submit to a test
- Consequences for drivers with an alcohol concentration of 0.02 or greater but less than 0.04
- Testing procedures
- Consequences of use of controlled substances and misuse of alcohol
- Identity of contact person
- Effects of alcohol and controlled substances

Inquiries to Previous Employers

A motor carrier, with the driver's written authorization, shall inquire about the following information on a driver from the driver's previous employers for a period of three years preceding the driver's date of application. Section 391.23(e)(1)

If you are an employer from whom information is requested under 40.25(b), you must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry. Section 40.25(h):

- Alcohol tests with a result of 0.04 alcohol concentration or greater
- Verified positive controlled substances test results and
- Refusals to be tested
- Other violations of DOT agency drug and alcohol testing regulations
- With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee.

Consortium Information

MoDOT Motor Carrier Services Division does not endorse any consortium. You are reminded that your company is responsible for drug and alcohol testing compliance. Evaluate carefully any company retained to provide consortium or laboratory testing services. Some companies provide more limited services. Be sure that the company selected provides all the services you need to ensure full compliance with the regulations.

To locate a consortium, you may contact one of the many associations dealing with the commercial motor vehicle industry, a hospital, a clinic to provide you with the name of a consortium or a simple search on the internet for DOT drug and alcohol testing.

A web site that may be beneficial as a resource for one of the many associations is www.dot.gov, go to Safety, Drug and Alcohol Safety.

Suggested Format: "Release of Information Form -- 49 CFR Part 40 Drug and Alcohol Testing"

Section I To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Printed or Typed Name: _____

Employee SS or ID Number: _____.

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: _____ Date: _____.

I-A

New Employer Name: _____

Address: _____.

_____

Phone #: _____ Fax #: _____

Designated Employer Representative: _____

I-B

Previous Employer Name: _____

Address: _____.

_____.

Phone #: _____

Designated Employer Representative (if known): _____

Section II To be completed by the previous employer and transmitted by mail or fax to the new employer:

II-A In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing ~

1. Did the employee have alcohol tests with a result of 0.04 or higher? Yes ____ No ____
2. Did the employee have verified positive drug tests? Yes ____ No ____
3. Did the employee refuse to be tested? Yes ____ No ____
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? Yes ____ No ____
5. Did a previous employer report a drug and alcohol rule violation to you? Yes ____ No ____
6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? N/A ____ Yes ____ No ____

NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record)

II-B Name of person providing information in Section II-A: _____

Title: _____

Phone #: _____

Date: _____.

NOTE EXCEPTION: Employers covered under FMCSA regulations must seek three years of previous testing records.

Observed Behavior - Reasonable Cause Record

Employee Name _____
Identification Number

Observation Date _____

Location _____
Street City State Zip

Cause For Suspicion

1) **Presence of Drugs and/or Drug Paraphernalia (specify)** _____

2) **Appearance**
- ☐ Normal
- ☐ Flushed
- ☐ Puncture Marks
- ☐ Disheveled
- ☐ Bloodshot Eyes
- ☐ Profuse Sweating
- ☐ Dry-mouth Symptoms
- ☐ Runny Nose/Sores
- ☐ Tremors
- ☐ Dilated/Constricted Pupils
- ☐ Inappropriate wearing of sunglasses
- ☐ Other _____

3) **Behavior/ Speech**
- ☐ Normal
- ☐ Incoherent
- ☐ Slurred
- ☐ Silent
- ☐ Confused
- ☐ Slowed
- ☐ Whispering
- ☐ Other _____

Awareness
- ☐ Normal
- ☐ Confused
- ☐ Mood Swings
- ☐ Euphoria
- ☐ Lethargic
- ☐ Paranoid
- ☐ Disoriented
- ☐ Lack of Coordination
- ☐ Other _____

4) **Motor Skills Balance**
- ☐ Normal
- ☐ Swaying
- ☐ Falling
- ☐ Staggering
- ☐ Other _____

Walking & Turning
- ☐ Normal
- ☐ Swaying
- ☐ Arms Raised for Balance
- ☐ Stumbling
- ☐ Falling
- ☐ Reaching for Support
- ☐ Other _____

5) **Other Observed Actions or Behavior (specify)** _____

_____

_____

Witnessed By

_____ am/pm
Signature Title Date Time

_____ am/pm
Signature Title Date Time

NOTE
This document must be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier (49 CFR 391.99(d)).

Part 383

Commercial Driver's License Standards

Requirements and Penalties

The licensing provisions in Part 383 are intended to help reduce accidents by setting standards that:

- Require commercial drivers to be properly qualified and to hold a single valid driver's license (CDL) and
- Disqualify drivers who do not operate a Commercial Motor Vehicle (CMV) safely

Vehicles Requiring Commercial Driver's Licenses

Drivers must hold a CDL if they operate in interstate, intrastate, or foreign commerce and drive a vehicle:

- A single vehicle with a GVWR of 26,001 pounds or more, or
- A GCWR of 26,001 pounds or more, inclusive of a towed unit with a GVWR of more than 10,000 pounds, or
- Designed to transport at least 16 passengers including the driver, or
- A single or combination vehicle with a gross weight of 26,001 pounds or more, or
- Transporting a quantity of hazardous materials requiring placarding

Exception: Effective Oct. 1, 2012 CDL requirements are no longer applicable to Covered Farm Vehicle drivers. A Covered Farm Vehicle driver is a driver who operates:

- Any vehicle with a GVWR of 26,001 pounds or less; or
- Any vehicle with a GVWR greater than 26,001 pounds and traveling wholly within the state the vehicle is licensed from or within 150 air miles of the farm/ranch in interstate commerce
- Operated by a farm/ranch owner or operator, employee or family member
- Transporting agricultural commodities, livestock, machinery or supplies to or from the farm/ranch
- The vehicle must be identified by a special license plate. (In Missouri, this is indicated by the 'F' tab on the plate.)
- The vehicle may not be operated for-hire
- Is not transporting hazardous materials requiring placarding

Because the CDL is a state-issued license, you should check with appropriate state officials regarding particular license classes and specific exemptions.

*Gross combination weight rating (GCWR) means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.
*Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

Notification to Employer and Licensing State

Upon conviction for any state or local traffic violation, a driver must notify his/her employer(s) within 30 days. This notification must be in writing and must include the following information:

- Driver's full name
- Driver's license number
- Date of conviction
- Details about the offense, including any resulting suspension, revocation, or cancellation of driving privileges
- Indication of whether the violation happened in a CMV

- Location of offense and
- Driver's signature

Disqualifying Offenses

No employer shall knowingly allow, require, permit, or authorize a disqualified driver to drive a CMV. Disqualifying offenses include:

- Driving a CMV while under the influence of alcohol *
- Driving a CMV while under the influence of a disqualifying drug or other controlled substance*
- Having an alcohol concentration of 0.04 or greater while operating a CMV
- Having an alcohol concentration of 0.08 or greater while operating any motor vehicle*
- Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in 383.72*
- Leaving the scene of an accident that involves a CMV*
- Using a CMV to commit a felony*
- Driving a CMV when the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV*
- Using a CMV to cause a fatality*
- Using a CMV to commit serious traffic violations*
- Using a CMV to violate an Out-of-Service Order
- Using a CMV to violate the Railroad-Highway Grade Crossing rule*

* Effective September 30, 2005, CDL license holders will be subject when driving a non-CMV (personal vehicle) to the moving violation standards in 383.51, the same as if they were driving CMV.

Penalties

A driver convicted of a felony offense for using a CMV for manufacturing, distributing or dispensing a controlled substance is disqualified for life and is not eligible for reinstatement pursuant to 383.51(a)(6).

Suspensions for Traffic Violations

A 60-day, 120-day, 1 year, 3 year and life suspension will be imposed on certain convictions, depending on severity, number of convictions and subsequent convictions. For more information on the types of convictions and disqualification time frames, please reference 383.51.

Implied Consent

Any CDL holder is automatically considered to have consented to alcohol testing by any state or jurisdiction.

Note: Certain types of vehicles such as tankers, passenger, hazardous material haulers and double/triple trailers, require an endorsement. Please consult the CDL manual offered at the Department of Revenue for particulars. Find it at *http://dor.mo.gov/forms/Commerical_Driver_License.pdf*

Class* Description

A Any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided the Gross Vehicle Weight Rating (GVWR) of the vehicle(s) being towed is in excess of 10,000 pounds. (Holders of a Class A license may also, with any appropriate endorsements, operate all vehicles within Class B and C).

Examples include but are not limited to:

B Any single vehicle with a GVWR of 26,001 or more pounds or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Class B license may also, with any appropriate endorsements, operate all vehicles within Class C).

Examples include but are not limited to:

C Any single vehicle less than 26,001 pounds GVWR or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. This group applies only to vehicles, which are required to be placarded for hazardous materials or are designed to transport 16 or more persons, including the operator. A holder of a Class A, B, or C license may drive all vehicles which may be driven by a holder of a Class E or Class F license.

Examples include but are not limited to:

*The representative vehicle for the skills test must meet the written description for that group. The examples represent, but do not fully cover, the types of vehicles falling within each group.

Endorsements

In addition to general knowledge and skills tests, drivers who operate specialized commercial motor vehicles must pass additional tests and obtain endorsements on their CDL, as follows:

T –– Double/triple trailers (knowledge test only)
P –– Passenger (knowledge and skills tests)
N –– Tank vehicle (knowledge test only)
S –– School Bus (knowledge and skills tests)*
H –– Hazardous materials (knowledge test only)**
X –– Combination of tank vehicle and hazardous materials (knowledge tests)

*Effective September 2005, "S" will not suffice for "P" Endorsement.

**If you seek to obtain, renew, or transfer an HME on your CDL, you must apply for a security threat assessment. TSA rules require you to begin applying for the security threat assessment at least 30 days prior to the expiration of your CDL. Web address: www.hazprints.com Telephone: (877)429-7746.

Air Brake Restrictions

If an applicant fails the air brake section of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, his/her CDL, if issued, will indicate that the license holder may not operate any CMV equipped with air brakes.

Note: For the purposes of the skills test and the license restriction, air brakes include any braking system that operates fully or partially on the air brake principle.

For-Hire License (Class E) -- Eligible Age 18 Missouri Intrastate Only

You must have a Class E license if you receive pay for driving a motor vehicle transporting 14 or fewer passengers, or if you will transport property for pay or as part of your employment. Anyone who regularly operates a motor vehicle for his or her employment, whether owned by that person or belonging to another person and designed to carry freight, merchandise or is operated in furtherance of that business or commercial enterprise, must also have a Class E license. (Example: If the person is a delivery driver, whether the car is owned by the driver or the company, that person must have a Class E license or greater.) The vehicle driven must be 26,000 pounds or less gross vehicle weight rating (GVWR) and not required to be placarded for hazardous materials. You must be at least 18 years old and pass the driver's exam to get a Class E license. (RSMo 302.015)

*Note: If a Commercial Driver License (CDL) is not required, you may be subject to the Missouri Class E driver's license requirement as an operator of a farm truck.

Missouri Intrastate Only "K" Restriction

A driver obtaining or renewing a CDL license may have a "K" restriction placed on their license, which designates "Intrastate Driving Only". This "K" restriction applies to drivers of:

- Vehicles licensed for 60,000 pounds or less and are used exclusively to transport solid waste (In trastate only);
- Vehicles licensed for 42,000 pounds or less and the license plate has been designated for farm use by the letter F (Intrastate only), unless such vehicle is transporting hazardous materials;
- Persons having a valid Missouri Chauffeur's License on May 13, 1988 are not subject to the medical requirements of Section 391.41 (In intrastate commerce only)
- Persons 18 to 20 years old. A driver who is at least 18 years of age, but not yet 21 years of age, if otherwise qualified and licensed to operate a commercial motor vehicle transporting passengers or property, may do so, only in intrastate commerce, except hazardous materials. (Any person transporting hazardous material must be at least 21 years old). This subsection exempts these drivers only from the 21 year minimum age required by 49 CFR 391.11(b)(1), but not from any physical qualification required by 49 CFR 391.41.

In addition, MoDOT may authorize a person who is physically unqualified to drive a commercial motor vehicle to operate commercial motor vehicles in Missouri intrastate commerce only. MoDOT grants individual medical exemptions by issu-

ing a Skill Performance Evaluation (SPE) Certificate, to successful applicants, whether they are physically unqualified because of limb amputation, limb impairment, insulin-treated diabetes mellitus, or vision impairment.

Guidance: Missouri Commercial Driver's License and Medical Certification

Federal law says states must store DOT medical certification status in commercial driver's license computer systems. One step of the process requires Missouri CDL holders to self-certify with the Missouri Department of Revenue which of four types of CDL best describes the driver's situation.

Visit *www.modot.org/mcs/CDLMed* or use the information below to make a choice.

The four choices are:

Non-excepted Interstate (NI) - *the most common* – Drivers who are required to follow federal medical certification requirements (DOT card).

Non-excepted Intrastate (NA) – Drivers operating wholly within Missouri who must meet the federal DOT medical card requirements.

Excepted Interstate (EI)– Drivers who are not required to comply with Federal medical card rules due to a federal exception from medical requirements.

Excepted Intrastate (EA) – Drivers operating wholly within Missouri who do not have to meet the Federal medical card requirements due to a Missouri state exception.

Interstate or Intrastate

If you ever operate a CMV in a state other than Missouri or haul a load that began or will end up in another state or country, certify as an *interstate* driver. If you operate only in Missouri, hauling loads that originate and end completely within the state, you're an *intrastate* driver.

Interstate excepted or non-excepted

You operate in *excepted interstate* commerce when you drive a CMV in interstate commerce only for certain activities, the most common of which are:

- To transport school children and/or school staff between home and school.
- As federal, state or local government employees.
- Fire truck or rescue vehicle drivers during emergencies and other activities.
- A truck that is controlled and operated not-for-hire by a farmer, when specific conditions apply.
- You hold a CDL but do not operate a commercial motor vehicle.

If any of the above activities are the only operation in which you drive, you operate in *excepted interstate* commerce and do not need a federal medical examiner's certificate. Most other drivers operate in *non-excepted interstate* commerce and must provide a current medical examiner's certificate to DOR. If both apply, choose n*on-excepted interstate*.

Intrastate Excepted or Non-Excepted

You operate in *excepted intrastate* commerce if you drive a CMV only in intrastate commerce activities that do not require you to have a medical examination due to a Missouri state exception. All other intrastate drivers operate in non-excepted intrastate commerce.

If you held a Chauffeur's license prior to May 13, 1988 and have a "K" restriction printed on your CDL, you are exempt from the need to have a DOT medical card and should certify as being *excepted intrastate* (EA).

Part 387

Minimum Levels of Financial Responsibility for Motor Carriers

Interstate and Intrastate Commerce

Financial responsibility means having insurance policies or surety bonds sufficient to satisfy the minimum public liability requirements. Public liability means liability for bodily injury, property damage, and environmental restoration. Environmental restoration means restitution for the loss, damage, or destruction of natural resources arising out of an accidental discharge of toxic or other environmentally harmful materials or liquids.

Requirements for Financial Responsibility

Motor carriers of property operating commercial motor vehicles in interstate, foreign, or intrastate commerce, and for-hire carriers of passengers operating in interstate or foreign commerce must have at least the minimum amount of insurance required by law.

(See the Schedule of Limits in this folder for minimum levels of financial responsibility).

Proof

The motor carrier must have proof of the minimum level of insurance at the company's principal place of business.

Proof may be shown by any of the following:

- Endorsements for Motor Carriers policies of insurance for public liability under Sections 29 and 30 of the Motor Carrier Act of 1980 (Form MCS-90) issued by an insurer
- Endorsements for Motor Carriers of Passengers policies of insurance for public liability under Section 18 of the Bus Regulatory Reform Act of 1982 (Form MCS-90B) issued by an insurer
- A Motor Carrier Surety Bond for public liability under Section 30 of the Motor Carrier Act of 1980 (Form MCS-82) issued by a surety
- A Motor Carriers of Passengers Surety Bond for public liability under Section 18 of the Bus Regulatory Reform Act of 1982 (Form MCS-82B) is sued by a surety
- A written decision, order, or authorization of the Federal Motor Carrier Safety Administration authorizing the motor carrier to self-insure under 49 CFR 1043.5

ENDORSEMENT FOR
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

Issued to _____of _____

Dated at _____this _____day of _____, 20 _____

Amending Policy No._____ Effective Date _____

Name of Insurance Company _____

Countersigned by _____
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "[X]," for the limits shown:

[ ] This insurance is primary and the company shall not be liable for amounts in excess of $$_____for each accident.

[ ] This insurance is excess and the company shall not be liable for amounts in excess of $$_____for each accident in excess of the underlying limit of $_____for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA, to verify that the policy is in force as of a particular date. The telephone number to call is: _____.

Cancellation of this endorsement may be effected by the company of the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA 's registration requirements under 49 U.S.C.13901, by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

Accident includes continuous or repeated exposure to conditions or which results in bodily injury, property damage, or environmental damage, which the insured neither expected nor intended.

Motor Vehicle means a land vehicle, machine, truck, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used on a highway for transporting property, or any combination thereof.

Bodily Injury means injury to the body, sickness, or disease to any person, including death resulting from any of these.

Property Damage means damage to or loss of use of tangible property.

Environmental Restoration means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the and, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

Public Liability means liability for bodily injury, property damage, and environmental restoration

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Motor Carrier Safety Administration (FMCSA).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE. The limits shown in the schedule are for information purposes only.
Form MCS-90 (4/2000)

Schedule of Limits - Public Liability

Type of carriage	Commodity transported	Jan. 1, 1985
(1)For-hire (In interstate or foreign commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Property (nonhazardous).....	$750,000
(2)For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,000 or more pounds).	Hazardous substances, as defined in 49 CFR 171.8,transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Division 1.1,1.2, and 1.3 materials, Division 2.3,Hazard Zone A, or Division 6.1,Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2;or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403	$5,000,000
(3)For-hire and Private (In interstate or foreign commerce, in any quantity; or in intrastate commerce, in bulk only; with a gross vehicle weight rating of 10,000 or more pounds). * (See Note)	Oil listed in 49 CFR 172.101;hazardous waste, hazardous materials, and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101,but not mentioned in (2)above or (4) below.	$1,000,000
(4)For-hire and Private (In interstate or foreign commerce,with a gross vehicle weight rating of less than 10,000 pounds).	Any quantity of Division 1.1,1.2,or 1.3 material; any quantity of a Division 2.3,Hazard Zone A,or Division 6.1,Packing Group I,Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403.	$5,000,000
(5) For-hire motor carriers of passengers operating in interstate or foreign commerce	Any vehicle with a seating capacity of 16 passengers or more.	$5,000,000
	Any vehicle with a seating capacity of 15 passengers or less.[1]	$1,500,000

DEFINITION:

In bulk – the transportation, as cargo, of property, except Division 1.1, 1.2, or 1.3 materials, and division 2.3, Hazard Zone A gases, in containment systems with capacities in excess of 3,500 water gallons.

In bulk (Division 1.1, 1.2, and 1.3 explosives) – the transportation, as cargo, of any Division 1.1, 1.2, or 1.3 materials in any quantity.

In bulk (Division 2.3, Hazard Zone A or division 6.1, Packing Group I, Hazard Zone A materials) – the transportation, as cargo, of any Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material, in any quantity.

Note: Unless hauling bulk hazardous material, this applies to For-hire and Private (In interstate or foreign commerce); or For-hire intrastate commerce, and does not apply to Private intrastate commerce.

- Tow trucks with a GVWR or GCWR of 10,000 pounds or more performing emergency moves in interstate or foreign commerce are required to maintain minimum levels of financial responsibility in the amount of $750,000. Tow trucks performing secondary moves are required to maintain levels of coverage applicable to the commodity being transported by the vehicle being towed.
- Vehicles being transported by motor vehicle are subject only to 49 CFR 173.220 of the HMRs, they meet the definition of "Hazardous material" in 49 CFR 171.8 because "Vehicle, flammable gas powered" and "Vehicle, flammable liquid powered" (this includes diesel fuel) are designated as hazardous in 49 CFR 172.101 [UN 3166]. For that reason, vehicles transporting other vehicles would have to carry $1,000,000 of public liability insurance.
    - Examples may include, but are not limited to: backhoe, motorcycles, self-propelled lawn mowers, tractors, bobcats, auto-haulers, etc.

[1]Except as provided in 387.27(b).

Bodily Injury and Property Damage Liability (BIPD)

Proof of BIPD insurance must be on file with Motor Carrier Services Division before the motor carrier can transport property or passengers within the borders of this state, unless exempted under RSMo 390.030. The insurance form that must be on file is one of the following:

Intrastate Operations

1. **Form E**, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance (intrastate household goods carriers must also file a Form H, Uniform Motor Carrier Cargo Certificate of Insurance):
2. **Form G**, Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond; or
3. **An application to self-insure** on the prescribed application form.

The minimum levels of BIPD liability insurance are listed below:

4. Intrastate-Passenger Service

Twelve (12) passenger or less capacity, $100,000 for injury or death of one (1) person; $300,000 for any (1) accident; $50,000 property damage for any one (1) accident.

More than twelve (12) passenger capacity, $100,000 for injury or death of one (1) person; $500,000 for any one (1) accident; $50,000 property damage for any one (1) accident.

5. Intrastate Property-Nonhazardous

$100,000 for injury or death of one (1) person; $300,000 for any one (1) accident; $50,000 property damage for any one (1) accident.

6. Intrastate Property-Hazardous $5,000,000*

Hazardous substance, as defined in 49 CFR 171.8 transported in cargo tanks or hopper-type vehicles with capacities in excess of 3,500 water gallons; any quantity of Class 1.1, 1.2, or 1.3 explosives; any quantity of Class 2.3 Hazard Zone A; any quantity of Class 6.1, Packing Group I, Hazard Zone A; Class 7 radioactive materials in highway route controlled quantities as defined in 49 CFR 173.455; and Class 2.1 and 2.2 gases in tanks with capacities in excess of 3,500 water gallons.

7. Intrastate Property-Hazardous $1,000,000*

Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 171.101, but not mentioned in 4 or 6.

Cargo Insurance (Intrastate Household Goods Operations Only)

Proof of cargo insurance must be on file to transport household goods within the borders of this state. The insurance form must be one of the following:

1. Form H, Uniform Motor Carrier Cargo Certificate of Insurance; or
2. Form J, Uniform Motor Carrier Cargo Surety Bond.

The minimum level of cargo insurance is as follows:

Loss of damage to property carried on any one (1) motor vehicle - $2,500; and

Loss or damage to or aggregate of losses or damages of or to property occurring at any one (1) time and place - $5,000.

*This limit applies only to vehicles within a gross vehicle weight rating of 10,000 lbs or more.

Financial Responsibility for Missouri Oversize Overweight Permit

An applicant must submit proof of insurance meeting the required minimum amount before a permit can be issued. The applicant must have on file with the Missouri Department of Transportation, Motor Carrier Services Division an approved certificate of liability insurance specifically showing coverage of amounts not less than the following:

Schedule of Minimum Limits of Combined Single Limit Automobile Liability:

Type of Move	*Amount*
1) Routine	$750,000
2) Super Heavy and Large Loads	$2,000,000
3) Noncommercial Building (House) Movement	$2,000,000

Insurance for all permit operation shall be in force for the duration of the permit period. Travel under permit must be with properly licensed, insured and permitted vehicles and must be licensed for maximum weights in order to obtain overweight permits. For specific information relating to these regulations, please review the Missouri Revised Statutes, Chapters 260, 301 through 307, 390 and 622.

If there are any questions concerning these requirements, please contact the Motor Carrier Services Division, Compliance Communication Center at (573) 751-7100 or (800) 877-8499.

Part 390

Federal Motor Carrier Safety Regulations

General Applicability

Part 390
Federal Motor Carrier Safety Regulations: General

General Applicability

Federal Motor Carrier Safety Regulations (FMCSRs) apply to all employers, employees, and commercial motor vehicles transporting property or passengers in interstate commerce.

Commercial Motor Vehicle in "INTERSTATE COMMERCE": Any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 4,536 kg (10,001 pounds) or more, or
- Is designed or used to transport 9 or more passengers, including the driver, or
- Is used in transporting a quantity of hazardous material requiring placarding

Commercial Motor Vehicle in "INTRASTATE COMMERCE": Any self-propelled or towed motor vehicle used on a highway in intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 11,794 kg (26,001 pounds) or more, or
- Is designed or used to transport 9 or more passengers, including the driver, or
- Is used in transporting a quantity of hazardous material requiring placarding
- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 4,536 kg (10,001 pounds) or more and is used in transporting any amount of hazardous material
- Is used in transporting a quantity of hazardous material requiring placarding

Interstate-Only Exemptions

Vehicles and drivers used in transportation by a Covered Farm Vehicle as defined on page 29 of this manual are excepted from the following requirements of the Federal Motor Carrier Safety Regulations (FMCSRs):

- Part 382 Alcohol and Drug Testing Requirements
- Part 383 Commercial Driver's License Standards
- Part 391 Qualification of Drivers (Medical Certification Only)
- Part 395 Hours of Service of Drivers
- Part 396 Inspection, Repair, and Maintenance

Intrastate-Only Exemptions

- Vehicles with less than 26,001 pounds Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) and not transporting any amount of hazardous material
- Vehicles licensed for 60,000 pounds or less when used exclusively for the transport of solid waste
- Vehicles licensed for less than 42,000 pounds and the license plate is designated for farm use.
- Persons having a valid Missouri Chauffeur's License on or before May 13, 1988, are not subject to the medical requirements of Section 391.41

Vehicles and drivers used in transportation by a Covered Farm Vehicle as defined on page 29 of this manual are excepted from the following requirements of the Federal Motor Carrier Safety Regulations (FMCSRs):

- Part 382 Alcohol and Drug Testing Requirements
- Part 383 Commercial Driver's License Standards
- Part 391 Qualification of Drivers (Medical Certification Only)
- Part 395 Hours of Service of Drivers
- Part 396 Inspection, Repair, and Maintenance

Exceptions to General Applicability

Transportation provided by federal, state, and local governments are exempt from Part 390-397; however, must comply with Part 40, Part 382 (Drug and Alcohol) and Part 383 (CDL) requirements of the FMCSRs.

Occasional transportation of personal property by individuals for non-commercial purposes, school bus operations, and transportation of human corpses, or sick and injured people are also exempt.

Accident Register

Accident: An incident involving a CMV operating on a public road resulting in at least one of the following:

- A fatality
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident
- Disabling damage to one or more motor vehicles, requiring the vehicle(s) to be towed or otherwise transported from the scene by a tow truck or other vehicle

Accident Register: A motor carrier must maintain an accident register for three years after the date of each accident, containing the following information:

A list of accidents as defined in 390.5, containing for each accident:

- Date and place of accident
- Driver's name
- Number of injuries and fatalities
- Hazardous materials (other than fuel) released

Copies of all accident reports required by state or other governmental entities or insurers

Vehicle Identification (Markings)

Every CMV operated by a motor carrier in interstate commerce must be marked, on both sides of the vehicle, with the following:

- The motor carrier's legal name or trade name
- The motor carrier's identification number preceded by USDOT
- If the name of any person other than the operating carrier appears on the CMV, the name of the operating carrier must be followed by the same information as above, and preceded by the words "operated by"
- Other identifying information may be displayed if not inconsistent with the above Size, shape, location, and color. The marking must:
- Appear on both sides
- Contrast sharply in color with the background
- Be legible, during daylight hours, from a distance of 50 feet while the CMV is stationary
- Be maintained in a manner that retains legibility

Construction and durability:

- The marking may be painted on the CMV or may consist of a removable device that meets the above requirements

Every CMV operated by a motor carrier only in intrastate commerce must be marked, on BOTH sides of the vehicle, with the same information as provided above except that:

- The motor carrier ID number preceded by "US DOT", then the letters "MO" shall be included in the vehicle markings, immediately following the USDOT number. e.g.: "USDOT 654321 MO".
- Intrastate for-hire passenger carriers operating limousines or vans with the total capacity of 13 or less, are allowed to display only the USDOT number anywhere on the rear of the vehicle instead of the vehicle side per 390.021 RSMo

Per 301.330 RSMo. Each CMV (except those licensed under the provisions of Section 301.057 or 301.058 based on a gross weight of thirty-six thousand pounds or less and which are not used for actual commercial purposes) must display in a conspicuous place:

- The name of the owner;
- The address from which the vehicle is operated;
- Each local commercial vehicle must also display in a conspicuous place the word "local".

Relief From Regulations During Emergencies

Relief from Parts 390-399 of the FMCSRs may be granted during declared emergencies to any motor carrier who provides emergency assistance.

Accident Register

Index	Date	Time	Driver Name	Location City / State	Injured	Fatality	Vehicle Towed	H/M	Incident	Damage	Citation Issued yes or no

Employer Note: It is recommended, but not required, to keep a copy of all insurance and police reports.

Part 391

Qualification of Drivers

Part 391
Qualification of Drivers

Motor carriers must assure that all drivers of commercial motor vehicles meet the minimum qualifications specified in Part 391.

Driver Requirements

A driver must meet the following requirements:

- Be at least 18 years of age for intrastate commerce and 21 years of age for interstate commerce. Must be 21 years of age in both interstate and intrastate commerce to transport hazardous materials
- Speak and read English well enough to converse with the public, understand highway traffic signs and signals, respond to official questions, and able to make legible entries on reports and records
- Be able to drive the vehicle safely
- Know how to safely load and properly block, brace, and secure the cargo
- Have only one valid commercial motor vehicle operator's license
- Provide an employing motor carrier with a list of all motor vehicle violations or a signed statement that the driver has not been convicted of any motor vehicle violations during the past 12 months.
  A disqualified driver must not be allowed to drive a commercial motor vehicle for any reason.
- Pass a driver's road test or equivalent
- Complete an application for employment
- Possess a valid medical certificate (unless grandfathered in intrastate commerce 5/13/88)
- Some individuals with certain physical impairments may apply for a Medical Exemption, or Certificate (See: Medical Program, Page 79)

A medical certificate is required when operating:

Intrastate commerce:

- A single or combination vehicle with a Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) of 26,001 pounds or more,
- Is designed or used to transport 9 or more passengers, including the driver,
- Is designed or used to transport 16 or more passengers, including the driver, and is not used to transport passengers for compensation
- A single or combination vehicle with a GVWR or GCWR of 10,001 pounds or more when transporting any amount of hazardous material, or
- Any size vehicle when transporting hazardous material that is required to be placarded.

Interstate commerce:

- Operating a single or combination vehicle with a GVWR or GCWR of 10,001 pounds or more,
- Designed or used to transport 9 or more passengers (including the driver);
- Designed or used to transport 16 or more passengers (including the driver) and is not used to transport passengers for compensation, or
- Any size vehicle when transporting hazardous material that is required to be placarded.

Examples of Physical Requirements

(Section 391.41 provides the complete list of physical requirements)

- Has no loss of a foot, a leg, a hand, or an arm
- Has no established medical history or clinical diagnosis of diabetes requiring insulin for control
- Has no clinical diagnosis of any disqualifying heart disease
- Has no clinical diagnosis of high blood pressure
- Has no clinical diagnosis of epilepsy
- Has 20/40 vision or better with corrected lenses
- Has distant binocular acuity of at least 20/40 in both eyes
- Has the ability to recognize the colors (red, green and amber) of traffic signals
- Has hearing to perceive a forced whisper
- Has no history of drug use or any other substance identified in 21 CFR 1308.11 Schedule I
- Has no clinical diagnosis of alcoholism

Exemptions

There are provisions for an exemption to a disqualification for certain physical defects if the individual is otherwise qualified to drive.

(See: Medical Program, Page 79)

Additional instructions for medical examination

Additional instructions for the examining doctor are available from:

Director, Office of Bus and Truck Standards and Operations
Federal Motor Carrier Safety Administration
400 Seventh Street, S.W. (MC-PS)
Washington, DC 20590

Limited Exemptions

The following specific conditions and types of drivers are exempt from specific record keeping requirements:

Drivers regularly employed before January 1, 1971 — Drivers who have been regular employees of a motor carrier for a continuous period that began before January 1, 1971 are exempt from:

- Applications for employment
- Road Tests

Multiple-employer drivers

Multiple-employer drivers * – If a motor carrier employs a person as a driver on any basis, the motor carrier must have on file the driver's name, social security number, identification number, type issuing state of his/her motor vehicle operator's license, medical certificate, road test and certificate, and controlled substance test results, even if that driver's primary employment is with another carrier.

Drivers furnished by other motor carriers * – A motor carrier using a driver regularly employed by another motor carrier must have on file a signed written certificate that includes the driver's name and signature, certification of the driver's full qualifications, and expiration date of the driver's medical examiner's certificate.

*(See page 78 for an example of the forms)

Disqualifying Offenses

A driver is disqualified from operating a commercial motor vehicle on public highways, if convicted of the following criminal offenses:

- Driving a CMV while under the influence of alcohol *
- Driving a CMV while under the influence of a disqualifying drug or other controlled substance*
- Having an alcohol concentration of 0.04 or greater while operating a CMV
- Having an alcohol concentration of 0.08 or greater while operating any motor vehicle*
- Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in 383.72*
- Leaving the scene of an accident that involves a CMV*
- Using a CMV to commit a felony*
- Driving a CMV when the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV*
- Using a CMV to cause a fatality*
- Using a CMV to commit serious traffic violations*
- Using a CMV to violate an Out-of-Service Order
- Using a CMV to violate the Railroad-Highway Grade Crossing rule*

* Effective September 30, 2005, CDL license holders are subject when driving a non-CMV (personal vehicle) to the moving violation standards in 383.51, the same as if they were driving CMV.

Penalties

A driver convicted of a felony offense for using a CMV for manufacturing, distributing or dispensing a controlled substance is disqualified for life and is not eligible for reinstatement pursuant to 383.52(a)(6).

Suspensions for Traffic Violations

A 60-day, 120-day, 1 year, 3 year and life suspension will be imposed on certain convictions, depending on severity, number of convictions and subsequent convictions. For more information on the types of convictions and disqualification time frames, please reference 383.51.

Driver Qualification File – Check List

Every motor carrier must have a qualification file for each regularly employed driver. This includes drivers that are required to maintain a CDL license and a Class E license. Each driver's qualification file shall be retained for as long as a driver is employed by the motor carrier and for three years thereafter. The file must include:

- ☐ Driver's Application For Employment (391.21)
  A person will not be allowed to drive a commercial motor vehicle unless he/she has completed and signed an application for employment.

- ☐ Inquiry To Previous Employers - 3 Years (391.23(a)(2) & (c))
  An investigation of the driver's safety performance history with DOT regulated employers during the preceding three years. This investigation must be made within 30 days of the date his/her employment begins.

- ☐ Inquiry To State Agencies – 3 Years (391.23(a)(1) & (b))
  The driver's driving record for the preceding three years within first 30 days of hire and annually thereafter.

- ☐ Annual Review Of Driving Record (391.25)
  At least once every 12 months, a motor carrier must review the driving record of each driver. A note stating the results of this review shall be included in the Driver's Qualification File.

- ☐ Annual Driver's Certification Of Violations (391.27)
  At least once every 12 months, a motor carrier must require each driver that it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances during the previous 12 months. Note: Drivers who have provided information required by Section 383.31 need not repeat that information in this annual list of violations.

- ☐ Driver's Road Test Certificate Or Equivalent (391.31)
  A person must not be allowed to drive a commercial motor vehicle until he/she has successfully completed a road test and has been issued a certificate, or a copy of the license or certificate, which the motor carrier accepted as equivalent to the driver's road test pursuant to Section 391.33.

- ☐ Medical Examinations (391.43)
  The driver must pass a medical examination conducted by a licensed health care professional and be issued a Medical Examiner's Certificate by which must be carried with the driver until January 30, 2015. After that date, the medical examination must be on file at the carrier's principle place of business. The certificate need not be carried with the driver. As of May 21, 2014, the medical examiner must be listed on the National Registry of Certified Medical Examiners maintained by the FMCSA. Medical certification must be renewed every two years.*
  - *Unless grandfathered in intrastate commerce 5/13/88
  - Individuals with some physical impairments may qualify for the Medical Program, (see Page 79)

- ☐ Drug & Alcohol Testing (382.301)
  Drivers operating commercial motor vehicles, which require a commercial driver's license (CDL), are subject to drug and alcohol testing as required by Part 382.
  - Pre-employment drug test results (382.301)
  - Carrier Drug and Alcohol Policy (382.601(d))
  - Previous employer check on drug and alcohol (382.413), (40.25)

- ☐ Entry-Level Driver Training Certificate (380.505)
  All entry level drivers who drive in interstate / intrastate commerce, and are subject to the CDL requirements of Part 383 must comply with subpart E of Part 380.
  - Employer must maintain a copy in either the personnel or qualification file (380.509(b))

APPLICATION FOR EMPLOYMENT

COMPANY _____ STREET ADDRESS _____

CITY, STATE AND ZIP CODE _____

NAME _____
(FIRST) (MIDDLE) (Maiden Name, if any) (LAST)

ADDRESS _____ HOW LONG? _____
(STREET) (CITY) (STATE & ZIP CODE)

DATE OF BIRTH _____ SOCIAL SECURITY NO. _____ HIRE DATE _____

TELEPHONE NUMBER _____ E-MAIL ADDRESS _____

PREVIOUS THREE YEARS RESIDENCY

_____ # YEARS _____
(STREET) (CITY) (STATE & ZIP CODE)

_____ # YEARS _____
(STREET) (CITY) (STATE & ZIP CODE)

_____ # YEARS _____
(STREET) (CITY) (STATE & ZIP CODE)

(ATTACH SHEET IF MORE SPACE IS NEEDED)

LICENSE INFORMATION

Section 383.21 FMCSR states "No person who operates a commercial motor vehicle shall at any time have more than one driver's license". I certify that I do not have more than one motor vehicle license, the information for which is listed below.

STATE	LICENSE NO.	TYPE	EXPIRATION DATE

DRIVING EXPERIENCE

CLASS OF EQUIPMENT	TYPE OF EQUIPMENT (VAN, TANK, FLAT, ETC.)	DATES FROM TO	APPROX. NO. OF MILES (TOTAL)
STRAIGHT TRUCK			
TRACTOR AND SEMI-TRAILER			
TRACTOR - TWO TRAILERS			
OTHER			

ACCIDENT RECORD FOR PAST 3 YEARS OR MORE (ATTACH SHEET IF MORE SPACE IS NEEDED)

DATES	NATURE OF ACCIDENT (HEAD-ON, REAR-END, UPSET, ETC.)	NUMBER FATALITIES	NUMBER INJURIES	CHEMICAL SPILLS
				YES ☐ NO ☐
				YES ☐ NO ☐
				YES ☐ NO ☐

TRAFFIC CONVICTIONS AND FORFEITURES FOR THE PAST 3 YEARS (OTHER THAN PARKING VIOLATIONS)

DATE CONVICTED (month/year)	VIOLATION	STATE OF VIOLATION LOCATION	PENALTY (forfeited bond, collateral and/or points)

(ATTACH SHEET IF MORE SPACE IS NEEDED)

A. Have you ever been denied a license, permit or privilege to operate a motor vehicle? YES _____ NO _____

If yes, explain _____

B. Has any license, permit or privilege ever been suspended or revoked? YES _____ NO _____

If yes, explain _____

EMPLOYMENT RECORD
(ATTACH SHEET IF MORE SPACE IS NEEDED)

Applicants that desire to drive in intrastate/interstate commerce must provide the following information on all employers during the previous three years. You must give the same information for all employers you have driven a commercial motor vehicle for the seven years prior to the initial three years (total of ten years employment record).

Must list the complete mailing address: street number and name, city, state and zip code.

LAST EMPLOYER: NAME _____

ADDRESS _____ PHONE _____

POSITION HELD _____ FROM _____ TO _____SALARY _____

REASONS FOR LEAVING _____

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. _____

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

SECOND LAST EMPLOYER: NAME _____

ADDRESS _____ PHONE _____

POSITION HELD _____ FROM _____ TO _____SALARY _____

REASONS FOR LEAVING _____

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. _____

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

THIRD LAST EMPLOYER: NAME _____

ADDRESS _____ PHONE _____

POSITION HELD _____ FROM _____ TO _____SALARY _____

REASONS FOR LEAVING _____

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. _____

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

TO BE READ AND SIGNED BY APPLICANT

I authorize you to make sure investigations and inquiries to my personal, employment, financial or medical history and other related matters as may be necessary in arriving at an employment decision. (Generally, inquiries regarding medical history will be made only if and after a conditional offer of employment has been extended.) I hereby release employers, schools, health care providers and other persons from all liability in responding to inquiries and releasing information in connection with my application.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the Company.

"I understand that information I provide regarding current and/or previous employers may be used, and those employer(s) will be contacted, for the purpose of investigating my safety performance history as required by 49 CFR 391.23(d) and (e). I understand that I have the right to:

- Review information provided by current/previous employers;
- Have errors in the information corrected by previous employers and for those previous employers to re-send the corrected information to the prospective employer; and
- Have a rebuttal statement attached to the alleged erroneous information, if the previous employer(s) and I cannot agree on the accuracy of the information."

_____ _____
DATE APPLICANT'S SIGNATURE

This certifies that I completed this application, and that all entries on it and information in it are true and complete to the best of my knowledge.

_____ _____
DATE APPLICANT'S SIGNATURE

Note: A motor carrier may require an applicant to provide information in addition to the information required by the Federal Motor Carrier Safety Regulations.

SAFETY PERFORMANCE HISTORY RECORDS REQUEST

PART 1:	TO BE COMPLETED BY PROSPECTIVE EMPLOYEE

I, (Print Name) _____ _____
First M.I. Last Social Security Number

Hereby authorize: _____
Date of Birth

Previous Employer: _____ Email: _____

Street: _____ Telephone: _____

City, State, Zip: _____ Fax No.: _____

To release and forward the information requested by section 3 of this document concerning my Alcohol and Controlled Substances Testing records within the previous 3 years from _____.
(employment application date)

To: Prospective Employer: _____

Attention: _____ Telephone: _____

Street: _____

City, State, Zip: _____

In compliance with §40.25(g) and 391.23(h), release of this information must be made in a written form that ensures confidentiality, such as fax, email, or letter.

Prospective employer's fax number: _____

Prospective employer's email address: _____

_____ _____
Applicant's Signature Date

This information is being requested in compliance with §40.25(g) and 391.23.

PART 2:	TO BE COMPLETED BY PREVIOUS EMPLOYER

ACCIDENT HISTORY

The applicant named above was employed by us. Yes ☐ No ☐

Employed as _____ from (m/y) _____ to (m/y) _____

1. Did he/she drive motor vehicle for you? Yes ☐ No ☐ If yes, what type? Straight Truck ☐ Tractor-Semitrailer ☐ Bus ☐ Cargo Tank ☐ Doubles/Triples ☐ Other (Specify) _____

2. Reason for leaving your employ: Discharged ☐ Resignation ☐ Lay Off ☐ Military Duty ☐
If there is no safety performance history to report, check here ☐, sign below and return.

ACCIDENTS: Complete the following for any accidents included on your accident register (§390.15(b)) that involved the applicant in the 3 years prior to the application date shown above, or check ☐ here if there is no accident register data for this driver.

	Date	Location	# Injuries	# Fatalities	Hazmat Spill
1.					
2.					
3.					

Please provide information concerning any other accidents involving the applicant that were reported to government agencies or insurers or retained under internal company policies: _____

_____

_____

Any other remarks:

_____

_____

_____

Signature: _____

Title: _____ Date: _____

PREVIOUS EMPLOYER – COMPLETE PAGE 2 PART 3

PART 3:	TO BE COMPLETED BY PREVIOUS EMPLOYER

DRUG AND ALCOHOL HISTORY

If driver was not subject to Department of Transportation testing requirements while employed by this employer, please check here ☐, fill in the dates of employment from _____ to _____, complete bottom of Part 3, sign, and return.

Driver was subject to Department of Transportation testing requirements from _____ to _____.

1. Has this person had an alcohol test with the result of 0.04 or higher alcohol concentration?
   YES ☐ NO ☐
2. Has this person tested positive or adulterated or substituted a test specimen for controlled substances?
   YES ☐ NO ☐
3. Has this person refused to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test?
   YES ☐ NO ☐
4. Has this person committed other violations of Subpart B of Part 382, or Part 40?
   YES ☐ NO ☐
5. If this person has violated a DOT drug and alcohol regulation, did this person complete a SAP-prescribed rehabilitation program in your employ, including return-to-duty and follow-up tests? If yes, please send documentation back with this form.
   YES ☐ NO ☐
6. For a driver who successfully completed a SAP's rehabilitation referral and remained in your employ, did this driver subsequently have an alcohol test result of 0.04 or greater, a verified positive drug test, or refuse to be tested?
   YES ☐ NO ☐

In answering these questions, include any required DOT drug or alcohol testing information obtained from prior previous employers in the previous 3 years prior to the application date shown on page 1.

Name: _____

Company: _____

Street: _____

City, State, Zip: _____ Telephone: _____

Part 3 Completed by (Signature): _____ Date: _____

PART 4a:	TO BE COMPLETED BY PROSPECTIVE EMPLOYER

This form was (check one) ☐ Faxed to previous employer ☐ Mailed ☐ Emailed ☐ Other _____

By: _____ Date: _____

PART 4b:	TO BE COMPLETED BY PROSPECTIVE EMPLOYER

Complete below when information is obtained.

Information received from: _____

Recorded by: _____ Method: ☐ Fax ☐ Mail ☐ Email ☐ Telephone

Date: _____ ☐ Other _____

INSTRUCTIONS TO COMPLETE THE SAFETY PERFORMANCE HISTORY RECORDS REQUEST

PAGE 1 PART 1: Prospective Employee
- Complete the information required in this section
- Sign and date
- Submit to the Prospective Employer

PAGE 2 PART 4a: Prospective Employer
- Complete the information
- Send to Previous Employer

PAGE 1 PART 2: Previous Employer
- Complete the information required in this section
- Sign and date
- Turn form over to complete SIDE 2 SECTION 3

PAGE 2 PART 3: Previous Employer
- Complete the information required in this section
- Sign and date
- Return to Prospective Employer

PAGE 2 PART 4b: Prospective Employer
- Record receipt of the information
- Retain the form

RECORDS REQUEST FOR
DRIVER/APPLICANT SAFETY PERFORMANCE HISTORY

This request is made by the driver/applicant in compliance with the Department of Transportation regulations.

§391.23(i)(2) Drivers who have previous Department of Transportation regulated employment history in the preceding three years, and wish to review previous employer-provided investigative information must submit a written request to the prospective employer, which may be done at any time, including when applying, or as late as thirty (30) days after being employed or being notified of denial of employment. The prospective employer must provide this information to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business-days deadline will begin when the prospective employer receives the requested safety-performance history information. If the driver has not arranged to pick up or receive the requested records within thirty (30) days of the prospective employer making them available, the prospective motor carrier may consider the driver to have waived his/her request to review the records.

PART 1:	**COMPLETED BY THE DRIVER/APPLICANT**

TO:

Prospective Employer: _____

Street/P.O. Box: _____

City, State, Zip: _____ Telephone # _____

FROM:

Driver/Applicant: _____ Social Security/I.D. # _____

Street: _____

City, State, Zip: _____ Telephone # _____

I am submitting this written request to obtain copies of my Department of Transportation Safety Performance History for the preceding three years. I understand, for records requested from a prospective employer, that I must arrange to pick up or receive the requested records within thirty (30) days of the records being made available or I have waived my request to review the records.

This information should be: ☐ sent to me at the above address.
☐ I will arrange to pick up.

Driver/Applicant Signature: _____ Date: _____/_____/_____
M D Y

PART 2:	**COMPLETED BY THE PROSPECTIVE EMPLOYER**

The information must be provided to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information form the previous employer(s), then the five-business-days deadline will begin when the prospective employer receives the requested safety performance history information.

Information supplied to:

Name: _____

Street: _____

City, State, Zip: _____

Comments: _____

_____

By:

_____ _____ Release Date: _____/_____/_____
Signature/person providing information Telephone # M D Y

COPY 1 PROSPECTIVE EMPLOYER

SAFETY PERFORMANCE HISTORY INFORMATION
DRIVER/APPLICANT REBUTTAL

This rebuttal is made by the driver/applicant in compliance with the Department of Transportation regulations.

§391.23(j)(3) Drivers wishing to rebut information in records received pursuant to paragraph (i) of this section must send the rebuttal to the previous employer with instructions to include the rebuttal in that driver's safety performance history.

§391.23(j)(4) After October 29, 2004, within five business days of receiving a rebuttal from a driver, the previous employer must:

(i) Forward a copy of the rebuttal to the prospective motor carrier employer;

(ii) Append the rebuttal to the driver's information in the carrier's appropriate file, to be included as part of the response for any subsequent investigating prospective employers for the duration of the three-year data retention requirements.

PART 1:	**COMPLETED BY THE DRIVER/APPLICANT**

TO:

Previous Employer: _____

Street/P.O. Box: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

FROM:

Driver/Applicant: _____ _____
Social Security #

Street: _____

City, State, Zip: _____ Telephone No.: _____

I have submitted this rebuttal to my previous employer requesting that it be attached to my Safety Performance History and provided to subsequent prospective employers.

Reason for the rebuttal (attach documents as necessary): _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

I request that this rebuttal be sent to the attached list of motor carriers.

Driver/Applicant Signature: _____ Date: _____/_____/_____
M D Y

PART 2:	**COMPLETED BY THE PREVIOUS EMPLOYER**

Received by:

Signature: _____ Date: _____/_____/_____
M D Y

COPY 1 PREVIOUS EMPLOYER

CORRECTION REQUEST
OF
ERRONEOUS SAFETY PERFORMANCE HISTORY INFORMATION

This request is made by the driver/applicant in compliance with the Department of Transportation regulations, §391.23, investigations and inquiries, paragraphs (j)(1) and (2) as printed below.

§391.23(j)(1) Driver wishing to request correction of erroneous information in records received pursuant to paragraph (i) of this section must send the request for the correction to the previous employer that provided the records to the prospective employer.

§391.23(j)(2) After October 29, 2004, the previous employer must either correct and forward the information to the prospective motor carrier employer, or notify the driver within 15 days of receiving a driver's request to correct the data that it does not agree to correct the data. If the previous employer corrects and forwards the data as requested, that employer must also retain the corrected information as part of the driver's safety performance history record and provide it to subsequent prospective employers when requests for this information are received. If the previous employer corrects the data and forwards it to the prospective motor carrier employer, there is no need to notify the driver.

PART 1:	**COMPLETED BY THE DRIVER/APPLICANT**

TO: Prospective Employer: _____

Street/P.O. Box: _____

City, State, Zip: _____ Telephone # _____

FROM: Driver/Applicant: _____

Social Security/I.D. # _____

Street: _____

City, State, Zip: _____ Telephone # _____

I request correction of erroneous information in my Safety Performance History. Please forward to the following prospective employer: Company Name: _____

Attention: _____

Street: _____

City, State, Zip: _____

Explanation of desired correction (attach documents as necessary)_____

_____

_____

Driver/Applicant Signature: _____ Date: _____/_____/_____
M D Y

Driver: Retain **COPY 4 DRIVER RECORD** for your files, Submit copies 1, 2, and 3 to your previous employer.

PART 2:	**COMPLETED BY THE PREVIOUS EMPLOYER**

Disposition of the requested information:

☐ Information was corrected and forwarded to the prospective motor carrier employer.

☐ The driver was notified on _____/_____/_____ that the previous employer does not agree to correct the data.

Return copy 3 to the driver.

Information sent to: Company Name: _____

Attention: _____

Street: _____

City, State, Zip: _____

Comments: _____

_____

By: _____ _____ Release Date: _____/_____/_____
Signature/person providing information Telephone # M D Y

PART 3:	**COMPLETED BY THE PROSPECTIVE MOTOR CARRIER EMPLOYER**

The corrected information was received on _____/_____/_____

Prospective Employer: _____ Location: _____

Received by: _____ _____
Signature Title

COPY 1 PROSPECTIVE EMPLOYER

Inquiry To State Agency For Driver's Record
391.23

Requests to Missouri:
Department of Revenue
Customer Service Division
P.O. Box 2167
Jefferson City, MO 65105-2167
Phone: 573-751-4300
Fax: 573-526-7367

Express Mail to:
Department of Revenue
Motor Vehicle Bureau
301 West High Street
Harry S. Truman State Office Bldg.
Room 470
Jefferson City, MO 65101

Records available through regular mail, express mail, via fax request and e-mail at dlrecords@dor.mo.gov.
Fees and methods of payment available at the above contact information.
(*) Additional processing fee may be required
(*) Fax fee for transmitting a Driving Record
*Note: If personal information is required, Document must be notarized.

_____
Driver's Name

_____
Date of Birth

_____
Driver's Operator's Lic. No.

_____
Driver's Social Sec. No.

Dear Sir or Madam:

The above listed individual has made application with us for employment as a driver. He/she has indicated that the above operator's license or permit has been issued by your state to him/her and that it is in good standing.

In accordance with Section 391.23(a)(1) and (b) of the Federal Motor Carrier Safety Regulations we are required to make inquiry into the driving record during the preceding three years of every state in which an applicant-driver has held a motor vehicle operator's license or permit during those three years.

Therefore, please certify to us what the individual's driving record is for the preceding three years, or certify that no driving record exists if that is the case.

In the event that this inquiry does not satisfy your requirements for making such inquiries, please send us such forms of yours as are necessary for us to complete our inquiry into the driving record of this individual.

Respectfully yours,

_____
Signature of person making inquiry

_____
(Printed) Name of person making inquiry

_____
Title of person making inquiry

_____
Motor Carrier Name

_____
Street

_____
City

_____
State Zip

Violation And Review Record

_____

Driver's Name - please print or type

I. Certification Of Violations

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months.

Date	Offense	Location	Vehicle Type Operated

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

_____ _____

Date of Certification Driver's Signature

_____ _____

Motor Carrier's Name Motor Carrier's Address

_____ _____

Reviewer's Signature Reviewer's Signature

II. Review And Evaluation Of Driver's Record

In accordance with Section 391.25, Motor Carrier Safety Regulations, all information pertinent to the above driver's safety of operations, including the list of violations furnished by him in accordance with Section 391.27, has been reviewed for the past 12 months.

Action taken:

_____

_____

_____ _____

Motor Carrier's Name Motor Carrier's Address

_____ _____

Reviewer's Signature Title Date

Driver's Road Test Examination

Driver's Name

Address City State Zip

Phone Cell

The motor carrier, or a person designated by it, shall give the road test. However, another person must give a driver who is a motor carrier the test. A person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he or she is capable of operating the vehicle and associated equipment that the motor carrier intends to assign shall give the test.

Rating of Performance

_____ The pre-trip inspection (As required by Sec. 392.7)

_____ Coupling and uncoupling of combination units, if the equipment he or she may drive includes combination units

_____ Placing the equipment in operation

_____ Use of vehicle's controls and emergency equipment

_____ Operating the vehicle in traffic and while passing other vehicles

_____ Turning the vehicle

_____ Braking, and slowing the vehicle by means other than braking

_____ Backing and parking the vehicle

_____ Other, Explain:

Type of equipment used in giving test:

Examiner's Signature Date

Record Of Road Test

Instructions to Evaluator: Check ( ) items which the driver performs satisfactorily, use "X" where performance is unsatisfactory. Any item not evaluated, leave blank.

Driver's Name	Home Address	City	State	Zip
Social Security No.	License No.		State	Class

Equipment Driven:

Truck Tractor (Make & Model)	Trailer(s) (Body Type & Length of Each)

Length of Test	Mi. From/In	To
Start Time	Finish Time	Weather Conditions

Part 1 - Pre-Trip Inspection and Emergency Equipment

Checks general condition approaching unit ____

Checks fuel, oil, water and for excessive oil on engine ____

Checks around unit - Tires, lights, trailer hook-up, brake and light line, doors and inspects for body damage ____

Tests steering, brake action, tractor protection valve, and parking brake ____

Checks horn, windshield wipers, mirrors, emergency equipment; reflectors, flares, fuses, tire chains (if necessary), fire equipment ____

Checks instruments for normal readings ____

Checks dashboard warning lights for proper functioning ____

Cleans windshield, windows, mirrors, lights and reflectors ____

Reviews and signs previous report ____

Part 2 - Coupling and Uncoupling

Connects glad hands to trailer to apply trailer brakes before coupling ____

Connects glad hands and light line properly ____

Couples without difficulty ____

Raises landing gear fully after coupling ____

Visually checks king pin assembly to be certain of proper coupling ____

Checks coupling by applying hand valve or tractor-protection valve (trailer air supply valve) and gently applying pressure by trying to pull away from trailer ____

Assures himself that surface will support trailer before uncoupling ____

Part 3 - Placing Vehicle In Motion And Use Of Controls

A. MOTOR
- Places transmission in neutral before starting engine ____
- Starts engine without difficulty ____
- Checks instruments at regular intervals ____
- Maintains proper engine rpm while driving ____

B. BRAKES
- Knows proper use of and checks tractor-protection valve (trailer air supply valve ____
- Tests service brakes ____
- Builds full air pressure before moving ____

C. CLUTCH AND TRANSMISSION
- Starts unit moving smoothly ____
- Uses clutch properly ____

D. LIGHTS (if tested at night)
- Adjusts speed for range of headlights ____
- Dims lights when approaching another vehicle or following other traffic ____

Part 4 - Backing and Parking

A. BACKING
- Gets out and checks area before backing ____
- Understands and utilizes mirrors properly ____
- Signals when backing (if appropriate) ____
- Avoids backing from blind side ____

B. PARKING (CITY)
- Parks without hitting any other vehicles or stationary objects ____
- Parks correct distance from curb ____
- Secures unit properly - sets parking brake, transmission in correct gear, shuts off engine, blocks wheels (when necessary) ____
- Carefully enters traffic from parked position ____

C. PARKING (ROAD)
- Parks off pavement ____
- Secures unit properly ____
- Uses emergency warning signal or devices when necessary ____

Part 5 - Slowing and Stopping

Uses clutch and gears properly ____

Gears down properly before descending hills ____

Starts without rolling back ____

Tests brakes before descending grades ____

Uses brakes properly on grades ____

Makes proper use of mirrors ____

Plans stop far enough in advance to avoid hard braking ____

Stops clear of crosswalks ____

Part 6 - Operating In Traffic, Passing and Turning

A. TURNING
- Signals intention to turn well in advance ____
- Gets into proper lane well in advance of turn ____
- Checks traffic conditions and turns only when intersection is clear ____
- Restricts traffic from passing on right when perparing to complete right hand turn ____
- Completes turn promptly and safely and does not impede other traffic ____

B. TRAFFIC SIGNS AND SIGNALS
- Plans stop in advance and adjusts speed correctly ____
- Obeys all traffic signals ____
- Comes to a complete stop at all stop signs ____

C. INTERSECTIONS
- Yields right of way ____
- Checks for cross traffic regardless of traffic controls ____
- Enters all intersections prepared to stop if necessary ____

D. GRADE CROSSINGS
- Stops at a minimum 15 feet but not more than 50 feet before crossing if stop is necessary ____
- Selects proper gear and does not shift gears while crossing ____
- Knows and understands Federal and State rules governing grade crossings ____

E. PASSING
- Allows sufficient space ahead for passing ____
- Passes only in safe locations ____
- Signals changing lanes before and after passing ____
- Warns driver ahead of his intention to pass ____
- Passes with sufficient speed differential to minimize obstructing traffic ____
- Returns to right lane promptly but only when safe to do so ____

F. SPEED
- Observes speed limits ____
- Drives at speed consistent with ability ____
- Adjusts speed properly to road, weather and traffic conditions ____
- Slows down in advance of curves, danger zones and intersections ____
- Maintains constant speed where possible ____

G. COURTESY AND SAFETY
- Yields right of way ____
- Consistently strives to drive in safe manner ____
- Allows faster traffic to pass ____
- Uses horn only when necessary ____

Part 7 - Miscellaneous

A. GENERAL DRIVING ABILITY AND HABITS
- Consistently alert and attentive ____
- Consistently is aware of changing traffic conditions ____
- Anticipates problems ____
- Performs routine functions without taking eyes from road ____
- Checks instruments regularly while driving ____
- Personal appearance is professional ____
- Remains calm under pressure ____

B. USE OF SPECIAL EQUIPMENT (SPECIFY)

_____ ____

_____ ____

_____ ____

_____ ____

_____ ____

_____ ____

Remarks _____

_____

General Performance Satisfactory ☐ Needs Training ☐ Explain _____

_____

Qualified For Straight Truck ☐ Tractor-Semitrailer ☐ Twin Trailers ☐ Other Combination ☐

Special Equipment _____
Specify

_____

Signature of Examiner Date

Certification of Road Test

Driver's Name

Social Security Number Operators or Chauffeurs License Number State

Type of Power Unit Type of Trailer(s)

If passenger carrier, type of bus

This is to certify that the above named driver was given a road test under my supervision on

_____, 20 ____ consisting of approximately _____ miles of driving.

It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

Examiner's Signature Title

Organization and Address of Examiner

Equivalent of Road Test for CDL Drivers

§391.33 Equivalent of Road Test

a) In place of, and as equivalent to, the road test required by §391.31, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept -

   1) A valid operator's license which has been issued to him by a State that licenses drivers to operate specific categories of motor vehicles and which, under the laws of that State, licenses him after successful completion of a road test in a motor vehicle of the type the motor carrier intends to assign to him; or

   2) A copy of a valid certificate of driver's road test issued to him pursuant to §391.31 within the preceding 3 years.

b) If a driver presents, and a motor carrier accepts, a license or certificate as equivalent to the road test, the motor carrier shall retain a legible copy of the license or certificate in its files as part of the driver's qualification file.

c) A motor carrier may require any person who presents a license or certificate as equivalent to the road test to take a road test or any other test of his driving skill as a condition to his employment as a driver.

Medical Examination Report
For Commercial Driver Fitness Determination

The Motor Carrier Services Division, in an effort to assist commercial motor vehicle drivers, has included a Medical Examination Report Form in this compliance Manual. Every commercial motor vehicle driver whose medical examination comes due must use a medical examination report that complies with the format requirements.

There are several medical examination report formats available from various form suppliers. The enclosed Medical Examination Report is a 3-page form published by J.J. Keller & Associates, Inc. The Missouri Department of Transportation (MoDOT), Motor Carrier Services Division has obtained authorization from J.J. Keller & Associates, Inc. to include their version of the medical examination report in our Compliance Manual. Although MoDOT has included their form as an example of how to achieve compliance, the Department does not endorse J.J. Keller & Associates, Inc. products.

Medical Examination Report
FOR COMMERCIAL DRIVER FITNESS DETERMINATION

649-F (6045)

1. DRIVER'S INFORMATION

Driver completes this section

Driver's Name (Last, First, Middle)	Social Security No.	Birthdate M / D / Y	Age	Sex ☐ M ☐ F	New Certification ☐ Recertification ☐ Follow-up ☐	Date of Exam

Address	City, State, Zip Code	Work Tel: ( ) Home Tel: ( )	Driver License No.	License Class ☐ A ☐ B ☐ C ☐ D ☐ Other	State of Issue

2. HEALTH HISTORY

Driver completes this section, but medical examiner is encouraged to discuss with driver.

Yes No

- ☐ ☐ Any illness or injury in the last 5 years?
- ☐ ☐ Head/Brain injuries, disorders or illnesses
- ☐ ☐ Seizures, epilepsy
  - ☐ medication_____
- ☐ ☐ Eye disorders or impaired vision (except corrective lenses)
- ☐ ☐ Ear disorders, loss of hearing or balance
- ☐ ☐ Heart disease or heart attack; other cardiovascular condition
  - ☐ medication_____
- ☐ ☐ Heart surgery (valve replacement/bypass, angioplasty, pacemaker) ☐
- ☐ ☐ High blood pressure medication_____
- ☐ ☐ Muscular disease
- ☐ ☐ Shortness of breath

Yes No

- ☐ ☐ Lung disease, emphysema, asthma, chronic bronchitis
- ☐ ☐ Kidney disease, dialysis
- ☐ ☐ Liver disease
- ☐ ☐ Digestive problems
- ☐ ☐ Diabetes or elevated blood sugar controlled by:
  - ☐ diet
  - ☐ pills
  - ☐ insulin
- ☐ ☐ Nervous or psychiatric disorders, e.g., severe depression
  - medication_____
- ☐ ☐ Loss of, or altered consciousness

Yes No

- ☐ ☐ Fainting, dizziness
- ☐ ☐ Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring
- ☐ ☐ Stroke or paralysis
- ☐ ☐ Missing or impaired hand, arm, foot, leg, finger, toe
- ☐ ☐ Spinal injury or disease
- ☐ ☐ Chronic low back pain
- ☐ ☐ Regular, frequent alcohol use
- ☐ ☐ Narcotic or habit forming drug use

For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.

_____

_____

_____

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

Driver's Signature_____ Date_____

Medical Examiner's Comments on Health History (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below.)

_____

_____

_____

_____

TESTING (Medical Examiner completes Section 3 through 7) Name: Last, First, Middle,

3. VISION

Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

INSTRUCTIONS: When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. ***Monocular drivers are not qualified.***

Numerical readings must be provided.

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	**20/**	**20/**	**Right Eye** °
Left Eye	20/	20/	Left Eye °
Both Eyes	**20/**	**20/**	

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors? ☐ Yes ☐ No

Applicant meets visual acuity requirement only when wearing:
☐ Corrective Lenses

Monocular Vision: ☐ Yes ☐ No

Complete next line only if vision testing is done by an opthalmologist or optometrist

Date of Examination _____ Name of Ophthalmologist or Optometrist (print) _____ Tel. No. _____ License No./ State of Issue _____ Signature _____

4. HEARING

Standard: a) Must first perceive forced whispered voice ≥ 5 ft., with or without hearing aid, or b) average hearing loss in better ear ≤ 40 dB
☐ Check if hearing aid used for tests. ☐ Check if hearing aid required to meet standard.

INSTRUCTIONS: To convert audiometric test results from ISO to ANSI, -14 dB from ISO for 500Hz, -10dB for 1,000 Hz, -8.5 dB for 2000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

Numerical readings must be recorded.

a) Record distance from individual at which forced whispered voice can first be heard.	Right ear \ Feet	Left Ear \ Feet

b) If audiometer is used, record hearing loss in decibels. (acc. to ANSI Z24.5-1951)	Right Ear			Left Ear		
	500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
	Average:			Average:		

5. BLOOD PRESSURE/ PULSE RATE

Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Blood Pressure	Systolic	Diastolic

Driver qualified if ≤140/90.

Pulse Rate: ☐ Regular ☐ Irregular

Record Pulse Rate:_____

Reading	Category	Expiration Date	Recertification
140-159/90-99	Stage 1	1 year	1 year if ≤140/90. One-time certificate for 3 months if 141-159/91-99.
160-179/100-109	Stage 2	One-time certificate for 3 months.	1 year from date of exam if ≤140/90
≥180/110	Stage 3	6 months from date of exam if ≤140/90	6 months if ≤140/90

6. LABORATORY AND OTHER TEST FINDINGS

Numerical readings must be recorded.

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.

Other Testing (Describe and record) _____

7. PHYSICAL EXAMINATION

Height:_____ (in.) Weight:_____ (lbs.) Name: Last, First, Middle,

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for. See *Instructions to the Medical Examiner* for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.			7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.		
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos. Ask about retinopathy, cataracts, aphakia, glaucoma, macular degeneration and refer to a specialist if appropriate.			8. Vascular System	Abnormal pulse and amplitude, cartoid or arterial bruits, varicose veins.		
				9. Genito-urinary System	Hernias.		
3. Ears	Scarring of tympanic membrane, occlusion of external canal, perforated eardrums.			10. Extremities- Limb impaired. Driver may be subject to SPE certificate if otherwise qualified.	Loss or impairment of leg, foot, toe, arm, hand, finger, Perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia. Insufficicent grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.		
4. Mouth and Throat	Irremediable deformities likely to interfere with breathing or swallowing.						
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker, implantable defibrillator.			11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.		
6. Lungs and chest, not including breast examination	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alveolar rales, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/ or xray of chest.			12. Neurological	Impaired equilibrium, coordination or speech pattern; asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinki's reflexes, ataxia.		

*COMMENTS: _____

Note certification status here. See Instructions to the Medical Examiner for guidance.

- ☐ Meets standards in 49 CFR 391.41; qualifies for 2 year certificate
- ☐ Does not meet standards
- ☐ Meets standards, but periodic monitoring required due to _____
  Driver qualified only for: ☐3 months ☐6 months ☐1 year ☐ Other

Temporarily disqualified due to (condition or medication):_____

Return to medical examiner's office for follow up on _____

- ☐ Wearing corrective lense
- ☐ Wearing hearing aid
- ☐ Accompanied by a _____waiver/ exemption. Driver must present exemption at time of certification.
- ☐ Skill Performance Evaluation (SPE) Certificate
- ☐ Driving within an exempt intracity zone (See 49 CFR 391.62)
- ☐ Qualified by operation of 49 CFR 391.64

Medical Examiner's signature_____
Medical Examiner's name _____
Address _____
Telephone Number _____

If meets standards, complete a Medical Examiner's Certificate as stated in 49 CFR 391.43(h). (Driver must carry certificate when operating a commercial vehicle.)

49 CFR 391.41 Physical Qualifications for Drivers

THE DRIVER'S ROLE

Responsibilities, work schedules, physical and emotional demands, and lifestyles among commercial drivers vary by the type of driving that they do. Some of the main types of drivers include the following: turn around or short relay (drivers return to their home base each evening); long relay (drivers drive 9-11 hours and then have at least a 10-hour off-duty period), straight through haul (cross country drivers); and team drivers (drivers share the driving by alternating their 5-hour driving periods and 5-hour rest periods.)

The following factors may be involved in a driver's performance of duties: abrupt schedule changes and rotating work schedules, which may result in irregular sleep patterns and a driver beginning a trip in a fatigued condition; long hours; extended time away from family and friends, which may result in lack of social support; tight pickup and delivery schedules, with irregularity in work, rest, and eating patterns, adverse road, weather and traffic conditions, which may cause delays and lead to hurriedly loading or unloading cargo in order to compensate for the lost time; and environmental conditions such as excessive vibration, noise, and extremes in temperature. Transporting passengers or hazardous materials may add to the demands on the commercial driver.

There may be duties in addition to the driving task for which a driver is responsible and needs to be fit. Some of these responsibilities are: coupling and uncoupling trailer(s) from the tractor, loading and unloading trailer(s) (sometimes a driver may lift a heavy load or unload as much as 50,000 lbs. of freight after sitting for a long period of time without any stretching period); inspecting the operating condition of tractor and/or trailer(s) before, during and after delivery of cargo; lifting, installing, and removing heavy tire chains; and, lifting heavy tarpaulins to cover open top trailers. The above tasks demand agility, the ability to bend and stoop, the ability to maintain a crouching position to inspect the underside of the vehicle, frequent entering and exiting of the cab, and the ability to climb ladders on the tractor and/or trailer(s).

In addition, a driver must have the perceptual skills to monitor a sometimes complex driving situation, the judgment skills to make quick decisions, when necessary, and the manipulative skills to control an oversize steering wheel, shift gears using a manual transmission, and maneuver a vehicle in crowded areas.

§391.45 PHYSICAL QUALIFICATIONS FOR DRIVERS

(a) A person shall not drive a commercial motor vehicle unless he is physically qualified to do so and, except as provided in §391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a commercial motor vehicle.

(b) A person is physically qualified to drive a motor vehicle if that person:

(1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Waiver Program) pursuant to §391.49.

(2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a commercial motor vehicle safely.

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a commercial motor vehicle safely.

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a commercial motor vehicle safely;

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber;

(11) First perceives a forced whispered voice in the better ear not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz and 2,000 Hz with or without a hearing device when the audiometric device is calibrated to the American National Standard (formerly ASA Standard) Z24.5-1951;

(12) (i) Does not use a controlled substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. (ii) Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who: (A) Is familiar with the driver's medical history and assigned duties; and (B) Has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and

(13) Has no current clinical diagnosis of alcoholism.

INSTRUCTIONS TO THE MEDICAL EXAMINER

General Information

The purpose of this examination is to determine a driver's physical qualification to operate a commercial motor vehicle (CMV) in interstate commerce according to the requirements in 49 CFR 391.41-49. Therefore, the medical examiner must be knowledgeable of these requirements and guidelines developed by the FMCSA to assist the medical examiner in making the qualification determination. The medical examiner should be familiar with the driver's responsibilities and work environment and is referred to the section on the form, **The Driver's Role**.

In addition to reviewing the **Health History** section with the driver and conducting the physical examination, the medical examiner should discuss common prescriptions and over-the-counter medications relative to the side effects and hazards of these medications while driving. Educate the driver to read warning labels on all medications. History of certain conditions may be cause for rejection, particularly if required by regulation, or may indicate the need for additional laboratory tests or more stringent examination perhaps by a medical specialist. These decisions are usually made by the medical examiner in light of the driver's job responsibilities, work schedule and potential for the conditions to render the driver unsafe.

Medical conditions should be recorded even if they are not cause for denial, and they should be discussed with the driver to encourage appropriate remedial care. This advice is especially needed when a condition, if neglected, could develop into a serious illness that could affect driving.

If the medical examiner determines that the driver is fit to drive and is also able to perform non-driving responsibilities as may be required, the medical examiner signs the medical certificate which the driver must carry with his/her license. The certificate must be dated. **Under current regulations, the certificate is valid for two years, unless the driver has a medical condition that does not prohibit driving but does require more frequent monitoring**. In such situations, the medical certificate should be issued for a shorter length of time. The physical examination should be done carefully and at least as complete as is indicated by the attached form. Contact the FMCSA at (202) 366-1790 for further information (a vision exemption, qualifying drivers under 49 CFR 391.64, etc.).

Interpretation of Medical Standards

Since the issuance of the regulations for physical qualifications of commercial drivers, the Federal Motor Carrier Safety Administration (FMCSA) has published recommendations called Advisory Criteria to help medical examiners in determining whether a driver meets the physical qualifications for commercial driving. These recommendations have been condensed to provide information to medical examiners that (1) is directly relevant to the physical examination and (2) is not already included in the medical examination form. The specific regulation is printed in italics and it's reference by section is highlighted.

Federal Motor Carrier Safety Regulations
-Advisory Criteria-

Loss of Limb:
§391.41(b)(1)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no loss of a foot, leg, hand or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.

Limb Impairment:
§391.41(b)(2)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iii) Any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or (iv) Has been granted a Skill Performance Evaluation (SPE) Certificate pursuant to Section 391.49.

A person who suffers loss of a foot, leg, hand or arm or whose limb impairment in any way interferes with the safe performance of normal tasks associated with operating a commercial motor vehicle is subject to the Skill Performance Evaluation Certification Program pursuant to section 391.49, assuming the person is otherwise qualified.

With the advancement of technology, medical aids and equipment modifications have been developed to compensate for certain disabilities. The SPE Certification Program (formerly the Limb Waiver Program) was designed to allow persons with the loss of a foot or limb or with functional impairment to qualify under the Federal Motor Carrier Safety Regulations (FMCSRs) by use of prosthetic devices or equipment modifications which enable them to safely operate a commercial motor vehicle. Since there are no medical aids equivalent to the original body or limb, certain risks are still present, and thus restrictions may be included on individual SPE certificates when a State Director for the FMCSA determines they are necessary to be consistent with safety and public interest.

If the driver is found otherwise medically qualified (391.41(b)(3) through (13)), the medical examiner must check on the medical certificate that the driver is qualified only if accompanied by a SPE certificate. The driver and the employing motor carrier are subject to appropriate penalty if the driver operates a motor vehicle in interstate or foreign commerce without a curent SPE certificate for his/her physical disability.

Diabetes
§391.41(b)(3)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

Diabetes mellitus is a disease which, on occasion, can result in a loss of consciousness or disorientation in time and space. Individuals who require insulin for control have conditions which can get out of control by the use of too much or too little insulin, or food intake not consistent with the insulin dosage. Incapacitation may occur from symptoms of hyperglycemic or hypoglycemic reactions (drowsiness, semiconsciousness, diabetic coma or insulin shock).

The administration of insulin is, within itself, a complicated process requiring insulin, syringe, needle, alcohol sponge and a sterile technique. Factors related to long-haul commercial motor vehicle operations, such as fatigue, lack of sleep, poor diet, emotional conditions, stress, and concomitant illness, compound the dangers, the FMCSA has consistently held that a diabetic who uses insulin for control does not meet the minimum physical requirements of the FMCSRs.

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. CMV drivers who do not meet the Federal diabetes standard may call (202) 366-1790 for an application for a diabetes exemption.
(See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Cardiovascular Condition
§391.41(b)(4)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse or congestive cardiac failure.

The term "has no current clinical diagnosis of" is specifically designed to encompass: "*a clinical diagnosis of*" (1) a current cardiovascular condition, or (2) a cardiovascular condition which has not fully stabilized regardless of the time limit The term "*known to be*

accompanied by" is designed to include a clinical diagnosis of a cardiovascular disease (1) which is accompanied by symptoms of syncope, dyspnea, collapse or congestive cardiac failure; and/or (2) which is likely to cause syncope, dyspnea, collapse or congestive cardiac failure.

It is the intent of the FMCSRs to render unqualified, a driver who has a current cardiovascular disease which is accompanied by and/or likely to cause symptoms of syncope, dyspnea, collapse, or congestive cardiac failure. However, the subjective decision of whether the nature and severity of an individual's condition will likely cause symptoms of cardiovascular insufficiency is on an individual basis and qualification rests with the medical examiner and the motor carrier. In those cases where there is an occurrence of cardiovascular insufficiency (myocardial infarction, thrombosis, etc.), it is suggested before a driver is certified that he or she have a normal resting and stress electrocardiogram (ECG), no residual complications and no physical limitations, and is taking no medication likely to interfere with safe driving.

Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not unqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope. Coumadin is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-1790 for additional recommendations regarding the physical qualification of drivers on coumadin.
(See Cardiovasular Advisory Panel Guidelines for the Medical examination of Commercial Motor Vehicle Drivers at: http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Respiratory Dysfunction
§391.41(b)(5)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a commercial motor vehicle safely.

Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, carcinoma, tuberculosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy. Anticoagulation therapy for deep vein thrombosis and/or pulmonary thromboembolism is not unqualifying once optimum dose is achieved, provided lower extremity venous examinations remain normal and the treating physician gives a favorable recommendation.
(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm

Hypertension
§391.41(b)(6)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no current clinical diagnosis of high blood pressure likely to interfere with ability to operate a commercial motor vehicle safely.

Hypertension alone is unlikely to cause sudden collapse; however, the likelihood increases when target organ damage, particularly cerebral vascular disease, is present. This regulatory criteria is based on FMCSA's Cardiovascular Advisory Guidelines for the Examination of CMV Drivers, which used the Sixth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure (1997).

Stage 1 hypertension corresponds to a systolic BP of 140-159 mmHg and/or a diastolic BP of 90-99 mmHg. The driver with a BP in this range is at low risk for hypertension-related acute incapacitation and may be medically certified to drive for a one-year period. Certification examinations should be done annually thereafter and should be at or less than 140/90. If less than 160/100, certification may be extended one time for 3 months.

A blood pressure of 160-179 systolic and/or 100-109 diastolic is considered Stage 2 hypertension, and the driver is not necessarily unqualified during evaluation and institution of treatment. The driver is given a one time certification of three months to reduce his or her blood pressure to less than or equal to 140/90. A blood pressure in this range is an absolute indication for anti-hypertensive drug therapy. Provided treatment is well tolerated and the driver demonstrates a BP value of 140/90 or less, he or she may be certified for one year from date of the initial exam. The driver is certified annually thereafter.

A blood pressure at or greater than 180 (systolic) and 110 (diastolic) is considered Stage 3, high risk for an acute BP-related event. The driver may not be qualified, even temporarily, until reduced to 140/90 or less and treatment is well tolerated. The driver may be certified for 6 months and biannually (every 6 months) thereafter if at recheck BP is 140/90 or less.

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.

An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

Treatment includes nonpharmacologic and pharmacologic modalities as well as counseling to reduce other risk factors. Most antihypertensive medications also have side effects, the importance of which must be judged on an individual basis. Individuals must be alerted to the hazards of these medications while driving. Side effects of somnolence or syncope are particulary undesirable in commercial drivers.

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive on maximal or near-maximal doses of 2-3 pharmacologic agents. Some causes of secondary hypertension may be amenable to surgical intervention or specific pharmacologic disease.
(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(b)(7)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease which interferes with the ability to control and operate a commercial motor vehicle safely.

Certain diseases are known to have acute episodes of transient muscle weakness, poor muscular coordination (ataxia), abnormal sensations (paresthesia), decreased muscular tone (hypotonia), visual disturbances and pain which may be suddenly incapacitating. With each recurring episode, these symptoms may become more pronounced and remain for longer periods of time. Other diseases have more insidious onsets and display symptoms of muscle wasting (atrophy), swelling and paresthesia which may not suddenly incapacitate a person but may restrict his/her movements and eventually interfere with the ability to safely operate a motor vehicle. In many instances these diseases are degenerative in nature or may result in deterioration of the involved area.

Once the individual has been diagnosed as having a rheumatic, arthritic, orthopedic, muscular, neuromuscular or vascular disease, then he/she has an established history of that disease. The physician, when examining an individual, should consider the following: (1) the nature and severity of the individual's condition (such as sensory loss or loss of strength); (2) the degree of limitation present (such as range of motion); (3) the likelihood of progressive limitation (not always present initially but may manifest itself over time); and (4) the likelihood of sudden incapacitation. If severe functional impairment exists, the driver does not qualify. In cases where more frequent monitoring is required, a certificate for a shorter period of time may be issued. (See Conference on Neurological Disorders and Commercial Drivers at:
http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

23, etc. The examiner should not use only sibilants (s sounding materials). The opposite ear should be tested in the same manner. If the individual fails the whispered voice test, the audiometric test should be administered.

If an individual meets the criteria by the use of a hearing aid, the following statement must appear on the Medical Examiner's Certificate "Qualified only when wearing a hearing aid."
(See Hearing Disorders and Commercial Motor Vehicle Drivers at: http://www/fmcsa.dot.gov/rulesregs/medrports.htm)

Drug Use
§391.41(b)(12)
A person is physically qualified to drive a commercial motor vehicle if that person:
Does not use a controlled substance identified in 21 CFR 1308.II. *Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties; and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.*

This exception does not apply to methadone. The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit-forming drug, it may be cause for the driver to be found medically unqualified. Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug.

A test for controlled substances is not required as part of this biennial certification process. The FMCSA or the driver's employer should be contacted directly for information on controlled substances and alcohol testing under Part 382 of the FMCSRs.

The term "uses" is designed to encompass instances of prohibited drug use determined by a physician through established medical means. This may or may not involve body fluid testing. If body fluid testing takes place, positive test results should be confirmed by a second test of greater specificity. The term "habit-forming" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate a commercial motor vehicle safely.

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if this examiner determines more frequent monitoring is required.
(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at: http://www.fmcsa.dot.gov/rulesregs/medreports.htm)

Alcoholism
§391.41(b)(13)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no current clinical diagnosis of alcoholism.

The term "current clinical diagnosis of" is specifically designed to encompass a current alcoholic illness or those instances where the individual's physical condition has not fully stabilized, regardless of the time element. If an individual shows signs of having an alcohol-use problem, he or she should be referred to a specialist. After counseling and/or treatment, he or she may be considered for certification.

Medical Examiner's Certificate

I certify that I have examined _____ in acordance with the Federal Motor Carrier Safety Regulations (49.CFR .41-391.49) and with knowledge of the driving duties, I find this person is qualified; and, if applicable, only when:

- ☐ Wearing corrective lenses
- ☐ Wearing a hearing aid
- ☐ Accompanied by a _____ waiver exemption
- ☐ Driving within an exempt intracity zone
- ☐ Accompanied by a Skill Performance Evaluation Certificate (SPE)
- ☐ Qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A complete examination from with any attachment embodies my findings completely and correctly, and is on file in my office.

_____

Signature of Medical Examiner Telepone Date

_____

Medical Examiners's Name (print) ☐ MD ☐ DO ☐ Physican Assitant ☐ Advanced Practice Nurse

_____

Medical Examiner's License or Certificate no./Issuing State

_____

Signature of Driver Drivers License No. State

_____

Address of Driver

_____

Medical Certificate Expiration Date

Medical Requirements
- Medical Professionals, Motor Carriers and Drivers

The Federal Motor Carrier Safety Administration published a final rule establishing a National Registry of Certified Medical Examiners that is effective May 21, 2014.

Medical Examiners

- ☐ Only medical professionals who have passed training authorized by FMCSA are authorized to conduct the medical examination report and provide a medical examiner's certificate.
- ☐ Medical examiners are certified for a period of 10 years. Within 4-5 years issuance of authoriza tion, FMCSA requires examiners undergo peri odic training. The recertification process begins nine years after the medical professional receives an examiner credential.
- ☐ FMCSA may remove a medical examiner from the NRCME when a medical examiner fails to meet or maintain established qualifications. .
- ☐ Upon completion of a driver medical examination, the medical examiner must date and sign the medical examination report and provide his or her full name, office address, and telephone number on the report.

  If the medical examiner finds that the person examined is physically qualified to operate a commercial motor vehicle, he or she must complete a certificate in the form prescribed and furnish the original to the person who was examined. The examiner must provide a copy to a prospective or current employing motor carrier who requests it.

  Once every calendar month, beginning May 21, 2014, the medical examiner must electronically transmit, via a secure FMCSA-designated website, a completed Form MCSA-5850, Medical Examiner Submission of CMV Driver Medical Examination Results. The form must include all information specified for each medical examination conducted during the previous month for any driver who is required to be examined by a medical examiner listed on the National Registry of Certified Medical Examiners.
- ☐ The medical examiner's certificate shall be substantially in accordance with the form listed in Title 49 CFR 391.43.
- ☐ Each original (paper or electronic) completed medical exam report and a copy or electronic version of each medical examiner's certificate must be retained on file at the office of the medical examiner for at least 3 years from the date of examination. The medical examiner must make all records and information in these files available to an authorized representative of FMCSA or an authorized Federal, State, or local enforcement agency representative, within 48 hours of the request

Drivers

- ☐ Drivers are responsible to ensure they are examined by medical professionals on the NRCME list.
- ☐ Drivers need to ensure they maintain their current mailing address and current medical exam certificate filed with their State Driver License Office to avoid a lapse of medical coverage and maintain compliance by being physically qualified to operate a commercial motor vehicle, regardless of operating in interstate or intrastate commerce.
- ☐ Drivers that may not be physically qualified be cause of a limb amputation, limb impairment, vision impairment, or insulin-treated diabetes mellitus may wish to pursue an exemption to operate in interstate commerce (vehicle and/or product cross state lines).
- ☐ FMCSA has an application process for drivers to obtain a Skill Performance Evaluation if they have a limb amputation or impairment and an

application process for a diabetes or vision exemption. The vision exemption process through FMCSA requires that a driver have three years of commercial motor vehicle driving experience after their vision impairment before accepting an application.

- ☐ MoDOT has an application process for drivers and can grant a medical exemption only by issuing an SPE certificate to those drivers who may not be physically qualified only for a limb amputation, limb impairment, vision impairment or insulin-treated diabetes mellitus and not for any other physical impairment or issue. MoDOT does not have a minimum requirement for the years of commercial motor vehicle driving experience for any of the exemptions available.

Helpful Links

Federal Motor Carrier Safety Administration
www.fmcsa.dot.gov

FMCSA Medical
www.fmcsa.dot.gov/rules-regulations/topics/medical/medical.htm

NRCME
https://nationalregistry.fmcsa.dot.gov/

NRCME Part 390.101 – 390.115
www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguidedetails.aspx?menukey=390

MoDOT Motor Carrier Services Medical
www.modot.org/mcs

Multiple-Employer Drivers

Instructions: If a motor carrier employs a person as a multiple-employer driver (as defined in CFR 390.5), the motor carrier shall comply with all requirements of Part 391, except the carrier need not-

(1) Require the person to furnish an application for employment (391.21);
(2) Make an inquiry into the person's driving record during the preceding three years to the appropriate State agency(s) and an investigation of the person's employment record during the preceding three years (391.23);
(3) Perform annual driving record inquiry required (391.25(a));
(4) Perform the annual review of the person's driving record required (391.25(b)); or
(5) Require the person to furnish a record of violations or a certificate (391.27).

The checklist below may be helpful to ensure that required documents are obtained.

Multiple-Employer Drivers

Name _____

Social Security Number _____

Driver's License Number _____

Type of License _____ State _____

In addition to the above information, copies of the following must be obtained.

- ☐ Medical Examiner's Certificate
- ☐ Road Test (or equivalent)
- ☐ Certificate of Road Test
- ☐ Controlled Substances Test

Driver Furnished by Other Motor Carriers Certificate

Driver's Name _____

Social Security Number _____

Driver's Signature _____

I certify that the above named driver, as defined in 390.5 is regularly driving a commercial motor vehicle operated by the below named carrier and is fully qualified under Part 391, Federal Motor Carrier Safety Regulations. His current medical examiner's certificate expires on _____ (Date).

This certificate expires:_____
(Date not later than expiration date of medical certificate)

Issued on _____
(Date)

Issued by _____
(Name of carrier)

Address _____

_____

Medical Exemption Program

For more information regarding Skill Performance Evaluations (SPEs), Medical Exemptions or Waivers:

- Skill Performance Evaluation Certificate Program for Drivers with Missing or Impaired Arms, Hands, Fingers, Legs or Feet
- Medical Exemptions for Drivers with Vision or Diabetes Impairments

Interstate Commerce Contact information

FMCSA, Physical Qualifications Service Centers

Service Center	Territory Included	Location of Office - Telephone Number
Eastern	CT, DC, DE, MA, MD, ME, NJ, NH, NY, PA, PR, RI, VA, VT, WV.	802 Cromwell Park Drive, Suite N Glen Burnie, MD 21061 Telephone: (443) 703-2240 Fax: (443) 703-2253
Midwestern	IA, IL, IN, KS, MI, MO, MN, NE, OH, WI.	4749 Lincoln Mall Drive, Suite 300A Matteson, IL 60443 Telephone: (708) 283-3577 Fax: (708) 283-3579
Southern	AL, AR, FL, GA, KY, LA, MS, NC, NM, OK, SC, TN, TX.	1800 Century Boulevard, NE, Suite 1700 Atlanta, GA 30345-3220 Telephone: (404) 327-7400 Fax: (404) 327-7349
Western	American Samoa, AK, AZ, CA, CO, Guam, HI, ID, Mariana Islands, MT, ND, NV, OR, SD, UT, WA, WY.	Golden Hills Office Centre 12600 West Colfax Avenue, Suite B-300 Lakewood, CO 80215 Telephone: (303) 407-2350 Fax: (303) 407-2339

Note 1 Canadian carriers, for information regarding proper service center, contact a FMCSA division (State) office in AK, ME, MI, MT, NY, ND, VT, or WA.
Note 2 Mexican carriers, for information regarding proper service center, contact a FMCSA division (State) office in AZ, CA, NM, or TX

FMCSA, Vision and Diabetes Division (703) 448-3094

Or visit the web and download information on all the above exemptions or waivers @ www.fmcsa.dot.gov/

Intrastate Commerce Contact Information

Intrastate application packets are available by contacting:

MoDOT
Attn: Medical Exemption Program
Motor Carrier Services Division
P.O. Box 270
Jefferson City, MO 65102-0893

MoDOT Motor Carrier Services Division 1-866-831-6277 Or 573-522-9001

Or visit the web and download information on all the above exemptions or waivers @ www.modot.org/mcs

Part 392

Driving of Motor Vehicles

Illness or Fatigue

No driver is permitted to operate a motor vehicle when his/her ability and/or alertness is impaired by fatigue, illness, or any other cause that makes it unsafe to begin (or continue) to drive the vehicle.

Drugs

No driver may be on duty and possess, be under the influence of, or use:

- Any Schedule I drug or other substance listed in 21 CFR 1308.11
- Any amphetamine or formulation of an amphetamine (including pep pills and bennies)
- Narcotics or derivatives
- Any other substance that makes driving unsafe

Alcohol

A driver is forbidden to consume or be under the influence of alcohol within four hours of going on duty, while on duty, or while driving. A driver is forbidden to possess an alcoholic beverage while on duty, unless it is a manifested part of the shipment.

Safe Loading

No one may drive or require anyone to drive a commercial motor vehicle unless the cargo is properly loaded and secured. (See RSMo 307.013)

Railroad Crossing/Stopping

Motor vehicles transporting hazardous materials, and most buses transporting passengers, are forbidden to cross railroad tracks without first stopping and looking both ways. Additionally, the driver must not shift gears while crossing the track.

Seat Belts

A driver must not drive before correctly restraining him/herself, if the vehicle is equipped with seat belt assemblies. Some resources for seat belts can be found at www.savemolives.com.

Emergency Signals for Stopped Vehicles

A vehicle stopped upon a highway or shoulder must activate the vehicle's hazard warning flashers at once. The driver must leave the flashers on until warning devices are activated. The flashers must again be used while the warning devices are being picked up before the vehicle moves on.

Placement of Warning Devices

The warning devices must be placed as follows (except where special rules apply):

- One warning device must be placed on the traffic side of the vehicle, within ten feet, in the direction of approaching traffic
- A second device must be placed facing approaching traffic approximately 100 feet away in the center of the lane or shoulder where the vehicle is stopped
- The third device must be placed about 100 feet away from the stopped vehicle, in the direction away from approaching traffic

Radar Detectors

Section 390.5 Definition:
Radar detector means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

(1) Transported outside the driver's compartment of the commercial motor vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and
(2) Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the commercial motor vehicle.

Use of radar detectors is prohibited, including the following:

- Radar detectors shall not be used by a driver in a commercial vehicle
- A driver shall not operate any commercial motor vehicle that is equipped with a radar detector
- Motor carriers shall not require or permit a driver to violate the radar detector provisions

Texting

No driver is permitted to engage in texting while driving.

No motor carrier can allow or require drivers to text while driving.

For the purpose of this section only, driving means operating a commercial motor vehicle with the motor running, including while temporarily stationary because of traffic, a traffic control device or other momentary delays.

Driving does not include operating a CMV with or without the motor running when the driver moved the vehicle to the side of, or off, a highway and halted where the vehicle can safely remain stationary.

Texting while driving is permissible when necessary to communicate with law enforcement officials or other emergency services.

An exception applies to school bus operations and vehicles designed or used to transport 9 to 15 passengers, including the driver, not for direct compensation.

Cell Phone/Push-to-Talk

No commercial motor vehicle driver can use a hand-held mobile device while driving.

Hands-free cell phones, including headsets and push-to-talk equipment can be used while driving if:

- The equipment is within reach while the driver is restrained by a safety belt.
- The driver can activate the equipment by touching a single button.

Drivers can use a hand-held mobile device if the vehicle is stopped in a safe area for parking a commercial motor vehicle, or to communicate with law enforcement or other emergency services to report emergencies.

Drivers cannot use hand-held mobile devices when

- The vehicle is inoperation on the highway
- The vehicle is temporarily stopped on the highway for traffic, waiting for a stoplight, stop sign or other traffic control device
- The device is not within the reach of a driver using a safety belt.

Simply stated, a driver may not reach for, dial or hold a hand-held mobile device while driving.

Part 393

Parts and Accessories Necessary for Safe Operation

Part 393
Parts and Accessories Necessary for Safe Operation

Every commercial motor vehicle must be equipped with certain standard equipment. Other (optional) equipment or accessories are permitted only if these items do not decrease the operational safety of the vehicle.

Lights

What lighting is covered?
Part 393 specifies the required color, position, and types of lamps and reflectors for commercial motor vehicles. All lamps and reflectors for commercial motor vehicles manufactured after March 7, 1989, must meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 108 (49 CFR 571.108) in effect on the date of manufacture. Certain trailers manufactured on or after December 1, 1993, must have retro-reflective sheeting or additional reflex reflectors to make them more visible to other motorists at nighttime and under other conditions of reduced visibility. Trailers manufactured before December 1, 1993, must be retrofitted with retro-reflective sheeting or additional reflectors by June 1, 2001.

Lamps and reflectors on commercial motor vehicles manufactured on or prior to March 7, 1989, must meet either the requirements of Part 393 or of FMVSS No. 108 that were in effect on the date of manufacture.

Must be Operable

All required lamps must light on request at an inspection and must light when required during regular operation of the vehicle.

Lamp Mounting

All lamps must be permanently and securely mounted on a permanent part of the vehicle. The exceptions are temporary lamps, such as those used in a driveaway-towaway operation or mounted on projecting loads. Temporary lamps must be securely attached.

Stop Lamps

All stop lamps on a commercial motor vehicle must activate when the service brakes are applied.

Brakes

Commercial motor vehicles must be equipped with the following brake systems:

- A service brake system that meets the require ments of 49 CFR 393.52, which specifies braking and holding performance
- A parking brake system that meets the requirements of 49 CFR 393.41, which specifies parking brake activation and the method for holding the brakes in the applied position

Brakes on All Wheels

Every commercial motor vehicle must be equipped with brakes acting on all wheels, with the following exceptions:

- Trucks and truck tractors with three or more axles, manufactured before July 25, 1980, are not required to have steering axle brakes
- Vehicles being towed in a driveaway-towaway operation. (However, the towed vehicle must have brakes in operation if the brakes on the towing vehicle are not capable of stopping the combination vehicle under the conditions covered by Section 393.52)
- Any full trailer, semi-trailer, or pole trailer having a gross weight of 3,000 pounds or less provided the trailer weight does not exceed 40 percent of weight of the towing vehicle

Breakaway and Emergency Braking

Every vehicle used to tow a trailer equipped with brakes must have a means of maintaining the operation of the brakes on the towing vehicle in the event that the trailer breaks away from the towing vehicle. Among the other requirements:

- Every truck or truck tractor equipped with air brakes, when used to tow other vehicles equipped with air brakes, must be capable of activating (manually and automatically) the emergency features of the trailer brakes. The brakes must apply automatically when the towing vehicle air supply pressure is between 20 and 45 psi. The manual control must be operable by the driver from the driver's seat, with seat belt in use
- Every trailer is required to be equipped with brakes that apply automatically if the trailer breaks away from the towing vehicle.* The brakes must remain in the applied position for at least 15 minutes.

*These requirements do not apply to vehicles in driveaway-towaway operations.

Brake Tubing and Hose

Safe and reliable operation of a vehicle's brakes depends upon adequate protection of the tubing and hoses from mechanical and other damage.

- Design and construction of brake tubing and hose must ensure proper, adequate, and continued functioning
- Installation must ensure proper functioning of the hose
- Length and flexibility must be enough to accommodate all normal motions of the parts to which the hose is attached
- Protection against mechanical damage must include protection against chafing, kinking, and mechanical damage
- Protection from high temperature must include protection from or located away from exhaust pipes and other sources of high temperatures

Brake Warning Devices

Buses, trucks, and truck tractors must be equipped with a signal that provides a warning to the driver when a failure occurs in the vehicle's service brake system. This signal requirement covers hydraulic brake systems, air brake systems, vacuum brake systems, and hydraulic brakes applied or assisted by air or vacuum.

Automatic Brake Adjusters and Brake Adjustment Indicators

- Each commercial motor vehicle manufactured on or after October 20, 1993, and equipped with a hydraulic brake system, must be equipped with an automatic brake adjustment system that meets the requirements of FMVSS No. 105
- Each commercial motor vehicle manufactured on or after October 20, 1994, and equipped with an air brake system, must be equipped with an automatic brake adjustment system that meets the requirements of FMVSS No. 121
- Air-braked vehicles manufactured on or after October 20, 1994, and equipped with an external automatic adjustment mechanism, must be equipped with an automatic brake adjustment indicator that meets the requirements of FMVSS No. 121

Automatic Slack Adjusters

- All Commercial Vehicle's manufactured since October 1994 are required to be equipped with automatic slack adjusters.
- Automatic slack adjusters should work properly without manual adjustment, but do require regular maintenance and should be checked on regular intervals to ensure proper function.

Commercial Vehicle Safety Alliance (CVSA) Recommendations

- If the brakes are out-of-adjustment on this type of vehicle, it is a brake auto slack adjuster problem, not brakes-out-of-adjustment. Out-of-adjustment indicates the adjuster is not working properly due to being broken, improperly installed or serviced, the driver has readjusted the brakes incorrectly, etc.
- Carriers need to improve their brake knowledge and maintenance program to catch brake problems early and only allow drivers who are truly qualified and knowledgeable to work on brakes and adjusters. Maintenance records should reflect how often and how far adjustments are made on brakes to track brake issues.
- Drivers, mechanics, and carrier officials need to be educated about brakes and slack adjusters. Brakes are one of the most common violations cited and one of the top contributing factors in crashes.

Antilock Braking Systems (ABS)

Certain commercial motor vehicles are required to be equipped with antilock braking systems that meet the requirements of FMVSS No. 105 (49 CFR 571.105) concerning hydraulic brake systems, and FMVSS No. 121 (49 CFR 571.121) concerning air brake systems. The rules apply to:

- Truck-tractors manufactured on or after March 1, 1997
- Air-braked single-unit trucks, buses, and trailers (including converter dollies) manufactured on or after March 1, 1998, and
- Hydraulic-braked trucks and buses manufactured on or after March 1999

Windshield Condition

A vehicle's windshield must be free of discoloration and cracks in the area extending from the top of the steering wheel to within two inches of the top of the windshield.

Fuel Systems

Fuel systems used for the operation of commercial motor vehicles and of auxiliary equipment installed on or used in connection with commercial motor vehicles must meet the following requirements:

Each fuel system must be located so that

- No part of the system extends beyond the widest part of the vehicle
- No part of a fuel tank is forward of the front axle of a power unit
- Fuel spilled vertically from a fuel tank while it is being filled will not contact any part of the exhaust or electrical systems of the vehicle, except the fuel level indicator assembly
- Fill pipe openings are located outside the vehicle's passenger compartment and its cargo compartment
- Fuel lines do not extend between a towed vehicle and the towing unit while the combination is in motion
- No part of the fuel system of a bus manufactured on or after January 1, 1973, is located within or above the passenger compartment

Coupling Devices

Sections 393.70 and 393.71 provide requirements for the attachment and location of the fifth wheel and requirements for the towing of full trailers. In addition, requirements for saddle mount operations are provided.

Cargo Securement

Sections 393.100-393.136 provide the standards covering cargo securement. Cargo is required to be loaded and secured so that it will not shift or fall off the vehicle. The cargo securement regulations include minimum strength requirements for securement devices and requirements for protection against longitudinal and lateral movement of the cargo.

Two cargo securement requirements are Weight & Length:

- Weight – The total weight of the item is the working load limit (WLL)
  - Securement devices MUST be at least ½ of the WLL
  - All tie downs have a working load limit (WLL) including the anchor points
  - The weakest point will always be used as the maximum
  - Use WLL markings as a guide, if the WLL is not marked, use the table in 393.108
  - The truck or trailer headerboard and friction mats can be used to help secure the load

- Length – The length determines the number of tie-downs required
  - One device is required for each 10 feet of load, or faction of 10 feet
  - Other requirements apply, such as securing round objects (pipes) from rolling, machinery arms must be down and locked

Sleeper Berths

Sleeper berths must meet minimum dimensions. A sleeper berth must not be installed on a trailer and must be located in or adjacent to the cab. An exit door at least 18" high by 36" wide must lead directly into the cab. Section 393.76 contains special provisions for sleeper berths.

Sleeper berths must be equipped with adequate sheets and blankets, and a mattress and springs or inner-spring mattress. They must be adequately ventilated, and located so as to protect occupants against exhaust heat and fumes and fuel leaks. A mandatory restraint system must withstand at least 6,000 lbs. of force applied toward the front of the vehicle.

Exhaust Systems

Exhaust systems must meet the following requirements:

- The exhaust system and discharge must be located where it is not likely to burn or damage the electrical wiring, the fuel supply, nor any combustible part of the vehicle
- The discharge from the exhaust system must not

be located immediately below the fuel tank or the fuel tank filler pipe

- The exhaust system may not be temporarily repaired with patch or wrap material
- The exhaust pipe and mufflers must be securely fastened to the vehicle
- The exhaust system may not leak or discharge at any point forward of or directly below the driver or sleeper compartment

For trucks and truck tractors, the exhaust system must discharge at a location to the rear of the cab, or above and near the rear of the cab.

For a bus powered by a gasoline engine, the exhaust pipe must discharge at a point no farther forward than six inches forward of the rearmost part of the bus.

For a bus powered by diesel or other fuel (not gasoline), the exhaust pipe must discharge either:

- At a point no farther forward than 15 inches forward of the rearmost part of the bus or
- To the rear of all doors or windows designed to be open (not including emergency exits)

Rear End Protection

Every commercial motor vehicle must be equipped with either bumpers or other devices that prevent the under ride of another vehicle. Tractors, pole trailers, pulpwood trailers, low chassis vehicles, special purpose vehicles, wheels back vehicles, trailers towed in driveaway-towaway operations, and driveaway-towaway vehicles may be exempt. Certain trailers manufactured on or after January 26, 1998, must have rear impact guards that meet FMVSS Nos. 223 & 224.

Seat Belts

Commercial motor vehicle must be equipped with seats, seat belt assemblies, and seat belt anchorages as specified in the Federal Motor Vehicle Safety Standards (FMVSS).

Emergency Equipment

Commercial motor vehicles must carry the following emergency equipment:

- Fire extinguisher
- Spare fuses
- Warning devices for stopped vehicles

Fire Extinguisher

Fire extinguishers must be securely mounted and readily accessible for use. Each extinguisher must have a gauge or other indicator that shows whether the extinguisher is fully charged, and a label showing its Underwriters' Laboratories (UL) rating.

The fire extinguisher(s) must meet one of the following standards:

- One extinguisher with a UL rating of 5 B:C or more or
- Two extinguishers each with a UL rating of 4 B:C or more
- One extinguisher with a UL rating of 10 B:C or more, if the vehicle is transporting placardable quantities of hazardous material

Suspension, Steering and Conspicuity Requirements

Suspension Systems

Suspension systems are required to be structurally sound and in safe working order, including the following:

- *Axles* must be in proper alignment, and no positioning part can be cracked, broken, loose, or missing
- *Adjustable axles* must have locking pins in place
- *Leaf springs* must not be cracked, broken, missing, or shifted out of position
- *Coil springs* must not be cracked or broken
- *Torsion bars* must not be cracked or broken
- *Air suspensions* must support the vehicle in a level position, and must not leak

Steering System

Steering system must be in proper working order, which includes the following:

- Steering wheel must be properly secured and no cracked or missing spokes
- Steering wheel lash must meet the requirements of Section 393.209 (b)
- Steering column must be securely fastened
- Steering system must not have worn or welded universal joints, loose steering gear box, missing bolts, or a loose pitman arm on the steering gear output shaft
- Power steering unit must not have loose or broken parts, (frayed, cracked, or slipping belts); no leaks; or insufficient fluid in reservoir

FMCSA'S Conspicuity Requirements for Commercial Motor Vehicles

The FMCSA has regulations requiring the use of conspicuity materials (i.e., retroreflective sheeting (or reflex reflectors)) on trailers and the rear of truck tractors. The rules are intended to reduce the incidence of motorists crashing into the sides or rear of trailers at nighttime and under other conditions of reduced visibility, and to reduce the incidence of motorists rear-ending truck tractors (being operated without trailers) under the same conditions.

There are three separate groups of commercial motor vehicles subject to the FMCSR requirements and the date of manufacture for the vehicle must be known to determine the applicability of the rules to the vehicle. The rules cover:

- Trailers manufactured on or after December 1, 1993;
- The retrofitting of trailers built before that date; and
- Truck tractors built on or after July 1, 1997.

For more information on the Conspicuity Requirements check the Internet at:
http://www.fmcsa.dot.gov/pdfs/Consp.pdf

Part 395

Hours of Service Drivers

Hours of Service Final Rule Issued (Property Carrier)

Final rule for property carriers issued in 2011 by FMCSA. Drivers are limited to driving 11 hours and working no more than 14 hours each day with 10 hours resting between shifts. Drivers are also limited to 60 hours on duty in 7 consecutive days or 70 hours on duty in 8 consecutive days. Complete information is available at: *www.fmcsa.dot.gov/rules-regulations/topics/hos/index.htm*

General Rule

The hours of service rules apply to all motor carriers and drivers, with exceptions found in paragraphs (b) through (k) of Section 395.1.

On-Duty Time

Means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On duty time shall include:

1. All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
2. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All driving time as defined in the term driving time.
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a commercial motor vehicle, supervision, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.
7. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by Part 382 when directed by a motor carrier.
8. Performing any other work in the capacity, employ, or service of a motor carrier; and
9. Performing any compensated work for a person who is not a motor carrier.

On-duty time does not include:

1. Any time resting in a parked vehicle (also applies to passenger-carrying drivers.)
2. Up to two hours in the passenger seat immediately before or after eight consecutive hours in the sleeper berth. This applies only property-carrying CMVs in motion.

100 Air-Mile Radius Exemption

A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if all of the following are true:

- The driver operates within a 100 air-mile radius of the normal work reporting location
- The driver returns to the work reporting location and is released from work within 12 consecutive hours
- Each 12 hours on duty are separated by at least eight consecutive hours of off duty for passenger carriers and 10 consecutive hours off duty for property carriers.
- The driver does not exceed a maximum of 10 hours driving time following eight consecutive hours off duty for passenger carriers and 11 hours driving time following 10 consecutive hours of off duty for property carriers.
- The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records that show:
  - The total number of hours the driver is on duty each day
  - The time the driver reports for duty each day
  - The time the driver is released from duty each

day
- The total time for the preceding seven days for first-time or intermittent drivers

Driving Time

Means all time spent at the driving controls of a commercial motor vehicle in operation.

Passenger Carrying Vehicles

10-Hour Rule

Drivers are allowed to drive for ten hours following eight consecutive hours off duty.

15-Hour Rule

A motor carrier cannot permit or require a driver to drive after 15 hours are spent on duty following 8 consecutive hours off.

60 and 70 Hour Rules

A motor carrier must not permit or require a driver to drive after a total of:

- 60 hours on duty in 7 consecutive days or
- 70 hours on duty in 8 consecutive days
- If the driver works more than one job of any kind, that time must also be included as on duty time

Driver's Record of Duty Status

Every driver shall prepare a record of duty status (driver's daily log) in his/her own handwriting for each 24-hour period, unless operating under the 100 air-mile radius exemption.

Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and/or carrier liable to prosecution.

Property Carrying Vehicles

Motor carriers and drivers must comply beginning on January 4, 2004 with the following:

11-Hour Rule

Drivers are allowed to drive for 11 hours following 10 consecutive hours off duty.

14-Hour Rule

A motor carrier cannot permit or require a driver to drive after 14 hours are spent on duty following 10 consecutive hours off.

16 Hour Exemption

395.1(o) A property-carrying driver is exempt from 395.3(a)(2), the 14-hour rule, when:

- The driver returns and is released from his normal work reporting location for the previous 5 duty tours;
- The driver returns to his normal work reporting location and is released within 16 hours; and
- The driver has not used this exemption within the previous six consecutive days, except that the 16-hour provision may be used after any period of being off duty for 34 or more consecutive hours.

60 and 70 Hour Rules

A motor carrier must not permit or require a driver to drive after a total of:

- 60 hours on duty in 7 consecutive days or
- 70 hours on duty in 8 consecutive days
- If the driver works more than one job of any kind, that time must also be included as on duty time

30 Minute Rest Breaks

Operators may drive only if eight hours or less have passed since the end of the driver's last off-duty period of at least 30 minutes.

The 30-minute break requirement does not apply to :

- Any driver that operates within 100 air-miles of their normal work reporting location if they comply with time limitations and recordkeeping requirements.
- Non-CDL drivers who operate within a 150

air-mile radius of the location where the driver reports for duty if the driver complies with time limitations and recordkeeping requirements.

34 Hour Restart Provision

395.3(c)(1) & (2) allows the driver to restart the 60/70 hour period when:

- Any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.

Driver's Record of Duty Status

Every driver shall prepare a record of duty status (driver's daily log) in his/her own handwriting for each 24-hour period, unless operating under the 100 air-mile radius exemption.

Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and/or carrier liable to prosecution.

Non-CDL 150 Air-Mile Radius Provision

Operators of property-carrying commercial motor vehicles not requiring a CDL, as defined in Part 383, may be covered by the Non-CDL 150 air-mile radius provision. Note that the applicability depends on the type of vehicle being driven, not whether the operator possesses a CDL.

Drivers of Non-CDL vehicles who are operating within 150 air-mile radius of their normal work reporting location and return to their normal work reporting location at the end of their duty tour are now covered by separate HOS provisions.

These drivers are required to comply with the following:

- The 11 hours driving, minimum 10 hours off-duty, 14 consecutive hour duty period, 60/70 hours in 7/8 days, 34-hour restart all applies.
- On any 2 days of every 7 consecutive days, the driver may extend the 14-hour duty period to 16 hours.
- There is no requirement that the driver be released from duty at the end of the 14- or 16-hour duty periods. The driver may continue to perform non-driving duties, which would be counted against the 60/70 hour weekly limitation.
- Time records may be used in lieu of records of duty status.

U.S. DEPARTMENT OF TRANSPORTATION

DRIVER'S DAILY LOG
(ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - Submit to carrier within 13 days
DUPLICATE - Driver retains possession for eight days

(1) (MONTH) (DAY) (YEAR)

(2) (TOTAL MILES DRIVING TODAY)

(3) VEHICLE NUMBERS - (SHOW EACH UNIT)

I certify these entries are true and correct:

(4) (NAME OF CARRIER OR CARRIERS)

(5) (DRIVER'S SIGNATURE IN FULL)

(6) (MAIN OFFICE ADDRESS)

(8) (NAME OF CO-DRIVER)

(HOME TERMINAL ADDRESS)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11 — TOTAL HOURS

1: OFF DUTY — (9)
2: SLEEPER BERTH — (11)
3: DRIVING
4: ON DUTY (NOT DRIVING)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11

REMARKS (7)

Pro or Shipping No. (10)

Shipping document, manifest number, or name of a shipper and commodity. Information required by Section 395.8(o).
Check the time and enter the name of place you reported and where released from work and when and where each change of duty occoured. Explain excess hours - Section 395.8(o).

FROM: (STARTING POINT OR PLACE)

TO: (DESTINATION OR TURN AROUND POINT OR PLACE)

USE TIME STANDARD AT HOME TERMINAL

RECAP

DAY NO.

DRIVING HRS. TODAY TOTAL LINE 3

DRIVING VIOLATION TODAY

ON DUTY HRS. TODAY TOTAL LINES 3 & 4

70 HR/8 DAY DRIVERS

A. TOTAL HRS. ON DUTY LAST 7 DAYS. INCL TODAY

B. TOTAL HRS. AVAILABLE TOMORROW: 70 HRS. MINUS A

C. TOTAL HRS. ON DUTY LAST 8 DAYS INCL TODAY

60 HR/7 DAY DRIVERS

A. TOTAL HRS. ON DUTY LAST 6 DAYS. INCL. TODAY

B. TOTAL HRS. AVAILABLE TOMORROW: 60 HRS. MINUS A

C. TOTAL HRS.ON DUTY LAST 7 DAYS. INCL. TODAY

Each item, required to be entered, on the Driver's Record of Duty Status is listed below, followed by a cryptic explanation of when the information should be recorded.

(1) **Date** - Entered when the driver first comes on duty.
(2) **Total miles driving today** - Entered at the end of the driver's workday.
(3) **Truck or tractor and trailer number** - Entered just prior to operating the vehicle.
(4) **Name of carrier** - Entered when the driver first comes on duty. The name of the motor carrier may be preprinted.
(5) **Driver's signature/certification** - Entered at the end of the driver's workday.
(6) **Main office address** - Entered when the driver first comes on duty. The address of the motor carrier may be preprinted.
(7) **Remarks** - Entered whenever an event occurs that requires an entry in the remarks section. (Tire check - emergency condition)
(8) **Name of co-driver** - Entered when the co-driver is known (prior to the commencement of driving operations).
(9) **Total hours** - Computed and entered at the end of the driver's workday.
(10) **Shipping document number(s), or name of shipper and commodity** - Entered at the time the trip is assigned to the driver (when loaded).
(11) **24 hour period describing duty status**.

Note: All supporting documents including toll tickets, fuel receipts, scale tickets, etc. must be maintained with duty status records for six months in accordance with 395.8(k)(i).

Daily Hours Of Service

Employee Name/# _____ Month/Year _____

Each day provide the following information:

1. Time you report for work each day.

2. Time you are released from work each day.

3. The total hours worked each day.

(see title 49 CFR, section 395.1(e))

Property Carrier

- Do not work more than 12 hours in one day.
- Do not drive more than 11 hours in one day.
- Must be "off duty" at least 10 consecutive hours between work periods.

Passenger Carrier

- Do not work more than 12 hours in one day.
- Do not drive more than 10 hours in one day.

*must be "off duty" at least 8 consecutive

Hours of Service (395.1e)					COMMENTS
Date	Start	End	Total	Unit #	
1	:	:			
2	:	:			
3	:	:			
4	:	:			
5	:	:			
6	:	:			
7	:	:			
8	:	:			
9	:	:			
10	:	:			
11	:	:			
12	:	:			
13	:	:			
14	:	:			
15	:	:			
16	:	:			
17	:	:			
18	:	:			
19	:	:			
20	:	:			
21	:	:			
22	:	:			
23	:	:			
24	:	:			
25	:	:			
26	:	:			
27	:	:			
28	:	:			
29	:	:			
30	:	:			
31	:	:			

Daily Hours Of Service & Vehicle Condition Report

Employee Name/# _____

Month/Year _____

Each day provide the following information:

1. Time you report for work each day
2. Time you end work each day
3. The total hours worked each day

PROPERTY CARRIER

*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.
*DO NOT DRIVE MORE THAN 11 HOURS IN ONE DAY.
*MUST BE "OFF DUTY" AT LEAST 10 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

PASSENGER CARRIER

*DO NOT WORK MORE THAN 12 HOURS IN ONE DAY.
*DO NOT DRIVE MORE THAN 10 HOURS IN ONE DAY.
*MUST BE "OFF DUTY" AT LEAST 8 CONSECUTIVE HOURS BETWEEN WORK PERIODS.

If vehicle is deficient show # in column below:

0 - NO DEFECTS FOUND
1 - Service Brakes
2 - Parking Brakes
3 - Steering Mechanisms
4 - Lighting Devices & Reflectors
5 - Tires
6 - Horn
7 - Windshield Wipers
8 - Rear Vision Mirrors
9 - Coupling Devices
10 - Wheels & Rims
11 - Emergency Equipment

	Hours of Service (395.1E)					Vehicle Condition Report	Vehicle Condition Report (396.11) Signatures Required		
Date	Start	End	Total Hrs.	Unit #	Trailer #	Explanation of Defects	Driver's Signature	Repairman's Signature	Next Trip Driver's Signature
1	:	:							
2	:	:							
3	:	:							
4	:	:							
5	:	:							
6	:	:							
7	:	:							
8	:	:							
9	:	:							
10	:	:							
11	:	:							
12	:	:							
13	:	:							
14	:	:							

	Hours of Service (395.1e)					Vehicle Condition Report	Vehicle Condition Report (396.11) Signatures Required		
Date	Start	End	Total Hrs.	Unit #	Trailer #	Explanation of Defects	Driver's Signature	Repairman's Signature	Next Trip Driver's Signature
15	:	:							
16	:	:							
17	:	:							
18	:	:							
19	:	:							
20	:	:							
21	:	:							
22	:	:							
23	:	:							
24	:	:							
25	:	:							
26	:	:							
27	:	:							
28	:	:							
29	:	:							
30	:	:							
31	:	:							

Hours-Of-Service Record For First Time Or Intermittent Drivers

Instructions
When using a driver for the first time or intermittently, a signed statement must be obtained, giving the total time on duty (driving and on duty) during the immediate preceding seven days and the time at which the driver was last relieved from duty prior to beginning work

Name: (Print) _____
First Middle Last

DAY	TOTAL TIME ON DUTY
1	_____
2	_____
3	_____
4	_____
5	_____
6	_____
7	_____
TOTAL	_____

I hereby certify that the information contained herein is true to the best of my knowledge and belief, and that my last period of release from duty was from:

_____ to _____
(Hour/Date) (Hour/Date)

Signature _____ Date _____

Submitting/Retaining Duty Status Log

The driver must submit the original log sheet to the employing carrier within 13 days after completion. When a motor carrier uses a driver initially or intermittently, that carrier must obtain from him/her a signed statement giving the total time on duty during the immediately preceding 7 days and the time at which he/she was last relieved of duty. Records of duty status must be maintained for a minimum of six months at the carrier's principal place of business, with all supporting documents.

Electronic On-Board Recording Devices

Alternatively, motor carriers may require a driver to use an electronic on-board recording device (EOBR) to record duty status. The driver must still have in his/her possession records of duty status in automated or written form, for the previous seven consecutive days. The driver must sign all hard copies of the driver's record of duty status.

EOBR Information Requirements

- Shall produce, upon demand, a driver's hours of service chart, electronic display, or printout showing the time and sequence of duty status changes including the drivers' starting time at the beginning of each day.
- Shall provide a means whereby authorized Federal, State, or local officials can immediately check the status of a driver's hours of service. This information may be used in conjunction with handwritten or printed records of duty status, for the previous 7 days.
- Support systems used in conjunction with on-board recorders at a driver's home terminal or the motor carrier's principal place of business must be capable of providing authorized Federal, State or local officials with summaries of an individual driver's hours of service records, including the information specified in §395.8(d). The support systems must also provide information concerning on board system sensor failures and identification of edited data. Such support systems should meet the information interchange requirements of the American National Standard Code for Information Interchange (ANSCII) (EIARS 232/CCITV.24 port (National Bureau of Standards "Code for Information Interchange," FIPS PUB 1 1)).
- The driver shall have in his/her possession records of duty status for the previous 7 consecutive days available for inspection while on duty. These records shall consist of information stored in and retrievable from the automatic on board recording device, handwritten records, computer generated records, or any combination thereof.
- All hard copies of the driver's record of duty status must be signed by the driver. The driver's signature certifies that the information contained thereon is true and correct.

Q Under the EOBR final rule, what population of commercial carriers will be required to install EOBRs?

A The new EOBR final rule will require interstate commercial truck and bus companies with serious patterns of hours-of-service (HOS) violations to use electronic on-board recorders (EOBRs) in all their vehicles. Nearly 5,700 interstate carriers will be required to use EOBRs after the final rule's first year of implementation.

Q What information would be recorded by EOBRs in the final rule?

A The final rule would require EOBRs to record basic information needed to track a driver's on- and off-duty status: name; duty status (on-duty/ not driving, driving time, sleeper berth, off-duty); date, time and location of the commercial vehicle and distance traveled. It would also require EOBRs to use Global Positioning System (GPS) technology or other location tracking systems to automatically identify the location of the commercial vehicle, which would further reduce the likelihood of falsification of HOS information.

Q How will the final EOBR rule be enforced and when will the remedial directive go into affect?

A Under the EOBR final rule, commercial carriers found with 10 percent or more HOS violations during a compliance review will be required to install and use EOBRs in all their vehicles for a minimum of two years. The final rule will go into effect on June 1, 2012 to ensure EOBR manufacturers have sufficient time to meet the rule's performance standards and to manufacture products to meet industry demand.

Q What is the penalty if a carrier with a pattern of violations fails to install and use the EOBRS?

A That carrier would be prohibited from operating in interstate commerce. For-hire carriers may also have their operating authority revoked.

Q Why didn't FMCSA propose mandatory use of EOBRs for the entire motor carrier industry? Will the Agency consider a broader EOBR mandate in the future?

A This final rule issued today is the first of two important steps to ensure carriers are operating in compliance with HOS requirements. FMCSA believes the greatest safety benefit comes from mandating EOBRs for high-risk carriers without delay. By focusing on carriers with high rates of noncompliance with the HOS rules, this final rule will help FMCSA significantly improve highway safety today and will assist carriers in creating an environment where their drivers are focused on safety. As a second step, FMCSA will initiate a rulemaking later this year that considers an EOBR mandate for a broader population of motor carriers.

Q Would on-board recording devices currently being used by carriers have to be replaced with devices that meet the new EOBR standards?

A No. FMCSA proposed that on-board recording devices that were voluntarily installed before the new requirements are implemented may continue to be used through the life of the vehicle. Any EOBR installed on a commercial vehicle manufactured on or after two years following the publication date of the final rule must meet the new standard.

Q What incentives does FMCSA offer to carriers that voluntarily install the EOBRs?

A Supporting Documents: Carriers that voluntarily adopt EOBRs will receive relief from some of FMCSA's requirements to retain HOS supporting documents, such as toll receipts used to check the accuracy of driver logbooks. Compliance Reviews: For carriers that voluntarily adopt EOBRs, FMCSA will revise its compliance review procedures to permit examination of a random

sample of drivers' records of on-duty status after an initial sampling of all driver records.

Q Would the final rule violate CMV drivers' privacy?

A No. The final rule does not change the require ments for who must comply with HOS rules, and it does not require any additional information concerning drivers' activities while on duty. The rulemaking is intended to provide a more accurate record of drivers' duty status and significantly reduce the likelihood of falsification of hours-of-service information.

Q What data does FMCSA have to show that the final rule would prevent commercial vehicle-related crashes?

A The crash rate for the carriers that will be covered by the EOBR final rule is 40 percent higher than the crash rate of other motor carriers. The mandatory use of EOBRs will bring non-compliant carriers back in compliance with federal HOS rules. We believe strongly that when carriers follow the rules, crashes will be reduced.

Q How many fatigue-related fatal crashes occur each year?

A Generally, FMCSA believes truck driver fatigue is a factor in 5.5 percent of the fatal crashes involving large trucks.

Q What percentage of fatigue-related crashes can be attributed to those carriers that will be impacted by the EOBR mandate?

A Specific data on the number of fatigue related crashes among the carriers that would be covered by the final rule is not available, but these carriers have a clear pattern of violating the HOS rules. These high-risk carriers represent a group that have crash rates higher than others and are likely to have more fatigue-related crashes because of their high level of noncompliance with the HOS rules.

Q Why did FMCSA decide not to combine the EOBR and HOS rulemakings into a single rule making?

A There are many issues surrounding EOBRs, including safety benefits, technical requirements, economic considerations, and privacy and legal concerns. To do justice to such a complex issue we initiated a separate rulemaking effort apart from our simultaneous work on the HOS rule.

Q What does the final rule include with regard to technology standards for EOBRs?

A With this final rule, FMCSA updates the performance specifications for EOBRs to make best use of modern and efficient communications and information management processes. The final rule provides new technical performance standards including requirements for recording the date, time and location of a driver's duty status.

Q Will this rule contribute to more lawsuits by those obtaining access to motor carrier data?

A No, this rule will not contribute to more lawsuits. The final rule will only require EOBRs to record basic information needed to track a driver's duty status: identity of the driver, duty status, date, time and location of the vehicle and distance traveled.

Part 396

Inspection, Repair, and Maintenance

Part 396
Inspection, Repair, and Maintenance

Every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with inspection or maintenance of commercial motor vehicles must comply and be conversant with these rules.

General Requirements

Every carrier shall systematically inspect, repair, and maintain all commercial motor vehicles under its control.

Record Keeping Requirements

Motor carriers must maintain the following information for every vehicle that they have controlled for 30 days or more:

- Identifying information, including company number, make, serial number, year, and tire size
- A schedule of inspections to be performed, including type and due date
- Inspection, repair, and maintenance records
- Records of tests conducted on buses with push out windows, emergency doors, and marking lights

These records must be retained for one year at the location where the vehicle is garaged, and maintained for six months after the vehicle leaves the carrier's control (via sale, trade-in, or scrap).

Roadside Inspection Reports

Any driver who receives a roadside inspection report must deliver it to the motor carrier.

Certification of Roadside Inspection Reports

An official of the motor carrier is to examine the roadside inspection report and ensure that any violations or defects noted on the report are corrected. Within 15 days after the inspection, the carrier must sign the completed roadside inspection report to certify that all violations have been corrected, and then return it to the indicated address. A copy must be retained for 12 months from the date of inspection.

Inspection and Maintenance Record

Make_____Year_____ Model_____ VIN No._____

No. of Tires_____Sizes_____Co. Unit No._____

If Leased, Name of Lessor _____

Example of what repair may consist of is lights and reflectors, wheels and tires, running gear and undercarriage, brake system, hoses, tubing, body, etc.

X – O.K., A – Adjustment Made; R – Repairs Made; RP – Replacement Made

Date (MM/DD/YYYY)	Milage	Lube	Oil	Repair Type	Location	Invoice#	Cost

Nature and Due Date of Inspections/Maintenance Operations to Be Performed

Date	Next Inspection And Maintenance Operation

No commercial motor vehicle shall be driven unless the driver is satisfied that the following parts and accessories are in good working order, nor shall any driver fail to use or make use of such parts and accessories when and as needed §392.7:

- Service brakes (including trailer brake connections)
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wiper or wipers
- Rear-vision mirror or mirrors
- Coupling devices

Post-Trip Inspection Report

Property carrier drivers must complete a driver vehicle inspection (Post-Trip) for each vehicle driven at the end of each driving day when they have either found or been made aware of a vehicle and/or deficiency. This report must cover at least the following parts and accessories:

- Service brakes (including trailer brake connections)
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rearview mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

The report must list any condition that the driver either found or had reported to him/her that would affect safety of operation or cause a breakdown. If no defect or deficiency is reported or found, the report should state this. The driver must sign the report in all cases.

Before dispatching the vehicle again, a carrier shall ensure that a certification has been made as to any defect or deficiency that they have been corrected, or state those deficiencies that do not require immediate correction. Carriers must keep the original post-trip inspection report and the certification of repairs for at least three months from the date of preparation.

Before starting out, the driver must be satisfied that the motor vehicle is in safe operating condition. If the last vehicle inspection report notes any deficiencies, the driver must review and sign to acknowledge that necessary repairs have been completed. The report does not have to be carried on the vehicle.

EXCEPTIONS: The Post-Trip Inspection Report shall not apply to a private motor carrier of passengers (nonbusiness), a driveaway-towaway operation, or any motor carrier operating only one commercial motor vehicle.

Driver's Vehicle Inspection Report

Beginning Mileage _____

Tractor _____ Date _____ Ending Mileage _____

√	**Check Any Defects Noted Below**		
	Parking (Hand) Brake		Wheels And Rims
	Steering Mechanism		Emergency Equipment
	Lights And Reflectors		Engine
	Tires		Transmission
	Horn		Clutch
	Windshield Wipers		Exhaust
	Rear View Mirrors		Brakes
	Coupling Devices		Cooling And Oil Pressure

Explain In Detail Any Defects Checked (Tractor Only)
If No Defects – Write "None"

Explain In Detail Any Trailer Defects	
Trailer No. _____	Trailer No. _____
I have inspected the above unit and reported all defects known to me.	Driver's Signature Date
I have reviewed the previous report and needed repairs of safety defects on this tractor have been made.	Next Trip Driver's Signature Date
I have made all needed repairs of the defects reported on this unit.	Repairman's Signature Date

Driver's Vehicle Inspection Report

DRIVER _____ TOTAL HOURS _____
TIME OUT _____ TIME RETURNED _____ DATE _____
TRACTOR _____ BEGINNING MILEAGE _____ ENDING MILEAGE _____

√ CHECK ANY DEFECTS NOTED BELOW

	PARKING (HAND) BRAKE		WHEELS AND RIMS
	STEERING MECHANISM		EMERGENCY EQUIPMENT
	LIGHTS AND REFLECTORS		ENGINE
	TIRES		TRANSMISSION
	HORN		CLUTCH
	WINDSHIELD WIPERS		EXHAUST
	REAR VIEW MIRRORS		BRAKES
	COUPLING DEVICES		COOLING AND OIL PRESSURE

EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR ONLY)

IF NO DEFECTS – WRITE "NONE"

EXPLAIN IN DETAIL ANY TRAILER DEFECTS

TRAILER NO. _____	TRAILER NO. _____
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.	DRIVER'S SIGNATURE DATE
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON THIS TRACTOR HAVE BEEN MADE.	NEXT TRIP DRIVER'S SIGNATURE DATE
I HAVE MADE ALL NEEDED REPAIRS OF THE DEFECTS REPORTED ON THIS UNIT.	REPAIRMAN'S SIGNATURE DATE

DRIVER _____ TOTAL HOURS _____
TIME OUT _____ TIME RETURNED _____ DATE _____
TRACTOR _____ BEGINNING MILEAGE _____ ENDING MILEAGE _____

√ CHECK ANY DEFECTS NOTED BELOW

	PARKING (HAND) BRAKE		WHEELS AND RIMS
	STEERING MECHANISM		EMERGENCY EQUIPMENT
	LIGHTS AND REFLECTORS		ENGINE
	TIRES		TRANSMISSION
	HORN		CLUTCH
	WINDSHIELD WIPERS		EXHAUST
	REAR VIEW MIRRORS		BRAKES
	COUPLING DEVICES		COOLING AND OIL PRESSURE

EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR ONLY)

IF NO DEFECTS – WRITE "NONE"

EXPLAIN IN DETAIL ANY TRAILER DEFECTS

TRAILER NO. _____	TRAILER NO. _____
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.	DRIVER'S SIGNATURE DATE
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON THIS TRACTOR HAVE BEEN MADE.	NEXT TRIP DRIVER'S SIGNATURE DATE
I HAVE MADE ALL NEEDED REPAIRS OF THE DEFECTS REPORTED ON THIS UNIT.	REPAIRMAN'S SIGNATURE DATE

DRIVER _____ TOTAL HOURS _____
TIME OUT _____ TIME RETURNED _____ DATE _____
TRACTOR _____ BEGINNING MILEAGE _____ ENDING MILEAGE _____

√ CHECK ANY DEFECTS NOTED BELOW

	PARKING (HAND) BRAKE		WHEELS AND RIMS
	STEERING MECHANISM		EMERGENCY EQUIPMENT
	LIGHTS AND REFLECTORS		ENGINE
	TIRES		TRANSMISSION
	HORN		CLUTCH
	WINDSHIELD WIPERS		EXHAUST
	REAR VIEW MIRRORS		BRAKES
	COUPLING DEVICES		COOLING AND OIL PRESSURE

EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR ONLY)

IF NO DEFECTS – WRITE "NONE"

EXPLAIN IN DETAIL ANY TRAILER DEFECTS

TRAILER NO. _____	TRAILER NO. _____
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.	DRIVER'S SIGNATURE DATE
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON THIS TRACTOR HAVE BEEN MADE.	NEXT TRIP DRIVER'S SIGNATURE DATE
I HAVE MADE ALL NEEDED REPAIRS OF THE DEFECTS REPORTED ON THIS UNIT.	REPAIRMAN'S SIGNATURE DATE

DRIVER _____ TOTAL HOURS _____
TIME OUT _____ TIME RETURNED _____ DATE _____
TRACTOR _____ BEGINNING MILEAGE _____ ENDING MILEAGE _____

√ CHECK ANY DEFECTS NOTED BELOW

	PARKING (HAND) BRAKE		WHEELS AND RIMS
	STEERING MECHANISM		EMERGENCY EQUIPMENT
	LIGHTS AND REFLECTORS		ENGINE
	TIRES		TRANSMISSION
	HORN		CLUTCH
	WINDSHIELD WIPERS		EXHAUST
	REAR VIEW MIRRORS		BRAKES
	COUPLING DEVICES		COOLING AND OIL PRESSURE

EXPLAIN IN DETAIL ANY DEFECTS CHECKED (TRACTOR ONLY)

IF NO DEFECTS – WRITE "NONE"

EXPLAIN IN DETAIL ANY TRAILER DEFECTS

TRAILER NO. _____	TRAILER NO. _____
I HAVE INSPECTED THE ABOVE UNIT AND REPORTED ALL DEFECTS KNOWN TO ME.	DRIVER'S SIGNATURE DATE
I HAVE REVIEWED THE PREVIOUS REPORT AND NEEDED REPAIRS OF SAFETY DEFECTS ON THIS TRACTOR HAVE BEEN MADE.	NEXT TRIP DRIVER'S SIGNATURE DATE
I HAVE MADE ALL NEEDED REPAIRS OF THE DEFECTS REPORTED ON THIS UNIT.	REPAIRMAN'S SIGNATURE DATE

Periodic Inspection

Every commercial vehicle, including each segment of a combination vehicle, requires a periodic inspection and must be performed at least once every 12 months. At a minimum, inspections must include all items enumerated in the Minimum Periodic Inspection Standards, Appendix G to Subchapter B. Carriers may perform required annual inspections themselves. The motor carrier must retain the original or a copy of the periodic inspection report for 14 months from the report date.

Equivalent to Periodic Inspection

The motor carrier may meet periodic inspection requirements through:

- State or other jurisdiction's roadside inspection program
- Self-inspection by qualified employee or
- Third party inspection by qualified individual

Documentation of Inspection

Documentation (report, sticker, or decal) of the most recent periodic inspection must be kept on the vehicle.

Inspector Qualification

Motor carriers must ensure that persons performing annual inspections are qualified.
Inspectors must:

- Understand the inspection standards of Part 393 and Appendix G
- Be able to identify defective components
- Have knowledge and proficiency in methods, procedures, and tools

Inspector Training or Experience

Inspectors may have gained experience or training by:

- Completing a state or federal training program, or earning a state or Canadian province qualifying certificate in commercial motor vehicle safety inspections
- A combination of other training or experience totaling at least a year

Evidence of Qualifications

Motor carriers must retain evidence of an inspector's qualifications until one year after the inspector ceases to perform inspections for the carrier.

Brake Inspector Qualification

The motor carrier is responsible for ensuring that all inspections, maintenance, repairs, and service to brakes of commercial motor vehicles comply with these regulations. The carrier must ensure that the employees responsible for brake inspection, maintenance, service, or repairs meet minimum brake inspector qualifications.

Qualifications for Brake Inspectors

The brake inspector must:

- Understand and be able to perform the brake service and inspection
- Know the methods, procedures, tools and equipment needed and
- Be qualified to perform brake service or inspection by training and/or experience

Qualifying Brake Training or Experience

Qualifying brake training or experience includes successful completion of:

- A state, Canadian province, federal agency, or union training program
- A state-approved training program
- Training that led to attainment of a state or Canadian province qualifying certificate to perform assigned brake service or inspection tasks, including passage of CDL air brake test in the case of a brake inspection or
- One year of brake-related training, experience, or combination of both

Maintaining Evidence of Brake Inspector Qualifications

Motor carriers must maintain evidence of brake inspector qualification at the principal place of business or the location where the inspector works. Evidence must be retained for the period during which the brake inspector is employed in that capacity and for one year thereafter.

Annual Vehicle Inspection Report

VEHICLE HISTORY RECORD	
REPORT NUMBER	FLEET UNIT NUMBER
DATE	

MOTOR CARRIER OPERATOR	INSPECTOR'S NAME (PRINT OR TYPE)
ADDRESS	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. ☐ YES
CITY, STATE, ZIP CODE	VEHICLE IDENTIFICATION (✓) AND COMPLETE ☐ LIC. PLATE NO. ☐ VIN ☐ OTHER
VEHICLE TYPE ☐ TRACTOR ☐ TRAILER ☐ TRUCK ☐ (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL)

VEHICLE COMPONENTS INSPECTED

OK	NEEDS REPAIR	REPAIRED DATE	ITEM
			1. BRAKE SYSTEM
			a. Service Brakes
			b. Parking Brake System
			c. Brake Drums or Rotors
			d. Brake Hose
			e. Brake Tubing
			f. Low Pressure Warning Device
			g. Tractor Protection Valve
			h. Air Compressor
			i. Electric Brakes
			j. Hydraulic Brakes
			k. Vacuum Systems
			2. COUPLING DEVICES
			a. Fifth Wheels
			b. Pintle Hooks
			c. Drawbar/Towbar Eye
			d. Drawbar/Towbar Tongue
			e. Safety Devices
			f. Saddle-Mounts
			3. EXHAUST SYSTEM
			a. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment.
			b. A bus exhaust system leaking or discharging to the atmosphere in violation of standards (1), (2) or (3).
			c. No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.

OK	NEEDS REPAIR	REPAIRED DATE	ITEM
			4. FUEL SYSTEM
			a. Visible leak
			b. Fuel tank filler cap missing
			c. Fuel tank securely attached
			5. LIGHTING DEVICES
			All lighting devices and reflectors required by Section 393 shall be operable.
			6. SAFE LOADING
			a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.
			b. Protection against shifting cargo
			7. STEERING MECHANISM
			a. Steering Wheel Free Play
			b. Steering Column
			c. Front Axle Beam and All Steering Components Other Than Steering Column
			d. Steering Gear Box
			e. Pitman Arm
			f. Power Steering
			g. Ball and Socket Joints
			h. Tie Rods and Drag Links
			i. Nuts
			j. Steering System
			8. SUSPENSION
			a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position.
			b. Spring Assembly
			c. Torque, Radius or Tracking Components.

OK	NEEDS REPAIR	REPAIRED DATE	ITEM
			9. FRAME
			a. Frame Members
			b. Tire and Wheel Clearance
			c. Adjustable Axle Assemblies (Sliding Subframes)
			10. TIRES
			a. Tires on any steering axle of a power unit.
			b. All other tires.
			11. WHEELS AND RIMS
			a. Lock or Side Ring
			b. Wheels and Rims
			c. Fasteners
			d. Welds
			12. WINDSHIELD GLAZING
			Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions)
			13. WINDSHIELD WIPERS
			Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.
			List any other condition which may prevent safe operation of this vehicle.

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: X OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, _____ REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION REPORT IN ACCORDANCE WITH 49 CFR 396.

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PRINTED IN THE U.S.A.

200-FS-C3
Rev. 3/94

ORIGINAL

A vehicle does not pass an inspection if it has one of the following defects or deficiencies:
1. Brake System.
a. Service Brakes.
(1) Absence of braking action on any axle required to have brakes upon application of the service brakes (such as missing brakes or brake shoe(s) failing to move upon application of a wedge. S cam, cam, or disc brake).
(2) Missing or broken mechanical components including: shoes, lining pads, springs, anchor pins, spiders, cam rollers, push rods, and air chamber mounting bolts.
(3) Loose brake components including air chambers, spiders, and cam shaft support brackets.
(4) Audible air leak at brake chamber (Example ruptured diaphragm, loose chamber clamp, etc.).
(5) Readjustment limits. The maximum stroke at which brakes should be readjusted is given below. Any brake 14, or more past the readjustment limit or any two brakes less than 14, beyond the readjustment limit shall be cause for rejection. Stroke shall be measured with engine off and reservoir pressure of 80 to 90 psi with brakes fully applied.

BOLT TYPE BRAKE CHAMBER DATA

Type	Effective area (sq. in.)	Outside diameter (in.)	Maximum stroke at which brakes should be readjusted
A	12	6 15/16	1 3/8
B	24	9 3/16	1¾
C	16	8 1/16	1¾
D	6	5¼	1¼
E	9	6 3/16	1 3/8
F	36	11	2¼
G	30	9 7/8	2

ROTOCHAMBER DATA

Type	Effective area (sq. in.)	Outside diameter (in.)	Maximum stroke at which brakes should be readjusted
9	9	4 9/32	1½
12	12	4 13/16	1½
16	16	5 13/32	2
20	20	5 15/16	2
24	24	6 13/32	2
30	30	7 1/16	2¼
36	36	7 5/8	2¾
50	50	8 7/8	3

CLAMP TYPE BRAKE CHAMBER DATA

Type	Effective area (sq. in.)	Outside diameter (in.)	Maximum stroke at which brakes should be readjusted
6	6	4½	1¼
9	9	5¼	1 3/8
12	12	5 11/16	1 3/8
16	16	6 3/8	1¾
20	20	6 25/32	1¾
24	24	7 7/32	1¾1
30	30	8 3/32	2
36	36	9	2¼

*(2" for long stroke design).
WEDGE BRAKE DATA**.** --Movement of the scribe mark on the lining shall not exceed 116 inch.
(6) Brake linings or pads.
(a) Lining or pad is not firmly attached to the shoe;
(b) Saturated with oil, grease, or brake fluid; or
(c) Non steering axles: Lining with a thickness less than 14 inch at the shoe center for air drum brakes, 116 inch or less at the shoe center for hydraulic and electric drum brakes, and less than 18 inch for air disc brakes.
(d) Steering axles: Lining with a thickness less than 14 inch at the shoe center for drum brakes, less than 18 inch for air disc brakes and 116 inch or less for hydraulic disc and electric brakes.
(7) Missing brake on any axle required to have brakes.
(8) Mismatch across any power unit steering axle of:
(a) Air chamber sizes.
(b) Slack adjuster length.
b. Parking Brake System. No brakes on the vehicle or combination are applied upon actuation of the parking brake control, including driveline hand controlled parking brakes.
c. Brake Drum or Rotors.
(1) With any external crack or cracks that open upon brake application (do not confuse short hairline heat check cracks with flexural cracks).
(2) Any portion of the drum or rotor missing or in danger of falling away.
d. Brake Hose.
(1) Hose with any damage extending through the outer reinforcement ply. (Rubber impregnated fabric cover is not a reinforcement ply). (Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is cause for rejection.
(2) Bulge or swelling when air pressure is applied.
(3) Any audible leaks.
(4) Two hoses improperly joined (such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube).
(5) Air hose cracked, broken or crimped.
e. Brake Tubing
(1) Any audible leak.
(2) Tubing cracked, damaged by heat, broken or crimped
f. Low Pressure Warning Device missing, inoperative, or does not operate at 55 psi and below, or 12 the governor cut out pressure, whichever is less.
g. Tractor Protection Valve. Inoperable or missing tractor protection valve(s) on power unit.
h. Air Compressor.
(1) Compressor drive belts in condition of impending or probable failure.
(2) Loose compressor mounting bolts.
(3) Cracked, broken or loose pulley.
(4) Cracked or broken mounting brackets, braces or adapters.
i. Electric Brakes.
(1) Absence of braking action on any wheel required to have brakes.
(2) Missing or inoperable breakaway braking device.
j. Hydraulic Brakes. (Including Power Assist Over Hydraulic and Engine Drive Hydraulic Booster).
(1) Master cylinder less than 14 full.
(2) No pedal reserve with engine running except by pumping pedal.
(3) Power assist unit fails to operate.
(4) Seeping or swelling brake hose(s) under application of pressure.
(5) Missing or inoperative check valve.
(6) Has any visually observed leaking hydraulic fluid in the brake system.
(7) Has hydraulic hose(s) abraded (chafed) through outer cover to fabric layer.
(8) Fluid lines or connections leaking restricted, crimped, cracked or broken.
(9) Brake failure or low fluid warning light on and/or inoperative.
k. Vacuum Systems. Any vacuum system which:
(1) Has insufficient vacuum reserve to permit one full brake application after engine is shut off.
(2) Has vacuum hose(s) or line(s) restricted, abraded (chafed) through outer cover to cord ply, crimped, cracked, broken or has collapse of vacuum hose(s) when vacuum is applied.
(3) Lacks an operative low vacuum warning device as required.
2. Coupling Devices.
a. Fifth Wheels.
(1) Mounting to frame.
(a) Any fasteners missing or ineffective.
(b) Any movement between mounting components.
(c) Any mounting angle iron cracked or broken.
(2) Mounting plates and pivot brackets.
(a) Any fasteners missing or ineffective.
(b) Any welds or parent metal cracked.
(c) More than 38 inch horizontal movement between pivot bracket pin and bracket.
(d) Pivot bracket pin missing or not secured.
(3) Sliders.
(a) Any latching fasteners missing or ineffective.
(b) Any fore or aft stop missing or not securely attached.
(c) Movement more than 38 inch between slider bracket and slider base.
(d) Any slider component cracked in parent metal or weld.
(4) Lower coupler.
(a) Horizontal movement between the upper and lower fifth wheel halves exceeds 12 inch.
(b) Operating handle not in closed or locked position.
(c) Kingpin not properly engaged.
(d) Separation between upper and lower coupler allowing light to show through from side to side.
(e) Cracks in the fifth wheel plate. Exceptions: Cracks in fifth wheel approach ramps and casting shrinkage cracks in the ribs of the body of a cast fifth wheel.
(f) Locking mechanism parts missing, broken, or deformed to the extent the kingpin is not securely held.
b. Pintle Hooks.
(1) Mounting to frame.
(a) Any missing or ineffective fasteners (a fastener is not considered missing if there is an empty hole in the device but no corresponding hole in the frame or vise versa).
(b) Mounting surface cracks extending from point of attachment (e.g., cracks in the frame at mounting bolt holes).
(c) Loose mounting.
(d) Frame crossmember providing pintle hook attachment cracked.
(2) Integrity.
(a) Cracks anywhere in pintle hook assembly.
(b) Any welded repairs to the pintle hook.
(c) Any part of the horn section reduced by more than 20%.
(d) Latch insecure.
c. Drawbar/Towbar Eye.
(1) Mounting.
(a) Any cracks in attachment welds.
(b) Any missing or ineffective fasteners.
(2) Integrity.
(a) Any cracks.
(b) Any part of the eye reduced by more than 20%.
d. Drawbar/Towbar Tongue.
(1) Slider (power or manual).
(a) Ineffective latching mechanism.
(b) Missing or ineffective stop.
(c) Movement of more than 14 inch between slider and housing.
(d) Any leaking, air or hydraulic cylinders, hoses, or chambers (other than slight oil weeping normal with hydraulic seals).
(2) Integrity.
(a) Any cracks.
(b) Movement of 14 inch between subframe and drawbar at point of attachment.
e. Safety Devices.
(1) Safety devices missing.
(2) Unattached or incapable of secure attachment.
(3) Chains and hooks.
(a) Worn to the extent of a measurable reduction in link cross section.
(b) Improper repairs including welding, wire, small bolts, rope and tape.
(4) Cable.
(a) Kinked or broken cable strands.
(b) Improper clamps or clamping.
f. Saddle Mounts.
(1) Method of attachment.
(a) Any missing or ineffective fasteners.
(b) Loose mountings.
(c) Any cracks or breaks in a stress or load bearing member.
(d) Horizontal movement between upper and lower saddle mount halves exceeds 14 inch.
3. Exhaust System.
a. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment.
b. A bus exhaust system leaking or discharging to the atmosphere:
(1) Gasoline powered -- excess of 6 inches forward of the rearmost part of the bus.
(2) Other than gasoline powered -- in excess of 15 inches forward of the rearmost part of the bus.
(3) Other than gasoline powered -- forward of a door or window designed to be opened.
(Exception: emergency exits).
c. No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.
4. Fuel System.
a. A fuel system with a visible leak at any point.
b. A fuel tank filler cap missing.
c. A fuel tank not securely attached to the motor vehicle by reason of loose, broken or missing mounting bolts or brackets (some fuel tanks use springs or rubber bushings to permit movement).
5. Lighting Devices.
All lighting devices and reflectors required by **Section 393** shall be operable.
6. Safe loading.
a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.
b. Protection Against Shifting Cargo --Any vehicle without a front end structure or equivalent device as required.
7. Steering Mechanism.
a. Steering Wheel Free Play (on vehicles equipped with power steering the engine must be running)
STEERING WHEEL FREE PLAY
(on vehicles equipped with power steering the engine must be running).

Steering wheel diameter	Manual steering system	Power steering system
16"	2"	4½"
18"	2¼"	4¾"
20"	2½"	5¼"
22"	2¾"	5¾"

b. Steering Column.
(1) Any absence or looseness of U bolt(s) or positioning part(s).
(2) Worn, faulty or obviously repair welded universal joint(s).
(3) Steering wheel not properly secured.
c. Front Axle Beam and All Steering Components Other Than Steering Column.
(1) Any crack(s).
(2) Any obvious welded repair(s).
d. Steering Gear Box.
(1) Any mounting bolt(s) loose or missing.
(2) Any crack(s) in gear box or mounting brackets.
e. Pitman Arm. Any looseness of the pitman arm on the steering gear output shaft.
f. Power Steering. Auxiliary power assist cylinder loose.
g. Ball and Socket Joints.
(1) Any movement under steering load of a stud nut.
(2) Any motion, other than rotational, between any linkage member and it's attachment point of more than ¼ inch.
h. Tie Rods and Drag Links.
(1) Loose clamp(s) or clamp bolt(s) on tie rods or drag links.
(2) Any looseness in any threaded joint.
i. Nuts. Nut(s) loose or missing on tie rods pitman arm, drag link, steering arm or tie rod arm.
j. Steering System. Any modification or other condition that interferes with free movement of any steering component.
8. Suspension.
a. Any U bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position. (After a turn, lateral axle displacement is normal with some suspensions. Forward or rearward operation in a straight line will cause the axle to return to alignment).
b. Spring Assembly.
(1) Any leaves in a leaf spring assembly broken or missing.
(2) Any broken main leaf in a leaf spring assembly. (Includes assembly with more than one main spring).
(3) Coil spring broken.
(4) Rubber spring missing.
(5) One or more leaves displaced in a manner that could result in contact with a tire, rim, brake drum or frame.
(6) Broken torsion bar spring in a torsion bar suspension.
(7) Deflated air suspension, i.e., system failure, leak, etc.
c. Torque, Radius or Tracking Components. Any part of a torque, radius or tracking component assembly or any part used for attaching the same to the vehicle frame or axle that is cracked, loose, broken or missing. (Does not apply to loose bushings in torque or track rods.)
9. Frame
a. Frame Members.
(1) Any cracked, broken, loose, or sagging frame member.
(2) Any loose or missing fasteners including fasteners attaching functional component such as engine, transmission, steering gear, suspension, body parts, and fifth wheel.
b. Tire and Wheel Clearance. Any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assemblies
c. (1) Adjustable Axle Assemblies (Sliding Subframes). Adjustable axle assembly with locking pins missing or not engaged.
10. Tires.
a. Any tire on any steering axle of a power unit.
(1) With less than 432 inch tread when measured at any point on a major tread groove.
(2) Has body ply or belt material exposed through the tread or sidewall.
(3) Has any tread or sidewall separation.
(4) Has a cut where the ply or belt material is exposed.
(5) Labeled "Not for Highway Use" or displaying other marking which would exclude use on steering axle.
(6) A tube type radial tire without radial tube stem markings. These markings include a red band around the tube stem, the word "radial" embossed in metal stems, or the word "radial" molded in rubber stems.
(7) Mixing bias and radial tires on the same axle.
(8) Tire flap protrudes through valve slot in rim and touches stem.
(9) Regrooved tire except motor vehicles used solely in urban or suburban service (see exception in §393.75(e).
(10) Boot, blowout patch or other ply repair.
(11) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure.
(12) Tire is flat or has noticeable (e.g., can be heard or felt) leak.
(13) Any bus equipped with recapped or retreaded tire(s).
(14) So mounted or inflated that it comes in contact with any part of the vehicle.
b. All tires other than those found on the steering axle of a power unit:
(1) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure.
(2) Tire is flat or has noticeable (e.g., can be heard or felt) leak.
(3) Has body ply or belt material exposed through the tread or sidewall.
(4) Has any tread or sidewall separation.
(5) Has a cut where ply or belt material is exposed.
(6) So mounted or inflated that it comes in contact with any part of the vehicle. (This includes a tire that contacts its mate.)
(7) Is marked "Not for highway use" or otherwise marked and having like meaning.
(8) With less than 232 inch tread when measured at any point on a major tread groove.
11. Wheels and Rims.
a. Lock or Side Ring. Bent, broken, cracked, improperly seated, sprung or mismatched ring(s).
b. Wheels and Rims. Cracked or broken or has elongated bolt holes.
c. Fasteners (both spoke and disc wheels). Any loose, missing, broken, cracked, stripped or otherwise ineffective fasteners.
d. Welds.
(1) Any cracks in welds attaching disc wheel disc to rim.
(2) Any crack in welds attaching tubeless demountable rim to adapter.
(3) Any welded repair on aluminum wheel(s) on a steering axle.
(4) Any welded repair other than disc to rim attachment on steel disc wheel(s) mounted on the steering axle.
12. Windshield Glazing.
(Not including a 2 inch border at the top, a 1 inch border at each side and the area below the topmost portion of the steering wheel.) Any crack, discoloration or vision reducing matter except: (1) coloring or tinting applied at time of manufacture; (2) any crack not over 14 inch wide, if not intersected by any other crack; (3) any damaged area not more than 34 inch in diameter, if not closer than 3 inches to any other such damaged area; (4) labels, stickers, decalcomania, etc. (see §393.60 for exceptions).
13. Windshield Wipers.
Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.
Comparison of Appendix G, and the new North American Uniform Driver Vehicle Inspection Procedure (North American Commercial Vehicle Critical Safety Inspection Items and Out Of Service Criteria)
The vehicle portion of the FHWA's North American Uniform Driver Vehicle Inspection Procedure (NAUD VIP) requirements, CVSA's North American Commercial Vehicle Critical Safety Inspection Items and Out Of Service Criteria and Appendix G of subchapter B are similar documents and follow the same inspection procedures. The same items are required to be inspected by each document. FHWA's and CVSA's out of service criteria are intended to be used in random roadside inspections to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) out of service. A vehicle(s) is placed out of service only when by reason of its mechanical condition or loading it is determined to be so imminently hazardous as to likely cause an accident or breakdown, or when such condition(s) would likely contribute to loss of control of the vehicle(s) by the driver. A certain amount of flexibility is given to the inspecting official whether to place the vehicle out of service at the inspection site or if it would be less hazardous to allow the vehicle to proceed to a repair facility for repair. The distance to the repair facility must not exceed 25 miles. The roadside type of inspection, however, does not necessarily mean that a vehicle has to be defect free in order to continue in service.
In contrast, the Appendix G inspection procedure requires that all items required to be inspected are in proper adjustment, are not defective and function properly prior to the vehicle being placed in service.
Differences Between the Out Of Service Criteria & FHWA's Annual Inspection
1. Brake System.
The Appendix G criteria rejects vehicles with any defective brakes, any air leaks, etc. The out of service criteria allows 20% defective brakes on non steering axles and a certain latitude on air leaks before placing a vehicle out of service.
2. Coupling Devices.
Appendix G rejects vehicles with any fifth wheel mounting fastener missing or ineffective. The out of service criteria allows up to 20% missing or ineffective fasteners on frame mountings and pivot bracket mountings and 25% on sliderlatching fasteners. The out of service criteria also allows some latitude on cracked welds.
3. Exhaust System.
Appendix G follows Section **393.83** verbatim. The CVSA out of service criteria allows vehicles to exhaust forward of the dimensions given in Section **393.83** as long as the exhaust does not leak or exhaust under the chassis.
4. Fuel System.
Same for Appendix G and the out of service criteria.
5. Lighting Devices.
Appendix G requires all lighting devices required by section **393** to be operative at all times. The out of service criteria only requires one stop light and functioning turn signals on the rear most vehicle of a combination vehicle to be operative at all times. In addtion one operative head lamp and tail lamp are required during the hours of darkness.
6. Safe Loading.
Same for both Appendix G and the out of service criteria.
7. Steering Mechanism.
Steering lash requirements of Appendix G follows the new requirements of **§393.209** .
8. Suspension.
Appendix G follows the new requirements of **§393.207** which does not allow any broken leaves in a leaf spring assembly. The out of service criteria allows up to 25% broken or missing leaves before being placed out of service.
9. Frame.
The out of service criteria allows a certain latitude in frame cracks before placing a vehicle out of service. Appendix G follows the new requirements of **§393.201** which does not allow any frame cracks.
10. Tires.
Appendix G follows the requirements of **§393.75** which requires a tire tread depth of 432 inch on power unit steering axles and 232 inch on all other axles. The out of service criteria only requires 232 inch tire tread depth on power unit steering axles and 132 inch on all other axles.
11. Wheel and Rims.
The out of service criteria allows a certain amount latitude for wheel and rim cracks and missing or defective fasteners. Appendix G meets the requirements of the new **§393.205** which does not allow defective wheels and rims non effective nuts and bolts.
12. Windshield Glazing.
The out of service criteria places in a restricted service condition any vehicle that has a crack or discoloration in the windshield area lying within the sweep of the wiper on the drivers side and does not address the remaining area of the windshield. Appendix G addresses requirements for the whole windshield as specified in **§393.60**
13. Windshield Wipers.
Appendix G requires windshield wipers to be operative at all times. The out of service criteria only requires that the windshield wiper on the driver's side to be inspected during inclement weather.

Periodic Inspector Qualification

Certification

I,_____, hereby certify that I am knowledgeable in the requirements for performing an annual vehicle inspection and I can identify defective components in compliance with the regulations of the U.S. Department of Transportation for annual vehicle inspections contained in 49 CFR Part 396 Appendix G. I hereby agree to comply with all such regulations governing annual vehicle inspections.

A qualified inspector must meet one or more of the following requirements. Please check those applicable.

_____Successfully completed a state or federal sponsored training program, which qualifies me to perform a commercial vehicle safety inspection.

_____One year of training and/or experience in truck manufacturer of similar commercially sponsored training designed to train in truck operation and maintenance.

_____One year experience as a mechanic or inspector in a motor carrier maintenance program.

_____One year experience as a mechanic or inspector in truck maintenance at a commercial garage, fleet leasing company, or similar facility.

_____One year experience as a commercial vehicle inspector for a state, provincial or federal government.

_____

Signature of Mechanic/Inspector

I, _____, hereby certify that_____has met the requirements for a qualified inspector to perform the annual vehicle inspection in compliance with the regulations of the U.S. Department of Transportation for qualified inspectors contained in 49 CFR Section 396.19.

Dated this_____day of_____, 20_____.

_____

Signature of Owner/Supervisor

Certification

I, _____, hereby certify that I am knowledgeable and understand the requirements for performing the brake service or inspection task and I can identify the defective components in compliance with the regulations of the U.S. Department of Transportation for brake service or inspection tasks contained in 49 CFR Part 396 Appendix G. I hereby agree to comply with all such regulations governing the annual brake service and inspection tasks.

A qualified inspector must meet one or more of the following requirements. Please check those applicable.

_____Has successfully completed an apprenticeship program sponsored by a State, Canadian province, Federal Agency or a labor union.
_____Has successfully completed a training program approved by a state, federal agency.
_____Has a certificate from a State or Canadian province qualifying me to perform the assigned brake service or inspection task.
_____Has brake related training or experience or a combination totaling at least one year.

Such training may consist of:
_____Participation in a training program sponsored by a brake or vehicle manufacturer or similar commercial training program designed to train students in brake maintenance or inspection similar to the assigned brake service or inspection tasks.
_____Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task in a motor carrier maintenance program.
_____Experience performing brake maintenance or inspection similar to the assigned brake service or inspection task at a commercial garage, fleet leasing company or similar facility.
_____Has passed the air brake knowledge and skills test for a Commercial Driver's License.

_____
Signature of Brake Inspector

I,_____, hereby certify that_____ has met the requirements for a qualified inspector to perform the brake service or inspection task in compliance with the regulations of the U.S. Department of Transportation for qualified inspectors contained in 49 CFR Section 396.25

Dated this_____ day of_____, 20_____.

_____
Signature of Owner/Supervisor

Transportation of Hazardous Materials

Do you transport hazardous materials?

Hazardous materials are any substances defined by the Secretary of Transportation as posing an unreasonable risk to health and safety or property. Most people recognize gasoline, propane, or dynamite as being hazardous materials, but did you know that common materials such as paint, nail polish remover, adhesives, cleaning compounds, hair spray, matches, and others may be classified as hazardous materials? It is important to know if you are transporting hazardous materials because violations of the Hazardous Materials Regulations (HMR) carry civil fines of up to $32,500 and possible criminal penalties including up to five years in jail. Hazardous materials fall into one of the following basic classes and divisions:

What Are the Fees Associated With Transporting Hazardous Materials?

For those registrants not qualifying as a small business or not-for profit organization, PHMSA is increasing the annual fee from $975 (plus a $25 administrative fee) to $2,575 (plus a $25 administrative fee) for registration year 2010–2011 and following years. Registration is available on line at the following website: www.phmsa.dot.gov

Effective date of this final rule is **April 29, 2010.**

Explosives 1.1	Non-Flammable Gas, 2.2	Organic Peroxide, 5.2
Explosives 1.2	Poison Gas, 2.3	Poison Liquid or Solid, 6.1
Explosives 1.3	Flammable & Combustible Liquids, 3	Infectious Substance, 6.2
Explosives 1.4	Flammable Solids, 4.1	Radioactive, 7
Explosives 1.5	Spontaneously Combustible, 4.2	Corrosive, 8
Explosives 1.6	Dangerous When Wet, 4.3	Miscellaneous, 9
Flammable Gas 2.1	Oxidizer, 5.1	Consumer Commodities, ORM-D

To determine if a material you are transporting is hazardous, contact the shipper who provided the material or see the definitions of these materials in the hazardous materials regulations.

What do I need to do if I transport Hazardous Materials?

A motor carrier that transports a hazardous material, whether interstate or intrastate, must comply with the Federal Hazardous Materials Regulations, 49 CFR 100-180. These regulations include requirements including registration, training, shipping papers, labels, placards, and packages. In addition, there are additional requirements in the Federal Motor Carrier Safety Regulations, which include insurance requirements, operational restrictions, commercial driver's license endorsements, routing, parking, and attendance requirements for hazardous materials.

Introduction

The purpose of this training is to ensure that each hazmat employer trains its hazmat employees regarding safe loading, unloading, handling, storing and transporting of hazardous materials and emergency preparedness for responding to accidents or incidents involving the transportation of hazardous materials.

Definitions

Hazmat Employer:

A. A person who employs or uses at least one hazmat employee on a full-time, part-time, or temporary basis;
B. A person who is self-employed (including an owner-operator of a motor vehicle, vessel, or aircraft) transporting materials in commerce;
C. A department, agency, or instrumentality of the United States Government, or an authority of a State, political subdivision of a State, or an Indian tribe; and who:
- Transports hazardous materials in commerce;
- Causes hazardous material to be transported or shipped in commerce; or
- Designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs or tests a package, container, or packaging component that is represented, marked, certified, or sold by that person as qualified for use in transporting hazardous materials in commerce;
- Representing, marking, certifying, selling, offering, reconditioning, testing, repairing, or modifying containers, drums, or packagings as qualified for use in the transportation of hazardous materials.

Hazmat Employee:

A. A person employed on a full-time, part-time, or temporary basis by a hazmat employer and in the course of such employment directly affects hazardous materials transportation safety.
B. Self-employed (including an owner-operator of a motor vehicle, vessel, or aircraft) transporting hazardous materials in commerce and in the course of such self-employment directly affects hazardous materials transportation safety.
C. A railroad signalman; or
D. A railroad maintenance-of-way employee who:
- Loads, unloads, or handles hazardous materials;
- Designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs or tests a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce;
- Prepares hazardous materials for transportation;
- Is responsible for safety of transporting hazardous materials;
- Operates a vehicle used to transport hazardous materials.

Examples of who will be required to be trained are:
- A person determining if a material is a hazardous material;
- A person who designs, produces and/or sells a packaging for hazardous materials;
- A person determining proper packaging for a hazardous material;
- A person who puts the hazardous material in the package;
- A person who marks and labels the package;
- A person who fills out shipping papers;
- A person who loads or unloads hazardous materials;
- A person who moves the packaging in a warehouse during the course of transportation;
- A person who operates a vehicle transporting the material;
- A railroad signalman; or
- A railroad maintenance-of-way employee.

Training for a hazmat employee must be completed within 90 days after employment. Each hazmat employee must again receive the required training at least once every three years.

Training Requirements

Four/*Five Categories of training for highway mode:

- **General Awareness/Familiarization Training**
  Each hazmat employee shall be provided general awareness/familiarization training designed to provide familiarity with the requirements of this subchapter, and to enable the employee to recognize and identify hazardous materials consistent with the hazard communication standards of this subchapter.
- **Function Specific Training**
  Each hazmat employee shall be provided function-specific training concerning requirements of this subchapter, or exemptions issued under subchapter A of this chapter, which are specifically applicable to the functions the employee performs.
- **Safety Training**
  Each hazmat employee shall receive safety training concerning-
  (i) Emergency response information required by subpart G of Part 172;
  (ii) Measures to protect the employee from the hazards associated with hazardous materials to which they may be exposed in the work place, including specific measures the hazmat employer has implemented to protect employees from exposure; and
  (iii) Methods and procedures for avoiding accidents, such as the proper procedures for handling packages containing hazardous materials.
- **Security Awareness Training**
  Each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation and methods designed to enhance transportation security. This training must also include a component covering how to recognize and respond to possible security threats. New hazmat employees must receive the security awareness training required by this paragraph within 90 days after employment.
- ***In-Depth Security Training** (Only when required to have a Security Plan, see 172.800)
  Each hazmat employee of a person required to have a security plan in accordance with subpart I of this part must be trained concerning the security plan and its implementation. Security training must include company security objectives, responsibilities, actions to take in the event of a security breach, and the organizational security structure.

Initial and Recurrent Training - (To be done within 90 days of hire.)

- Responsibility of Hazmat Employer.
- The Records Shall Include:
  1. Employee's name;
  2. Training completion date;
  3. Description of materials used for training;
  4. Name and address of person providing training;
  5. Certification that employee has been trained and tested.

Applicability & Responsibility for Training

- Hazmat employer to ensure each of its employees are trained.
- Hazmat employee cannot perform any hazardous material function unless trained.
- Training may be provided by public or private source.

Hazardous Materials Transportation Security Requirements Subpart I – Security Plans

This subpart prescribes requirements for development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce.

Security Plans: 172.800

Each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart:

Security Plan Requirements Starting 04/08/10

Listed below by Class/Division are the hazardous materials and thresholds subject to security planning under this final rule. The phrase ''large bulk quantity,'' as used in the following table, refers to a quantity greater than 6,614 pounds for solids or 792 gallons for liquids and gases in a single packaging such as a cargo tank motor vehicle, portable tank, tank car, or other bulk container.

1.1 Any quantity.
1.2 Any quantity.
1.3 Any quantity.
1.4 Placarded quantity.
1.5 Placarded quantity.
1.6 Placarded quantity.
2.1 A large bulk quantity.
2.2 A large bulk quantity of materials with an oxidizer subsidiary.
2.3 Any quantity.
3 PG I and II in a large bulk quantity.
4.1 Placarded quantity desensitized explosives.
4.2 PG I and II in a large bulk quantity.
4.3 Any quantity.
5.1 A large bulk quantity of Division 5.1 materials in PG I and II perchlorates, ammonium nitrate, ammonium nitrate fertilizers, or ammonium nitrate emulsions or suspensions or gels.
5.2 Any quantity of Organic peroxide, Type B, liquid or solid, temperature controlled.
6.1 Any quantity PIH or a large bulk quantity of a material that is not a PIH.
6.2 CDC or USDA list of select agents.
7 IAEA Categories 1 & 2; HRCQ; known radionuclides in forms listed as RAM–QC by NRC; or a quantity of uranium hexafluoride requiring placarding under §172.505(b).
8 PG I in a large bulk quantity.

Therefore, in this final rule shippers and carriers of oxygen and other Division 2.2 compressed gases with a subsidiary hazard of Division 5.1 oxidizer, in quantities greater than 793 gallons in a single package or container, are required to develop and implement security plans. A list of Division 2.2 oxidizing gases that are authorized for transportation in large bulk quantities is provided below.

Air, refrigerated liquid, (cryogenic liquid) 2.2 UN1003 2.2, 5.1
Air, refrigerated liquid, (cryogenic liquid) non-pressurized 2.2 UN1003 2.2, 5.1
Compressed gas, oxidizing, n.o.s. 2.2 UN3156 2.2, 5.1
Gas, refrigerated liquid, oxidizing, n.o.s. (cryogenic liquid) 2.2 UN3311 2.2, 5.1
Liquefied gas, oxidizing, n.o.s. 2.2 UN3157 2.2, 5.1
Nitrous oxide 2.2 UN1070 2.2, 5.1
Nitrous oxide, refrigerated liquid 2.2 UN2201 2.2, 5.1
Oxygen, compressed 2.2 UN1072 2.2, 5.1
Oxygen, refrigerated liquid (cryogenic liquid) 2.2 UN1073 2.2, 5.1

Components of a Security Plan: 172.802

Every motor carrier should evaluate the level of security and safety within their own system, including at a minimum the following:

General Security Information

- A security plan which includes:
  - Personnel Security
  - Hazardous materials and package control
  - En route security
  - Technical innovations
  - Management prerogatives
  - Communications
  - Reassessment based upon current conditions
- Recommend that management encourage input and participation in the development and implementation of the company's security program.

Personnel Security

- Understand any employee could pose a security risk.
- Implement a method for security identification (i.e. ID Badges). Identification should include the employee name, the company name, the employee's picture, and a phone number where the employee's identification can be confirmed.
- Review the list of drivers and request the required number of driver qualification files for review.
- Comply with the investigation and inquiry requirements of 49 CFR Section 391.23. Discuss with the company official any additional checks made, such as criminal background checks, personal reference checks, credit checks, etc.
- When reviewing the contents of driver qualification files, pay particular attention to:
  - Gaps in employment
  - Frequent job shifts
  - All names used by the applicant
  - Type of military discharge
  - Citizenship
  - Present and prior residence information
  - Personal references
  - Criminal history
- Comply with the Immigration Reform and Control Act of 1986. All I-9 forms must be properly completed and maintained for all employees.
- Use face-to-face interviews of prospective employees, to obtain information to help to appraise the applicants' personality, character, motivation, honesty, integrity, and reliability.
- Any information or suspicious activity discovered during the review of these files should be reported immediately to your state's Homeland Security or the state or local Department of Transportation office for possible referral to a local FBI office.

Hazardous Materials and Package Controls

Security enhancements that might be considered:

- Are the facility grounds adequately lighted?
- Are hazardous materials located in a secure area?
- Are transport vehicles located in a secure area?
- Is the access to hazardous materials limited and/or monitored (sign-in/sign out)?
- Consider requiring employee identification cards/badges.
- Consider other protective measures, such as, security alarms, video surveillance, security services, etc.
- Consider if a guard force is appropriate (DOD Shipments, PIH, RAM, other).
- Require records for removal of HM from secure locations.
- Reinforce, with employees, the importance to remain aware of their surroundings at all times.
- Recommend standard procedures for control of HM packages, educating all employees on package control measures. Post procedures prominently at appropriate locations.
- Know who you are dealing with, including shippers, receivers and vendors that service your facility.
- Limit and track keys/entry cards, paying special attention to those issued to employees that are no longer with the company.

En Route Security

- Avoid high population centers, including downtown and/or metropolitan areas, tunnels and bridges where possible (see 49 CFR 397.67).
- Ensure that all hazardous materials are delivered expeditiously.

- Instruct drivers to lock vehicles when in transit or unattended.
- Reinforce attendance and parking rules in 49 CFR Part 397.
- Drivers must be aware of vehicles that may be following their truck and strangers asking inappropriate questions.
- Be suspicious of individuals asking you to stop as a result of an alleged traffic accident. If unsure whether the accident occurred, drive to a police station or to a well-lit busy location before stopping.
- Be cautious about stopping to help stranded motorists or at accident scenes. If possible, call the State Police instead.
- Do not pick up hitchhikers.
- Do not discuss the nature of the cargo at coffee shops, trucks, over the CB radio, etc.
- Drivers must remain aware of their surroundings at all times.
- Drivers should have a means to maintain communication with the company, such as, cell phones, 2-way radios, CBs, satellite communication systems, etc.

Technical Innovations

- Make yourself aware of technical innovations that could assist in security such as cell phones, satellite tracking, and surveillance systems.
- Look at state of the art locks and seals.
- Are access control systems appropriate?
- Consider tamper proof locking features for fifth wheels (so that trailers can't be stolen).
- Consider installing electronic engine controls that require a code, in addition to a key, to start a vehicle.
- Consider theft prevention devices, steering locks, fuel cut-off switches, electrical cut-off switches, and other high security ignition devices.

Management Prerogatives

- Include fingerprinting and photographs of applicants in the employment process.
- Be aware of personal identity theft such as using stolen social security numbers, references, etc.
- Consider running criminal background checks.
- Consider implementing security training for employees that includes:
  - Company security objectives
  - Specific security procedures
  - Employee responsibility
  - Organizational security structure

Communications

- Develop a communications network with others in the industry in an effort to share information to determine if there is a pattern of activities that, when taken alone are not significant, but when taken as a whole generate concern.
- Develop a means of communication within the physical plant and the vehicle (cell phones, satellite tracking, radios, etc.) Is the system capable of reaching all key personnel?
- Security messages should be presented to employees in various methods such as newsletters, bulletin boards, etc.

Readjustment Based Upon Current Conditions

- Emphasize that terrorist activities tend to happen in groups. Security should be heightened if new attacks begin.
- Increase security measures while the U.S. is involved in military activities in foreign countries.
- Increase security measures when the U.S. is at a heightened state of alert.

Other

- Suspicious activities should immediately be reported by telephone, using 311 or 911, as appropriate.

Part 177
Transportation By Highway

- Driver Training (177.816)

Guide For Hazardous Material Shipping Papers

Use Of Guide

This guide is designed for In-house use when reviewing hazardous material shipping paper requirements. However, this document should not be used to determine compliance with the U.S. DOT Hazardous Materials Regulations (HMR).

1. Definitions

A. Shipping Paper - (49 CFR 171) A shipping paper is a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required by 49 CFR 182.201, 172.202 and 172.204.

B. The terms "dangerous goods" and "hazardous materials" are considered synonymous.

Shipper's Responsibility
(49 CFR 172.200(a))

The person offering a hazardous material for transport has the responsibility to properly prepare the shipping paper. (See also 173.22)

A. Contents - When describing a hazardous material on a shipping paper, that description must conform to the following requirements:

1) When a hazardous material and other materials are both described on the same shipping paper, the hazardous material description entries:
   a) Must be entered first, or
   b) Must be entered in a contrasting color (or highlighted in a contrasting color - for reproduced copies of the shipping paper only), or
   c) Must be identified by the entry "X" placed before the proper shipping name in a column captioned "HM". The "X" may be replaced by "RQ" (Reportable Quantity), if appropriate.
2) The required shipping description on the original shipping paper and all copies must be legible and printed (manually or mechanically) in English.
3) The required description may not contain any code of abbreviation, unless it is specifically authorized or required, such as "UN", United Nations, "NA", North America, or "Ltd. Qty.", Limited Quantity.
4) A shipping paper may contain additional information concerning the material provided the information is not inconsistent with the required description. The additional information must be placed after the basic description required by 49 CFR 172.202(a).
5) A copy of the shipping paper must be retained for two years after provided to the carrier.
   a) Each person who provides a shipping paper must retain a copy of the shipping paper required by 172.200(1), or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, the shipping paper copy must be retained for 3 years after the initial carrier accepts the material. For all other hazardous materials, the shipping paper must be retained for 2 years after the initial carrier accepts the material. Each shipping paper copy must include the date of acceptance by the initial carrier, except that, for rail, vessel, or air shipments, the date on the shipment waybill, airbill, or bill of lading may be used in place of the date of acceptance by the initial carrier.

Hazardous Materials Description
(49 CFR 172.202)

The shipping description of a hazardous material on a shipping paper must include the following:

A. The identification number for the material (preceded by "UN" or "NA", as appropriate 49 CFR 172.202(a)(3)).
B. Proper shipping name - MAY NOT BE ABREVIATED (49 CFR 172.101 Hazardous Materials Table or 172.102 Optional HMT).
C. The hazard class & subsidiary class or division of the material (See 49 CFR 172.202(a)(2)).
D. Packing Group (If Applicable)

E. The total quantity by weight (net or gross, as appropriate) or volume, including the unit of measure, of the hazardous material, except for empty packaging, cylinders if compressed gases, and packaging of greater than 119 gallons capacity.
F. Except as otherwise provided in the regulations, the basic description must be in the sequence shown in the 49 CFR 172.101 Hazardous Materials Table. For example: UN1090, Acetone, 3, PGII
G. The total quantity of the material covered by one description must appear before or after (or both before and after) the basic description.
   1) The number and type of packages must be indicated. Abbreviations may be used to specify the type of packaging or units of measure. ((Section 172.202(a)(6)) requires the number and types of packages to be indicated on shipping papers.
H. Technical names for N.O.S. and other generic descriptions (172.203(k)). If the material is described on a shipping paper by one of the proper shipping names identified by the letter "G" in Column (1) of the 172.101 Table, the technical name of the hazardous material must be entered in parentheses in association with the basic description as follows: Example: "3, N.O.S., UN 1993, PGI, (Acetone)".

Additional Description Requirements (49 CFR 172.203) ALL MODES

A. Special permits - Each shipping paper issued in connection with shipment made under a special permit must bear the notation "DOT-SP" followed by the special permit number assigned and located so that the notation is clearly associated with the description to which the special permit applies. Each shipping paper issued in connection with a shipment made under an exemption or special permit issued prior to October 1, 2007, may bear the notation "DOT-E" followed by the number assigned and so located that the notation is clearly associated with the description to which it applies.
B. Place the exemption number adjacent to the description to which the exemption applies. See 172.203(a).
C. Limited Quantities - Descriptions for materials defined as "Limited Quantities" must include the words "Limited Quantities" or "Ltd. Qty" following the basic description. See 172.203(b).
D. Hazardous Substances 172.203(c)
   1) If the proper shipping name (for a material that is a hazardous substance) does not identify the hazardous substance by name, the following shall be entered, in parentheses, in association with the basic description:
      a) Name of the hazardous substance from the Appendix to the 172.101 Hazardous Materials Table or
      b) For waste streams, the waste stream number.
   2) The letters "RQ" (Reportable Quantity) shall be entered on the shipping paper either before or after the basic description required by 49 CFR 172.202 for each hazardous substance.
E. Radioactive Materials - For additional description requirements refer to 172.203(d).
F. Empty Packaging - See 49 CFR 172.203(e).

G. Technical names for N.O.S. descriptions - See 172.203(k).
H. Marine Pollutants - See 172.203(l).
I. Poisonous Materials - See 172.203(m).
J. Elevated Temperature Material (Hot) - see 172.325.

Carrier Responsibility - Transportation by Highway

A. Shipping Papers (49 CFR 177.817)
   1) General - A carrier may not accept a hazardous material for transportation unless it is accompanied by a shipping paper prepared in accordance with the shipping paper requirements contained in Subpart C of Part 172, 49 CFR 172.200, 172.201, 172.202 and 172.203.
   2) Shipper's Certification - See 172.204.
   3) Accessibility of shipping papers - Each carrier and driver of the vehicle shall ensure that the shipping paper is readily available for inspection and

recognizable by authorities in case of an accident or for inspection:

a) Clearly distinguish the shipping paper if it is carried with other shipping papers or other papers of any kind, by either distinctively tabbing it or having it appear first; and
b) Store the shipping paper as follows:
   i. When the driver is at the controls of the vehicle, within easy reach or visible to anyone entering the vehicle compartment; or
   ii. When the driver is away from the vehicle the shipping papers must be left on the driver's seat or in the door pouch on the driver's side.

4) A copy of the shipping paper must be retained for one year after accepting the Hazardous Materials.
   a) A motor carrier (as defined in Sec. 390.5 of subchapter B of chapter III of subtitle B) using a shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number may retain a single copy of the shipping paper, instead of a copy for each shipment made, if the carrier also retains a record of each shipment made, to include shipping name, identification number, quantity transported, and date of shipment.

Emergency Response Information Requirements (172.201(D), Subpart G, 172.600)

A. Emergency response information (172.602)
   1) "Emergency response information" means information that can be used in the mitigation of an incident involving hazardous materials and, as a minimum, must contain the following information:
      a) The basic description and technical name of the hazardous material;
      b) Immediate hazards to health;
      c) Risk of fire or explosion;
      d) immediate precautions to be taken in the event of an accident or incident;
      e) Immediate methods for handling fires;
      f) Initial methods for handling spills or leaks in the absence of fire; and
      g) Preliminary first aid measures.
   2) Form of information. The emergency response information must be:
      a) Printed legibly in English;
      b) Available for use away from package containing the hazardous material; and
      c) Presented with or on the shipping paper.
   3) Maintenance of information - Emergency response information shall be maintained as follows:
      a) Carriers - Each carrier who transports a hazardous material shall maintain the emergency response information in the same manner as prescribed for shipping papers.
      b) Facility operators - Each operator of a facility where a hazardous material is received, stored or handled during transportation, shall maintain the emergency response information whenever the hazardous material is present, and the information must be accessible to facility personnel in the event of an incident involving the hazardous materials.

B. Emergency response telephone number (172.604)
   1) A person who offers a hazardous material for transportation must provide a 24-hour emergency response telephone number, including the area code, for use in the event of an emergency involving the hazardous materials. The telephone number must be:
      a) Monitored at all times the hazardous material is in transportation, including storage incidental to transportation;
      b) The number of a person who is either knowledgeable of the hazards and characteristics of the hazardous material being shipped and has comprehensive emergency response and incident mitigation information for that material, or has immediate access to a person who possesses such knowledge and information; and
      c) Entered on a shipping paper, as follows:
         i. Immediately following the description of a hazardous material; or

ii. Entered once on the shipping paper in a clearly visible location. It must be indicated that telephone number is for emergency response information (for example: "EMERGENCY CONTACT:"***).

Guide For Placards

Use Of Guide

This guide is designed for in-house use when reviewing hazardous materials placarding requirements. However, this document should not be used to determine compliance with the U.S. DOT Hazardous Materials Regulations (HMR).

Table 1

Category	Placard Name
1.1	Explosive 1.1
1.2	Explosive 1.2
1.3	Explosive 1.3
2.3	Poison Gas
4.3	Dangerous When Wet
5.2 (Type B Temperature Controled)	Organic Peroxide
6.1 (Inhalation Hazard Zone A or B)	Poison Inhalation Hazard
7 (Radioactive yellow III label only)	Radioactive

Table 2

Category	Placard Name
1.4	Explosive 1.4
1.5	Explosive 1.5
1.6	Explosive 1.6
2.1	Flammable Gas
2.2	Non-Flammable Gas
3	Flammable
Combustible Liquid	Combustible
4.1	Flammable Solid
4.2	Spontaneous Combustible
5.1	Oxidizer
5.2	Organic Peroxide
6.1 (PG I or II, other than Zone A or B inhalation hazard)	Poison
6.1 (PG III)	Keep Away from Food
6.2	None
8	Corrosive
9	Class 9
ORM D	None

Note: For details on the uses of Tables 1 and 2, see Section 172.504. For placarding transition chart, see Section 171.14

1. Guidelines

A. Placard any transport vehicle, freight container, or rail car containing any quantity of material listed in Table 1.

B. Materials, which are shipped in bulk packages, such as portable tanks, cargo tanks, or tank cars, must be placarded when they contain any quantity of Table 1 and/or Table 2 material.

C. Motor vehicles or freight containers containing packages which are subject to the "Poison-Inhalation Hazard" shipping paper description of Section 172.203(k)(4), must be placarded POISON in addition to the placards required by Section 172.504 (see Section 172.505).

D. When the gross weight of all hazardous material covered in Table 2 is less than 1001 pounds, no placard is required on a transport vehicle or freight container.

2. Additional Placarding Guidelines

A. A transport vehicle or freight container containing two or more classes of material requiring different placards specified in Table 2 may be placarded DANGEROUS in place of the separate - placards specified for each of those classes of material specified in Table 2. However, when 2205 pounds or more of one class of material is loaded therein at one loading facility, the placard specified for that class must be applied. This exception, provided in Section 172.504(b) does not apply to portable tanks, tank cars, or cargo tanks. CAUTION: Check each shipment for compliance with the appropriate hazardous materials regulations - Proper Classification, Packaging, Marking, Labeling, Placarding Documentation - prior to offering shipment.

Materials of Trade means a hazardous material, other than a hazardous waste, that is carried on a motor vehicle —

- For the purpose of protecting the health and safety of the motor vehicle operator or passengers
- For the purpose of supporting the operation or maintenance of a motor vehicle (including its auxiliary equipment) or
- By a private motor carrier (including vehicles operated by a rail carrier) in direct support of a principal business that is other than transportation by motor vehicle

173.6 Materials of Trade Exceptions

When transported by motor vehicle in conformance with this section, a materials of trade is not subject to any other requirements of this subchapter besides those set forth or referenced in this section.

(A) Materials and Amounts

A materials of trade is limited to the following:

(1) A Class 3, 8, 9, Division 4.1, 5.1, 5.2, 6.1, or ORM-D material contained in a packaging having a gross mass or capacity not over—
   (i) 0.5 kg (1 pound) or 0.5 L (1 pint) for a Packing Group I material;
   (ii) 30 kg (66 pounds) or 30 L (8 gallons) for a Packing Group II, Packing Group III, or ORMD material;
   (iii) 1500 L (400 gallons) for a diluted mixture, not to exceed 2 percent concentration, of a Class 9 material.

(2) A Division 2.1 or 2.2 material in a cylinder with a gross weight not over 100 kg (220 pounds), or a permanently mounted tank manufactured to ASME standards of not more than 70 gallon water capacity for a non-liquefied Division 2.2 material with no subsidiary hazard.

(3) A Division 4.3 material in Packing Group II or III contained in a packaging having a gross capacity not exceeding 30 ml (1 ounce).

(4) This section does not apply to a hazardous material that is self-reactive (see 173.124), poisonous by inhalation (see 173.133), or a hazardous waste.

(B) Packaging

(1) Packaging must be leak tight for liquids and gases, sift proof for solids, and be securely closed, secured against movement, and protected against damage.
(2) Each material must be packaged in the manufacturer's original packaging, or a packaging of equal or greater strength and integrity.
(3) Outer packagings are not required for receptacles (e.g., cans and bottles) that are secured against movement in cages, carts, bins, boxes or compartments.
(4) For gasoline, a packaging must be made of metal or plastic and conform to the requirements of this subchapter or to the requirements of the Ocupational Safety and Health Administration of the Department of Labor contained in 29 CFR 1910.106(d)(2) or 1926.152(a)(1).
(5) A cylinder or other pressure vessel containing a Division 2.1 or 2.2 material must conform to packaging, qualification, maintenance, and use requirements of this subchapter, except that outer packagings are not required. Manifolding of cylinders is authorized provided all valves are tightly closed.

(C) Hazard Communication

(1) A non-bulk packaging other than a cylinder (including a receptacle transported without an outer packaging) must be marked with a common name or proper shipping name to identify the material it contains, including the letters "RQ" if it contains a reportable quantity of a hazardous substance.
(2) A bulk packaging containing a diluted mixture of a Class 9 material must be marked on two opposing sides with the four-digit identification number of the material. The identification number must be displayed on placards, orange panels or, alternatively, a white square-on-point configuration having the same outside dimensions as a placard (at least 273 mm (10.8 inches) on a side), in the manner specified in 172.332 (b) and (c) of this subchapter.
(3) A DOT specification cylinder (except DOT specification 39) must be marked and labeled as prescribed in this subchapter. Each DOT-39 cylinder must display the markings specified in 178.65(i).
(4) The operator of a motor vehicle that contains a materials of trade must be informed of the presence of the hazardous material (including whether the package contains a reportable quantity) and must be informed of the requirements of this section.

(D) Aggregate Gross Weight

Except for a materials of trade authorized by paragraph (a)(1)(iii) of this section, the aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg (440 pounds).

(E) Other Exceptions

A materials of trade may be transported on a motor vehicle under the provisions of this section with other hazardous materials without affecting its eligibility for exceptions provided by this section.

Hazardous Materials (HM) Safety Permits

The HM Safety Permitting Program requires carriers of certain hazardous materials to hold an HM Safety Permit issued by the Federal Motor Carrier Safety Administration. Federal hazardous material transportation law, 49 U.S.C. 5101 et seq., was enacted "to provide adequate protection against the risks to life and property inherent in the transportation of hazardous material in commerce ...".

What Hazardous Materials Require An HM Safety Permit?
The following hazardous materials carried in these quantity amounts will require an HM Safety Permit:
1. Radioactive Materials: A highway route-controlled quantity of Class 7 material, as defined in 173.403 of 49 CFR.
2. Explosives: More than 25kg (55 pounds) of a Division 1.1, 1.2 or 1.3 material, or an amount of a Division 1.5 material requiring a placard under Part 172 Subpart F of 49 CFR.
3. Toxic by Inhalation Materials:
   Hazard Zone A: More that one liter (1.08 quarts)

per package of a "material poisonous by inhalation," as defined in 171.8 of 49 CFR, that meets the criteria for "hazard zone A," as specified in 173.116(a) or 173.133(a) of 49 CFR.
Hazard Zone B: A "material poisonous by inhalation," as defined in 171.8 of this title, that meets the criteria for "hazard zone B," as specified in 173.116(a) or 173.133(a) of 49 CFR in a bulk packaging (capacity greater than 450 L [119 gallons]).
Hazard Zone C & D: A "material poisonous by inhalation," as defined in 171.8 of this title, that meets the criteria for "hazard zone C," or "hazard zone D," as specified in 173.116(a) of this title, in a packaging having a capacity equal to or greater than 13,248 L (3,500 gallons).

4. Methane: A shipment of compressed or refrigerated liquefied methane or liquefied natural gas or other liquefied gas with a methane content of at least 85% in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases.

Do The Permitting Requirements Apply To Materials That Have Subsidiary Hazards That Fall In The Materials List, Even If Their Primary Hazard Does Not? Example: A Flammable Liquid, Class 3, Has A Subsidiary Poison Inhalation Hazard.
Materials poisonous by inhalation that meet the definitions in 171.8, 173.116(a) and 173.133(a) will require a permit regardless of other hazards the materials may exhibit. Materials will generally not have a subsidiary radioactive or explosive hazard as these hazards would be considered the primary hazard. Liquefied gases must have at least 85% methane content to require a permit, or meet the definitions of materials toxic by inhalation, explosive or radioactive.

Are Shipments Of LPG Covered Under The HM Safety Permit Program?
No. Only shipments of flammable gas containing at least 85% methane content are covered by the HM Safety Permit program.

Is Anhydrous Ammonia Covered Under The HM Safety Permit Program?
Yes. Even though anhydrous ammonia is regulated domestically as a non-flammable gas, anhydrous ammonia still meets the definition of a toxic by inhalation material Hazard Zone D and is covered when transported in a packaging having a capacity greater than 13,248 L (3,500 gallons).
When Do I Need To Have My HM Safety Permit?
Motor carriers will be required to apply for the HM Safety Permit, or a Temporary HM Safety Permit, the next time they renew their biennial update (filing the MCS-150). For a motor carrier, such as an intrastate carrier, that has not filed a MCS-150 form, they must hold the HM Safety Permit or a Temporary HM Safety Permit in order to transport the permitted hazardous materials (HM).

How do I Apply for An HM Safety Permit?
When a motor carrier is required to submit their MCS-150 form, the motor carrier simply completes the MCS-150B form in the place of the MCS-150. This starts the permit application process. If a motor carrier has not previously submitted a MCS-150 form to FMCSA, then they would simply fill out the MCS-150B to start the application process.

Where Can I Obtain The MCS-150B Form?
Hard copies of the MCS-150B are available through each FMCSA District Office.
On-line applications can be completed by visiting the following link: http://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option.

What Are Carriers Required To Do To Obtain And Keep An HM Safety Permit?
Carriers will be required to:

1. Maintain a "satisfactory" safety rating in order to obtain and hold a safety permit.
2. Maintain their crash rating, and their driver, vehicle, hazardous materials or out-of service rating so they are not in the worse 30 percent of the national average as indicated in FMCSA's Motor Carrier Management Information System (MCMIS).
3. Have a satisfactory security program (and associated training) according to 49 CFR 173.800 in place.

4. Maintain registration with PHMSA (800) 942-6990 or (617) 494-2545.
5. Develop a system of communication that will enable the vehicle operator to contact the motor carrier during the course of transportation and maintain records of these communications.
6. Have written route plan required for radioactive materials set forth in 49 CFR 397.101 and for explosives in Section 397.19 (currently required).
7. Perform a pre-trip inspection (North American Standard (NAS) Level VI Inspection Program for Radioactive Shipments) for shipments containing highway route controlled Class 7 (radioactive) materials.

Required To Register?

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Pursuant to Title 49 CFR Part 107, Subpart G (107.601 - 107.620), certain offerors and transporters of hazardous materials, including hazardous waste, are required to file an annual registration statement with the U.S. Department of Transportation and to pay a fee. The fee provides funds for grants distributed to States and Indian tribes for hazardous materials emergency response planning and training. This program began in 1992 and is administered by the Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration (PHMSA).

The Instruction Brochure and Registration Form can be printed from the following link: http://www.hazmat.dot.gov/. This brochure contains extensive information about the registration requirements. You can call (617) 494-2545 or (800) 942-6990 to request additional copies of the brochure and form or to inquire about the status of registrations already submitted and certificates of registration. For questions concerning the program or its requirements, e-mail via the webpage or call (202) 366-4109.

Where can I get more information about Hazardous Materials?

There are many ways to get additional information about safe transportation of hazardous materials. The regulations and interpretations can be found on the Internet at www.hazmat.dot.gov or www.phmsa.dot.gov/hazmat. In addition, the Federal Motor Carrier Safety Administration has developed an informational booklet titled "How to Comply with the Federal Hazardous Materials Regulations" as well as a Spanish/English bi-lingual package which contains general awareness training for hazardous materials. These documents and more information can be found on the FMCSA web site at www.fmcsa.dot.gov/safetyprogs/hm.htm. The department also offers a hazardous materials information hotline at 1-800-HMR-4922. Registration and other hazardous materials questions may also be directed to Pipeline and Hazardous Materials Safety Administration (PHMSA) at (800) 467-4922 or (847) 294-8580 or at the above web site.

Hazardous Waste/Waste Tire

Transporters of Hazardous Waste (includes waste oil, combustible liquids, corrosives, poisons/toxins, flammable liquids, flammable solids, PCB's and infectious waste) are required to have a Hazardous Waste Transporter License Certificate. Transporters of Waste Tires (tires that are no longer suitable for its original intended purpose because of wear, damage, or defect with some exceptions) are required to have a Waste Tire Hauler Permit. The license/permit issued is valid for one year. This registration program allows the state to insure that the environment is protected and that the waste is being properly disposed. Register online @ www.modot.org/mcs or call (866) 831-6277.

Pipeline and Hazardous Materials Administration (PHMSA)
Central Region
2300 East Devon Avenue, Suite 478
Des Plaines, IL 60018
Phone: (847) 294-8580 Fax: (847) 294-8590

Farm Motor Carriers

Motor Carriers of Agricultural Products

Overview

Farmers and producers are mainly concerned with the operation of the farm. If your operation includes moving your commodities, products or supplies by commercial vehicle, you are a motor carrier in addition to being a farmer and may be subject to federal safety regulations. In order to determine the applicability of the safety regulations, we need to consider the following definitions:

Definitions

Interstate commerce is trade, traffic or transportation in the United States between states, or originating in one state and destined in another state, or between two points in a state through another state, or between two places in a state with the origin or destination outside the state.

Intrastate commerce means any trade, traffic or transportation in any state which does not meet the definition of interstate commerce.

Motor carrier is a for-hire motor carrier or a private motor carrier.

For-hire motor carrier means a person engaged in the transportation of goods for compensation.

Private motor carrier means a person who provides transportation of property by commercial motor vehicle and is not a for-hire motor carrier.

Commercial motor vehicle is a vehicle operated in interstate commerce with a Gross Vehicle Weight Rating, Gross Vehicle Weight, Gross Combination Weight Rating or Gross Combination Weight greater than 10,000 pounds, or, is any vehicle used to transport a type or quantity of hazardous materials required to be placarded. This definition is adopted into Missouri state statute and is applicable to vehicles operating in intrastate commerce.

Farmer means any person who operates a farm or is directly involved in the cultivation of land, crops or livestock which are owned or are under the direct control of that person.

Applicability of Federal Motor Carrier Safety Regulations to Farmers

The Revised Statutes of Missouri adopt the Federal Motor Carrier Safety Regulations. This means the FMCSRs apply to both interstate and intrastate commerce. Any vehicle meeting the definition of commercial motor vehicle is subject to the FMCSR. (See the definition on the left side of this page.)

However, as of October 1, 2012, some of the FMCSRs may not apply to **covered farm vehicles,** defined as:

- A motor vehicle owned and operated by a farm or ranch owner, family member or employee, and;
- used to transport agricultural commodities, livestock, or machinery and supplies to and from the farm or ranch, and;
- equipped with a special license plate or other designation issued by the state the vehicle is registered in clearly identifying the vehicle is a farm vehicle, and;
- Vehicles with a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or less are not subject to the requirements for commercial driver's license, drug testing, medical certification, hours of service, and vehicle inspection, repair and maintenance, or;
- Vehicles with a GVWR in excess of 26,001 pounds are not subject to the requirements for commercial driver's license, drug testing, medical certification, hours of service, and vehicle inspection, repair and maintenance when operated within the state or within 150 air-miles from the farm or ranch.

The above exceptions do not apply to a vehicle used in a for-hire operation or used to transport a type or quantity of hazardous materials that must bear a hazmat placard.

Also, a farm plated vehicle licensed for 42,000 pounds or less and operated solely in intrastate commerce is not subject to any part of the FMCSR. Vehicles must only transport the property of the farmer owner of a vehicle displaying an F-plate.

A vehicle with a GVWR OR GCWR of 26,000 or GCWR pounds or less (not identified as a farm vehicle) and operated solely in intrastate commerce is not subject to any part of the FMCSR unless:

- It transports any hazardous material, or;
- It is designed to transport more than 16 passengers including the driver.
- If either of the above apply, the vehicle is subject to the FMCSR when the GVWR or GCWR is over 10,000 pounds and not excepted as a covered farm vehicle.

In order to determine the applicability of the federal safety regulations to your commercial vehicle operations, you need to consider your scope of operation (interstate, intrastate, and distance traveled), the Gross Vehicle Weight Rating of the commercial vehicle and, in some cases, the licensed weight of the vehicle.

The following information will assist you to determine when the federal safety regulations apply:

Part 382 – Controlled Substance and Alcohol Testing

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate commerce* – the requirements for controlled substance testing are not applicable.
- *Intrastate commerce* – the requirements for controlled substance testing are not applicable.

Covered farm vehicle: GVWR exceeds 26,001 lbs:
- *Interstate commerce* – the requirements for controlled substance testing are applicable if the vehicle is operated beyond a 150 air-mile radius (172.6 land miles) of the farm or ranch.
- *Intrastate commerce* – the requirements for controlled substance testing are not applicable.

Farm-plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* – the requirements for controlled substance testing is applicable if the vehicle has a GVWR or GCWR in excess of 10,000 pounds, unless subject to any exception for covered farm vehicles.
- *Intrastate commerce* – the requirements for controlled substance testing may not be applicable based on the GVWR or GCWR of the vehicle and any exception for covered farm vehicles.

Vehicles with GVWR or GCWR of 26,000 pounds and less (not identified as a farm vehicle):
- *Interstate commerce* – the requirements for controlled substance testing are not applicable.
- *Intrastate commerce* – the requirements for controlled substance testing are not applicable.

Any vehicle for which a commercial driver's license is required also makes the driver subject to controlled substance and alcohol testing requirements.

Part 383 – Commercial Driver's License

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate commerce* – the requirements for CDL are not applicable
- *Intrastate commerce* – the requirements for CDL are not applicable

Covered farm vehicle: GVWR exceeds 26,001 pounds
- *Interstate commerce* – the requirements for CDL apply to farmers, family members and employees of the farm if the vehicle is operated beyond a 150 air-mile radius (172.6 land miles) of the farm or ranch.
- *Intrastate commerce* – the requirements for CDL are not applicable to farmers, family members and employees of the farm.

Farm plated vehicle; licensed at 42,000 pounds or less:
- *Interstate commerce* – the requirements for CDL apply if the GVWR or GCWR of the vehicle exceeds 26,000 pounds unless subject to exceptions for covered farm vehicle or reciprocity agreements between Missouri and bordering states (does not include Kentucky).
- *Intrastate commerce* – the requirements for CDL do not apply to farmers, family members and employees of the farm.

Vehicles with GVWR or GCWR of 26,000 pounds or less (not identified as a farm vehicle):
- *Interstate and Intrastate commerce* – the requirements for CDL are not applicable.

Part 390 – General Applicability of the Safety Regulations

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate commerce* – vehicles with GVWR in excess of 10,000 pounds must be marked with USDOT number.
- *Intrastate commerce* – vehicles are not subject to USDOT number marking.

Covered farm vehicle; with GVWR over 26,001 lbs:
- *Interstate commerce* – vehicles must be marked with USDOT number.
- *Intrastate commerce* – USDOT number marking requirements are not applicable.

Farm plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* – USDOT number marking required for vehicles with GVWR or GCWR in excess of 10,000 pounds.
- *Intrastate commerce* – USDOT number marking is not applicable.

Vehicles with GVWR or GCWR 26,000 pounds or less (not identified as a farm vehicle):
- *Interstate commerce* – USDOT number marking required if GVWR or GCWR exceeds 10,000 lbs..
- *Intrastate commerce* – USDOT number marking is not required.

Part 391 – Driver Qualification

Covered farm vehicle; GVWR 26,001 pounds or less
- *Interstate and Intrastate commerce* – medical certification for drivers is not required.

Covered farm vehicle; GVWR over 26,001 pounds:
- *Interstate commerce* – drivers required to have a medical certificate if vehicle is operated beyond a 150 air-mile radius (172.6 land miles) of the farm.
- *Intrastate commerce* – drivers are not required to have a medical certificate.

Farm plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* – drivers are required medical certification if GVWR or GCWR exceeds 10,000 pounds unless subject to exception for covered farm vehicles.
- *Intrastate commerce* – medical certificate is not required.

Vehicles with GVWR or GCWR 26,000 pounds or less (not identified as a farm vehicle):
- *Interstate commerce* – drivers are required medical certification if GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – medical certification not required unless GVWR or GCWR exceeds 10,000 pounds and/or transporting hazardous materials of any kind or quantity.

Drivers operating solely in intrastate commerce are not required to be medically certified if the driver had a valid Missouri chauffeur's license on May 13, 1988.

Medical certification of drivers is a portion of Part 391, other sections of this specific part may be applicable (drivers operating vehicles with GVWR or GCWR over 10,000 pounds in interstate commerce required to be 21 years of age).

Part 392 – Driving Commercial Vehicles

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate commerce* – all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* - all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR exceeds 10,000 pounds, unless subject to another exception.

Covered farm vehicle; GVWR over 26,001 pounds:
- *Interstate and intrastate commerce* – all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc.

Farm plated vehicle licensed at 42,000 pounds or less:

- *Interstate commerce* - all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – requirements of Part 392 are not applicable.

Vehicle with GVWR or GCWR 26.000 pounds and less (not identified as a farm vehicle):

- *Interstate commerce* – all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* - all of Part 392 applies, such as: texting ban; cell phone restriction, radar detector ban; etc., if the vehicle GVWR or GCWR exceeds 10,000 pounds and transporting hazardous material of any type or quantity.

Part 393 – Equipment

Covered farm vehicle; GVWR 26,001 pounds or less:

- *Interstate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc. if the GVWR exceeds 10,000 pounds.
- *Intrastate commerce* - All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc. if the GVWR exceeds 10,000 pounds, unless subject to another exception.

Covered farm vehicle, GVWR over 26,001 pounds:

- *Interstate and intrastate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc.

Farm plated vehicle licensed at 42,000 pounds or less:

- *Interstate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc., if GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – requirements of Part 393 are not applicable.

Vehicle with GVWR or GCWR 26,000 pounds or less (not identified as a farm vehicle):

- *Interstate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc., if GVWR or GCWR exceeds 10,000 pounds.
- *Intrastate commerce* – All of Part 393 is applicable, such as: required lighting; brake systems; emergency equipment (fire extinguisher, reflective triangles); load securement; etc., if GVWR or GCWR exceeds 10,000 pounds and transporting hazardous material of any type or quantity.

Part 395 – Hours of Service

Covered farm vehicle; GVWR 26,001 pounds or less:

- *Interstate commerce* – drivers are not subject to the hours of service or log book requirements.
- *Intrastate commerce* – drivers are not subject to the hours of service or log book requirements.

Covered farm vehicle; GVWR over 26,001 pounds:

- *Interstate commerce* – drivers are subject to the hours of service and log book requirements if vehicle is operated beyond 150 air-mile radius (172.6 land miles) of the farm.
- *Intrastate commerce* – drivers are not subject to the hours of service or log book requirements.

Farm plated vehicle licensed at 42,000 pounds or less:

- *Interstate commerce* – drivers are subject to the hours of service and log book requirements if vehicle GVWR or GCWR exceeds 10,000 pounds, unless subject to covered farm vehicle exception.
- *Intrastate commerce* – drivers are not subject to the hours of service or log book requirements.

Vehicle with GVWR or GCWR of 26,000 pounds or less (not identified as a farm vehicle):

- *Interstate commerce* – drivers are subject to the hours of service and log book requirements if GVWR or GCWR exceeds 10,000 pounds.

- *Intrastate commerce* – drivers are subject to the hours of service and log book requirements if GVWR or GCWR exceeds 10,000 pounds and if transporting hazardous materials of any type or quantity, unless subject to another exception (see exceptions for agricultural operations).

Other exceptions found in Part 395, such as 100 air-mile radius driver, may be applicable.

Part 396 – Inspection, Repair and Maintenance

Covered farm vehicle; GVWR 26,001 pounds or less:
- *Interstate and intrastate commerce* – annual DOT inspection and daily vehicle inspection requirements are not applicable.

Covered farm vehicle with GVWR over 26,001 pounds:
- *Interstate commerce* – annual DOT inspection and daily vehicle inspection requirements are applicable if vehicle is operated beyond a 150 air-mile radius (172.6 land miles) from the farm.
- *Intrastate commerce* – annual DOT inspection and daily vehicle inspection requirements are not applicable.

Farm plated vehicle licensed at 42,000 pounds or less:
- *Interstate commerce* – annual DOT inspection and daily vehicle inspection requirements apply if the vehicle GVWR or GCWR exceeds 10,000 pounds, unless subject to another exception.
- *Intrastate commerce* – annual DOT inspection and daily vehicle inspection requirements are not applicable.

Vehicle with GVWR or GCWR 26,000 pounds or less (not identified as a farm vehicle):
- *Interstate commerce* – annual DOT inspection and daily vehicle inspection requirements apply if the vehicle GVWR or GCWR exceeds 10,000 pounds, unless another exception applies.
- *Intrastate commerce* – annual DOT inspection and daily vehicle inspection requirements apply if the vehicle GVWR or GCWR exceeds 10,000 pounds and transporting hazardous material of any type or quantity, unless subject to another exception.

Carriers that operate only one vehicle are not required to comply with daily vehicle inspection requirements.

Transportation of Agricultural Commodities and Farm Supplies

Effective October 1, 2012, the hours of service regulations are not applicable to drivers used by motor carriers during planting and harvesting seasons when:

- Transporting agricultural commodities from the source of the commodities within a 150 air-mile (172.6 land miles) radius of the source, or;
- Transporting farm supplies for agricultural purposes from a wholesale or retail distribution point of the supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile (172.6 land miles) radius of the distribution point, or;
- Transporting farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile (172.6 land miles) radius of the wholesale distribution point.

The above exception is limited to hours of service only. The exception does apply to for-hire carriers and the transportation of hazardous materials. Other safety regulations may apply.

Motor Carriers of Passengers

Historically, the predecessor agencies of the FMCSA only regulated "for-hire" transportation of passengers with a vehicle designed to transport more than 15 passengers, including the driver.

Private motor carriers of passengers (PMCPs) became subject to the FMCSRs on January 1, 1995. They are separated into two groups (business or nonbusiness) and are exempt from certain requirements of the FMCSRs.

For-Hire Carriers

Three factors must be present before a motor carriers of passengers is classified as a "for-hire" carrier:

1. The motor carrier provides interstate transportation of passengers for a commercial purpose;
2. The motor carrier is compensated, either directly or indirectly, for the transportation service provided; and
3. The transportation service is generally available to the public at large.

Examples of for-hire transportation of passengers include intercity bus service, charter bus service, canoe rental company bus service, and hotel bus service.

Business PMCPs

Business PMCPs provide private transportation of passengers in the furtherance of a commercial purpose.

Examples of business PMCPs include companies that use buses to transport their own employees and professional musicians who use buses for concert tours.

Non-Business PMCPs

Non-business PMCPs provide private transportation of passengers that is not in the furtherance of a commercial purpose.

Examples of non-business PMCPs include churches, private schools, scout groups, and other organizations that may purchase or lease buses for the private transportation of their respective groups.

North American Standard Out-Of-Service Criteria

Drivers who operate passenger vehicles are required to possess a valid medical certificate or will be declared out-of-service. (391.41(a))

What is a Business PMCP?

Business PMCPs provide private transportation of passengers in the furtherance of a commercial purpose. Examples include companies that use buses to transport their own employees and professional musicians who use buses for concert tours. Commercial businesses that provide passenger transportation to the general public are not business PMCPs.

Applicability of FMCSRs

The chart below summarizes the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to Business Private Motor Carriers of Passengers (PMCPs):

Exemptions

Business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Road test requirements of Part 391

Part	Regulatory Topic	Applicable
380	Special Training Requirements	Yes
	Entry Level Driver Training Requirements	
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability and Definitions	Yes
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver's Hours of Service	Yes
396	Inspection, Repair, and Maintenance	Yes

What is a Non-business PMCP?

Non-business PMCPs provide private transportation of passengers that is not in the furtherance of a commercial purpose. Examples of non-business PMCPs include churches, private schools, civic organizations, scout groups, and other charitable organizations that may purchase or lease buses for the transportation of their respective groups.

Applicability of FMCSRs

The chart below summarizes the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) to non-business Private Motor Carriers of Passengers (PMCPs):

Exemptions

Non-business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Subpart C of Part 391
- Subpart D of Part 391
- Subpart F of Part 391
- Most paper work and record-keeping requirements of Parts 390, 391, 395, and 396

Part	Regulatory Topic	Applicable
380	Special Training Requirements	
	Entry Level Driver Training Requirements	Yes
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability and Definitions	Yes
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver's Hours of Service	Partial
396	Inspection, Repair, and Maintenance	Partial

Applicability of the Minimum Financial Responsibility Regulations to Motor Carriers of Passengers

Applicability

Regulations covering minimum levels of financial responsibility (insurance) are found in 49 CFR Part 387, Subpart B. These regulations are only applicable to "for-hire" carriers transporting passengers in interstate commerce.

The chart below summarizes the applicability of the minimum levels of financial responsibility regulations to passenger carriers.

Exemptions

Minimum Financial Responsibility Regulations do not apply to:

- A motor vehicle transporting only school children and teachers to and from school
- A motor vehicle providing taxicab service, having a seating capacity of less than 7 passengers, and not operating on a regular route or between specified points
- A motor vehicle carrying less than 16 individuals in a single daily round trip to commute to and from work (van pool)

	"For-Hire" Passenger Carrier	Business PCMPs	Non-business PCMPs
Vehicle with a seating capacity of 16 or more	$5,000,000 insurance coverage required	Not Subject	Not Subject
Vehicle with a seating capacity of 15 or less	$1,500,000 insurance coverage required	Not Subject	Not Subject

Common Questions About the Applicability of the FMCSRs to Private Motor Carriers of Passengers (PMCPs)

Are PMCPs required to mark their vehicles as required by 49 CFR Section 390.21?

Yes. All PMCPs must register with the FMCSA as required by 49 CFR Part 385, and mark their vehicle with their name, city and state, and U.S. DOT number.

Are non-business PMCP drivers required to be medically examined?

No. Section 391.68 (a)(4) specifically states that much of Sections 391.41 and 391.45, which require a driver to be medically examined and to have a medical examiner's certificate on his/her person, do not apply to non-business PMCPs. However, non-business PMCP drivers are subject to the minimum physical qualification standards found in Section 391.41 (b) (1)-(13).

Non-business PMCPs should become familiar with the minimum physical qualification standards found in Section 391.41 and the driver waiver conditions of Section 391.49.

Non-business PMCP drivers may be placed out-of-service during terminal, en route, or destination inspections if they are required by Section 391.41 to have a waiver and do not possess one.

Are non-business PMCP drivers subject to the driver's hours of service regulations?

Yes. However, they are not required to prepare or maintain records of duty status. Non-business PMCP driver's hours of service will be evaluated by enforcement officers during terminal, en route, and destination inspections based on evidence available at the inspection location.

It is recognized that some individuals who volunteer to drive for non-business PMCPs may also drive for other motor carriers and in that capacity are required to maintain a record of duty status. All on-duty time performed for a non-business PMCP must be recorded on the records of duty-status submitted to that driver's regularly employing motor carrier.

Are non-business PMCPs required to have their vehicles inspected?

Yes. Section 396.17 requires that commercial motor vehicles be inspected at least once annually. The inspection must be completed by a qualified inspector and must include all components identified in Appendix G of the FMCSRs. Documentation of this inspection must be kept on the vehicle.

Applicability of FMCSRs (Parts 390-399) to School Bus Transportation

	School to Home or Home to School	Extracurricular School Activities
Public School Transporting Students	Not Subject	Not Subject
Private School Transporting Pre-primary, Primary, and Secondary Students	Not Subject	Subject as Non-business PMCPs
Private School Transporting Post-secondary Students	Subject as Non-business PMCPs	Subject as Non-business PMCPs
"For-Hire" Contractors Transporting Pre-primary, Primary, and Secondary Students	Not Subject	Subject as "For-Hire" Carriers
"For-Hire" Contractors Transporting Post-secondary Students	Subject as "For-Hire" Carriers	Subject as "For-Hire" Carriers

Applicability of Minimum Financial Responsibility Part 387 Regulations to School Bus Transportation

	School to Home or Home to School	Extracurricular School Trips Organized and Paid for by the School	Extracurricular School Trips Organized and Paid for by an Independent Group (e.g., Athletic Booster Club)
"For-Hire" Contractors Transporting Pre-primary, Primary, and Secondary Students and Accompanying Teachers	Not Subject	Not Subject	Bus seating capacity of 16 or more: $5,000,000 insurance coverage required Bus seating capacity of 15 or less: $1,500,000 insurance coverage required
"For-Hire" Contractors Transporting Post-secondary Students	Bus seating capacity of 16 or more: $5,000,000 insurance coverage required Bus seating capacity of 15 or less: $1,500,000 insurance coverage required	Bus seating capacity of 16 or more: $5,000,000 insurance coverage required Bus seating capacity of 15 or less: $1,500,000 insurance coverage required	Bus seating capacity of 16 or more: $5,000,000 insurance coverage required Bus seating capacity of 15 or less: $1,500,000 insurance coverage required

Applicability of the Federal Motor Carrier Safety Regulations to Commercial Operators of Small Passenger-Carrying Vehicles

What requirements are applicable to operators of small passenger-carrying commercial motor vehicles?

Interstate passenger carriers are subject to the Safety Regulations if the vehicle is:

- Designed or used to transport 9 or more passengers (including the driver);
- Designed or used to transport 16 or more passengers (including the driver) and is not used to transport passengers for compensation.
- Exceptions:
  390.3(f)(6) The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver) not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle except for the texting provisions of 391.15(3) and 392.80, and except that motor carriers operating such vehicles are required to comply with 390.15, 390.19 and 390.21(a) and (b)(2).

Note: Effective June 1, 2010, Commercial Motor Vehicles designed or used to transport 9-15 passengers (including the driver), for direct compensation are subject to the Safety Regulations, regardless of the distance traveled.

Passenger carriers with a designed seating capacity of 15 or less are exempt form Part 382 – Controlled Substances and Alcohol Use and Testing, and Part 383 - Commercial Driver's License Standards.

For Missouri intrastate commerce, a **commercial motor vehicle** is defined as a vehicle having a gross vehicle weight rating or gross combination weight rating in excess of 26,001 pounds, a vehicle having a gross vehicle weight rating or gross combination weight rating of 10,001 pounds and transporting any amount of hazardous materials, of any size and transporting placardable quantities of hazardous materials, or have a designed seating capacity of 9 or more passengers including the driver.

Motor carriers and drivers of commercial vehicles with a passenger capacity of 9 to 15 passengers are subject to the federal safety regulations. The extent these regulations apply depends on the type of operation the carrier is engaged in. The following are typical operational types:

- Interstate – Operation across state lines.
- Intrastate – Point to point operations within the state boundaries of Missouri.
- For hire for direct compensation – Passenger service is available to the public at large, such as for-hire limo operations, taxi operations, etc. The passenger pays a fee to ride in the vehicle.
- For hire not for direct compensation – Transportation service is provided to the public at large, but the transportation fee is included in the cost of a package deal. For example, a group sponsors a trip to a sporting event and the associated costs include tickets to the event, transportation to and from the event, and other amenities of the trip.
- Private motor carrier of passengers – business – This type of transportation service is not available to the public at large and an example would be a bus used by a band to travel to a performance.
- Private motor carrier of passengers – non-business – This type of transportation service is not available to the public at large. Examples include buses used to transport Scout groups, church members, private schools, etc.

The following information is included to assist carriers using these types of vehicles in the above operation types determine when the federal safety regulations apply and when they may not.

Controlled Substance and Alcohol Testing
Part 382 of Title 49, Code of Federal Regulations

The requirement for controlled substance and alcohol testing is directly related to the requirement for commercial driver's licensing. If the driver is not required to have a commercial driver's license to operate the vehicle, the driver is not subject to the controlled substance and alcohol testing requirements.

Commercial Driver's License
Part 383 of Title 49, Code of Federal Regulations

The requirement for a commercial driver's license is based on either the Gross Vehicle Weight Rating (GVWR) or Gross Combination Weight Rating (GCWR) of the vehicle, designed to transport a certain number of passengers or is used to transport hazardous materials. Unless the vehicle:

- Has a GVWR or GCWR in excess of 26,000 pounds; or
- Is designed to transport more than 16 passengers, including the driver; or
- Is of any size and used to transport a type or quantity of hazardous materials required to be placarded;

the driver would not be required to have a commercial driver's license. A Missouri resident may need a Class E license to operate this type of vehicle.

Financial Responsibility

Part 387 of Title 49, Code of Federal Regulations
7, Code of State Regulations 265-10.030

The federal regulations regarding insurance apply to for-hire carriers operating in interstate commerce. Any vehicle in that type of operation with a capacity of 15 passengers or fewer requires $1.5 million coverage.

For private motor carriers of passengers (either business or non-business operations), state insurance coverage applies:

- Insurance requirements for vehicles designed to carry 12 passengers and less is $100,000 personal injury, $300,000 bodily injury, and $50,000 property damage.
- Insurance requirements for vehicles designed to carry 13 passengers and more is $100,000 personal injury, $500,000 bodily injury and $50,000 property damage.

General Applicability
Part 390 of Title 49, Code of Federal Regulations

The regulations in this part deal with obtaining and marking a USDOT number on the vehicle, motor carrier records, and the extent of the applicability of the federal safety regulations.
There are some general exceptions from the federal safety regulations for:

- School bus operations transporting pre-primary, primary and secondary school students from home to school and from school to home in vehicles designed or used to transport more than 10 passengers in addition to the driver.
- Transportation performed by the Federal government, State government or political subdivision of the State.
- The operation of commercial vehicles designed or used to transport between 9 and 15 passengers, not for direct compensation, except the motor carrier and driver must comply with assisting in investigations and special studies (maintain a register of vehicular crashes), obtaining and marking a USDOT number on the vehicle, drivers subject to disqualification for convictions of using a hand-held cell phone during vehicle operation, the prohibition against texting and the hand-held cell phone restriction.

Motor Carriers that are directly compensated:

- *Interstate commerce* – Interstate carriers are subject to this entire Part. Marking of the carrier's motor vehicles requires vehicles to be marked on both sides with the carrier's legal or single trade name and, in association with that name, their USDOT number.
- *Intrastate commerce* – Intrastate carriers are subject to this whole Part but have different marking requirements. The carrier must mark their vehicle with the name of the owner and location from where the vehicle is operated on at least one side of the vehicle. For hire operations require authority and will be assigned a USDOT number. For hire vehicles with a total seating capacity of 13

or less have an exception from marking requirements. These vehicles are only required to mark their vehicle with their USDOT number and can display it on the rear of the vehicle instead of the vehicle side.

Part 391 – Driver Qualification

The regulations in this Part deal with determining the qualification of drivers and the documents necessary to prove a driver meets minimum qualifications.

Carriers not directly compensated are only subject to minimal regulation as follows:

Interstate commerce – Disqualification for drivers convicted of texting while driving a commercial motor vehicle. Drivers of vehicles that have a gross vehicle weight rating of 10,001 pounds or more are subject to all of this Part.
Intrastate commerce – Only subject to the regulation within this Part when the vehicle being operated has a gross vehicle weight rating of 26,001 pounds or more.

Carriers that are directly compensated are generally regulated by this Part but with some exceptions. Those exceptions are as follows:

Interstate commerce
- Private Motor Carriers of Passengers (Business) are not subject to employment application, previous employer, and road test requirements.
- Private Motor Carrier of Passengers (Non-Business) are not subject to most of this Part. However, they must be at least 18 years of age and meet physical standards even though no medical certification is required.

Intrastate commerce
- For hire Carriers of Passengers must be at least 18 years of age and are not required to be medically certified if the driver had a chauffeur's license prior to May 13, 1988.
- Private Motor Carriers of Passengers (Business) must be at least 18 years of age, are not required to be medically certified if the driver had a chauffeur's license prior to May 13, 1988 and are not subject to employment application, previous employer, road test requirements.
- Private Motor Carriers of Passengers (Non-Business) are not subject to most of this Part. However, they must be at least 18 years of age and, unless the driver qualifies for exception from medical requirements by having a chauffeur's license before May 13, 1988, meet physical standards even though no medical certification is required.

Part 392 – Driving Commercial Vehicles

The regulations in this Part apply to both interstate and intrastate carriers equally.

Carriers not directly compensated are excepted from this Part except must comply with the texting ban and cell phone restriction. Should the vehicle in question meet the definition of a commercial motor vehicle by gross vehicle weight rating or placardable quantities of hazardous materials, this whole Part would apply.

Carriers that are directly compensated are subject to this entire Part.

Part 393 – Equipment

The regulations in this Part apply to both interstate and intrastate carriers equally.

Carriers not directly compensated - are excepted from this Part except must comply with Missouri state equipment requirements. Should the vehicle in question meet the definition of a commercial motor vehicle by gross vehicle weight rating or placardable quantities of hazardous materials, this whole Part would apply.

Carriers that are directly compensated are subject to this entire Part.

Part 395 – Hours of Service

The regulations in this Part apply to both interstate and intrastate carriers equally.

Carriers not directly compensated are excepted from this Part. Should the vehicle in question meet the definition of a commercial motor vehicle by gross vehicle weight rating or placardable quantities of hazardous materials, this whole Part would apply.

Carriers that are directly compensated are subject to this Part except that Private Motor Carriers of Passengers (Non-Business) are not required to maintain hours of service records.

Part 396 – Inspection, Repair, and Maintenance

The regulations in this Part apply to both interstate and intrastate carriers equally.

Carriers not directly compensated are excepted from this Part. However, Missouri state inspection requirements are applicable. Should the vehicle in question meet the definition of a commercial motor vehicle by gross vehicle weight rating or placardable quantities of hazardous materials, this whole Part would apply.

Carriers that are directly compensated are subject to this Part except that Private Motor Carriers of Passengers (Non-Business) are not subject to the driver vehicle inspection report requirements and are not required to maintain maintenance records.

Motor Carriers of Household Goods

What requirements are applicable to operators of household goods?

In Interstate Commerce

Under the federal regulation §375.103, the definition of household goods means "… the personal effects or property used, or to be used, in a dwelling, when part of the equipment or supplies of the dwelling. Transportation of the household goods must be arranged and paid for by the individual shipper or by another individual on behalf of the shipper. Household goods includes property moving from a factory or store if purchased with the intent to use in a dwelling and transported at the request of the householder, who also pays the transportation charges."

Motor common carriers of household goods must apply for authority to operate in interstate commerce, show that the applicant is fit, willing and able to provide the transportation and to comply with all of the regulatory provisions and that the transportation service will be consistent with the public interest and the national transportation policy.

In addition, the household goods carrier must:

- Maintain a tariff
- Furnish copies of tariff publications
- Subject to hazardous materials requirements when hazardous materials are transported and other safety requirements as indicated in the code of federal regulations
- May provide service options of space reservation, expedited service, exclusive use of a vehicle, guaranteed service for agreed dates and liability insurance
- Must provide a non-binding written estimate based on a physical survey (if goods are beyond a 50 mile radius or survey is waived) of the household goods to be transported
- May provide a binding estimate upon request if provided in the tariff
- Prepare an order of service
- Prepare an inventory for each shipment
- Issue a bill of lading
- Weigh each shipment on a non-binding estimate
- Dispose of claims
- Liable for loss and damage when accepting goods
- Provide information to prospective customers
- Maintain proof of insurance

In Intrastate Commerce

Under state regulation, the definition of household goods is very similar to the federal definition. Under Missouri law, household goods means "…personal effects and property used or to be used in a dwelling when part of the equipment or supplies of such dwelling and similar property, if the transportation of such effects or property, is either arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling, or arranged and paid for by another party. The term "household goods" shall not include personal property which when tendered to a motor carrier is crated or otherwise packaged to make it suitable for transportation by motor carriers of general commodities, freight or property".

Motor carriers wanting to transport household goods wholly within the state must apply for the authority and show that the applicant is fit, willing and able to provide the service. In addition, other requirements must be complied with that are similar to interstate requirements. These requirements include but are not limited to:

- Maintaining a tarrif.
- Compliance with hazardous materials requirements when hazardous materials are transported and other safety requirements as indicated in the code of state regulations.
- May provide service options of space reservation, expedited service, exclusive use of a vehicle, guaranteed service for agreed dates and liability insurance.
- May provide a binding estimate upon request if provided in the tariff.

- Issue a bill of lading.
- Weigh each shipment for movements where the rates and charges are not on an hourly basis.
- Dispose of claims.
- Liable for loss and damage when accepting goods.
- Provide information to prospective customers.
- Maintain proof of insurance.
- Must include specific state information when advertising service as a household goods mover.
- Filing an annual financial statement.
- Pay an annual intrastate per vehicle license fee (not required if interstate authority is also held by the carrier).

References to the various state statute and regulations can be found on the web at www.modot.org/mcs.

Leasing

A. Leasing Equipment With or Without a Driver to an Authorized Carrier

1. When a person who is not authorized by this division, leases equipment with or without a driver to an authorized carrier or if an authorized carrier leases equipment to another authorized carrier, the lease must be reduced to writing with at least two executed copies. One copy must be retained by the lessee (the person to whom property is leased) and the other must accompany the driver of the leased vehicle.

When the vehicle is leased (except if subleased as explained below), the lessee is considered the operator of the vehicle. The lease should state that the leased equipment is to be operated solely by the lessee during the term of the lease and that the lessee maintains control over the operation of the equipment including licensing, markings, insurance, drivers' qualifications, drivers' hours of service and all related items, to the same extent as if the lessee was the actual owner of the vehicle.

The lessee must accept responsibility to the public for any injury caused in the operation of leased equipment during the term of the lease, display appropriate vehicle markings and shall maintain and operate the leased equipment in accordance with all state requirements. Upon termination of the lease, lessee markings and copies of all leases must be removed from all vehicles.

B. Leasing Equipment to Shippers, Receivers, Passenger, Chartering Groups or Other Person Not Authorized by the Division.

1. If a person who is not authorized by this division to engage in intrastate transportation, leases equipment and driver to a shipper, receiver, passenger or chartering group, the intrastate transportation is presumed to be private carriage if:
   a) The lessee accepts full control and responsibility over the operation of the equipment and drivers;
   b) The lease includes all required items as listed in A above; and
   c) The period for which the lease applies must be (30) consecutive days or more.

   The resulting operation will not be presumed to be private if the lease does not meet these requirements.

2. An authorized motor carrier shall not lease vehicles with or without a driver to shippers or receivers of property nor to passengers or chartering groups.

C. Subleasing Equipment With or Without a Driver to Another Authorized Carrier

An authorized motor carrier shall not sublease a leased vehicle with or without a driver unless the lease expressly authorizes the lessee motor carrier to sublease the vehicle to another authorized motor carrier. When a vehicle is subleased, the new lessee is exclusively responsible for the complete operations of the vehicle and it cannot be further subleased.

D. Leasing of Authority

A motor carrier cannot lease an operating authority, unless approved by the division.

For more detailed information concerning leasing, refer to 7 CSR 265-10.040.

International Registration Plan

International Fuel Tax Agreement

Hazardous Waste/Waste Tire Transporter

Intrastate Regulatory Authority

Oversize Overweight

Safety and Compliance

Unified Carrier Registration (UCR)

IFTA/IRP Recordkeeping/ Retention Requirements

Motor Carrier Services strives to improve the safety and traffic flow on Missouri's transportation system by working closely with the public and our stakeholders.

Motor Carrier Services

MoDOT Motor Carrier Services provides a service for the commercial motor vehicle industry so carriers can receive what they need in one physical location or in their place of business via web applications. The motor carrier's business is to deliver goods as quickly, safely, efficiently and cost-effectively as possible – MCS works with the carriers to do just that. MCS provides information, credentials, permits and education on safety and economic regulations for businesses and individuals operating commercial vehicles on the public highways in and through Missouri. MCS is headquartered in Jefferson City. There are safety and compliance offices located within MoDOT's districts across the state. MCS partners with state, national and international entities to meet public and carrier needs.

Specific responsibilities of MCS are as follows:

International Registration Plan (IRP)

The IRP is a registration reciprocity agreement among 48 contiguous states of the United States, District of Columbia, and 10 provinces of Canada. The program for apportioned registration is based upon the percentage of miles traveled in two or more jurisdictions. The unique feature of the Plan is that, license fees are paid to the base jurisdiction and a single license plate and cab card is issued for each apportionable vehicle registered. The license fees are distributed on a pro-rata basis by the base jurisdiction to other jurisdictions in which the vehicle operates. An apportionable vehicle is can be operated both interstate and intrastate.See Intrastate Regulatory Authority in the next column if using an apportioned vehicle for intrastate work.

International Fuel Tax Agreement (IFTA)

The IFTA is an agreement among 48 contiguous states of the United States and 10 Canadian provinces to promote and encourage the most efficient use of the highway system by making the administration of motor fuels taxation for motor vehicles operating in multiple member jurisdictions uniform. Under the agreement, one license is issued per licensee and one set of door decals for each registered vehicle. Licensees are required to file quarterly tax returns with the base jurisdiction, showing all miles traveled, fuel purchased, fuel consumed and tax liability or credit for each member jurisdiction.

Hazardous Waste/Waste Tire Transporter

MCS provides for the licensing and registration of hazardous waste and/or waste tires transporters operating in or through Missouri. MCS collects and deposits fees into the Missouri Department of Natural Resources fund and coordinates licensing with DNR.

Intrastate Regulatory Authority

For-hire motor carriers transporting property or passengers in intrastate commerce (wholly within the state) are required to apply for authority to operate in Missouri. MCS issues USDOT numbers, certificates, permits and/or property carrier registration. This process allows for verification that motor carriers have required insurance.

Housemover Licenses

For-hire motor carriers moving houses are required to apply for a housemover license to move houses within or through Missouri. MCS issues a one-year license upon verification of required insurance.

Oversize Overweight (OSOW) Permits

MCS issues permits for the transportation of vehicles, machinery, equipment, structures, buildings, or other units or components that exceed the legal limits for width, length, height and weight. Careful consideration is given to the legal and physical limitations applicable to all forms of transportation between point of fabrication and subsequent destinations.

Safety, structure, capacities and clearances, roadway widths, and traffic volumes will all be considered in route determination. Routing is chosen using the designated state highway system as shown on the

Missouri Vehicle Route Map and is designed to be as direct as possible.

Loads in excess of routine permit limits (16 feet wide, 16 feet high or 150 feet in overall length and/or over 160,000 lbs.) will be considered when air, rail, or water terminal points are not available. These applications can be obtained by request or online.

MCS ensures the these superloads and the routes they take are evaluated and that the loads meet fuel, licensing, safety and insurance requirements.

Apply for an OSOW permit online at *www.modot.org/mce*. Learn about OSOW issues at *www.modot.org/mcs/OSOW/index.htm*. MoDOT's OSOW toll free number is 1-800-877-8499.

Safety and Compliance

MCS Safety and Compliance section provides for the education and enforcement of Missouri state laws and federal safety and hazardous materials regulations for the transportation of freight and passengers. The section has an extensive outreach training program to benefit the industry, conducting more than one hundred sessions per year. These efforts promote motor carrier safety, including the agricultural community, industry productivity, and encourage safer transportation practices by ensuring operating requirements for commercial vehicle drivers, carriers, vehicles and equipment are met. Through the medical waiver program, Missouri provides an opportunity for drivers who cannot meet the minimum medical qualifications to have an alternate method to obtain a skill performance evaluation certificate (federal and state). The enforcement of hazardous materials regulations is designed to ensure safe and secure transportation, proper packaging, employee training, hazard communication and operational requirements are followed. Staff relies on the inspection of commercial vehicles at terminals and destinations, compliance reviews, new entrant safety audits to new applicants, hazardous material package inspections, and investigation of complaints to ensure compliance. The generation of a safety rating for the company, prosecution of penalty cases when serious violations are discovered, improved homeland safety and security, and crash reduction are the benefits of the program. The section also provides oversight for the settlement of state safety, hazardous materials and economic prosecution cases.

UCR

The Unified Carrier Registration (UCR) replaced the Single State Registration Program. Any motor carrier, motor private carrier, leasing company, broker or freight forwarder that operates in interstate or international commerce is subject to this new program. Registrants must annually file an application and pay UCR fees to its base state. Registrants may register and file with MCS at *www.modot.org/mce* or at the national UCR online system at *www.ucr.in.gov*. The UCR agreement procedures can be found at *www.naruc.org/NCSTS/*. For more UCR information, forms and question and answer documents visit our website, *www.modot.org/mcs*.

Unified Registration System

The Unified Registration System streamlines the FMCSA registration process. FMCSA plans to have full implementation of URS by October 23, 2015. Under the rules of URS, all entities currently regulated by FMCSA, including motor carriers, brokers, freight forwarders, intermodal equipment providers, hazardous materials safety permit applicants/holders and cargo tank manufacturing and repair facilities, will be identified by a single USDOT number.

The URS also includes new enforcement provisions for failing to file a biennial update to your USDOT registration and prohibition of operating with an inactive USDOT number. Effective November 1, 2013, FMCSA may inactivate the USDOT number of any carrier who has not met the biennial update requirement. Carriers found operating with an inactive USDOT number may be subject to citations and fines.

For additional information regarding URS, please visit the FMCSA website at *www.fmcsa.dot.gov/registration-licensing/urs-Faqs.aspx*.

Qualified Vehicles

In accordance with the International Fuel Tax Agreement (IFTA) Articles of Agreement Section R245 and the International Registration Plan (IRP) Section 204, licensees shall report all vehicle activity for qualified vehicles. A qualified motor vehicle is defined as follows:

1. Having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds.
2. Having 3 or more axles regardless of weight.
3. Being used in combination where the combined weight exceeds 26,000 pounds.
4. IFTA qualified motor vehicles do not include recreational vehicles.
5. IRP qualified vehicles do not include recreational vehicles, vehicles displaying restricted plates (i.e. farm vehicles), city pickup and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles.

Distance Accounting

Section P540 of the IFTA Procedures Manual and Section 400 of the IRP Audit Procedures Manual require every carrier to maintain detailed distance records, which show operations on an individual vehicle basis. Carriers may use Individual Vehicle Mileage Records (IVMR), also known as trip sheets or trip reports, for all qualified motor vehicles. All travel (loaded, empty, deadhead, and bobtail) must be reflected on an IVMR. IVMRs must be summarized monthly by vehicle and for the licensee's fleet. Monthly records must be recapped in quarterly summaries.

Section P500 of the IFTA Procedures Manual states that the licensee is required to preserve the records upon which the quarterly tax return or annual tax return is based for four years from the tax return due date or filing date, whichever is later. Section 1500 of the IRP indicates any registrant whose application for apportioned registration has been accepted shall preserve the records on which it is based for a period of three years after the close of the registration year. Upon request, records must be made available to any member jurisdiction. In the event the carrier fails to retain and preserve such records, assessments and penalties shall be imposed. Failure to comply could result in suspension or revocation of the licensee's operating credentials.

Mileage should be determined using consistent internal controls and cutoff dates and recorded on standardized trip reports. At a minimum, the following information should be maintained:

1. Trip dates (beginning and ending);
2. Trip origin and destination;
3. Route of travel;
4. Beginning and ending odometer readings;
5. Total trip distance traveled;
6. Miles by jurisdiction;
7. Vehicle identification and fleet number; and
8. Licensee's name.

If a licensee fails to maintain records from which their true liability can be determined, Section R1210.300 of the IFTA Articles of Agreement states the base jurisdiction shall, after adding the appropriate penalties and interest, serve an assessment upon the licensee in the same manner as an audit assessment.

Fuel Accounting

Under Section P550 of the IFTA Procedures Manual, every carrier must maintain complete records of all motor fuel purchased, received, and used. Separate totals must be compiled for each motor fuel type. Retail fuel and bulk fuel purchases are to be accounted for separately.

Any receipts or vendor invoices containing erasures or alterations will not be accepted for tax-paid credits unless the licensee can demonstrate the receipt is valid. Under Section A550 of the IFTA Audit Manual, when tax paid fuel documentation is unavailable, all claims for tax paid fuel will be disallowed.

Retail Fuel

As stated in Section P560 of the IFTA Procedures Manual, retail purchases must be supported by a receipt or invoice, credit card receipt, automated vendor

generated invoice or transaction listing, or microfilm/microfiche of the receipt or invoice. At a minimum this documentation must include:

1. Date of purchase;
2. Seller's name and address;
3. Numbers of gallons (liters) purchased;
4. Fuel type;
5. Price per gallon or amount of sale;
6. Unit numbers; and
7. Purchasing company's name.

Recording fuel purchased on the IVMR is recommended to ensure accurate recording and reporting.

Bulk Fuel

The IFTA Procedures Manual Section P570 defines bulk fuel as fuel delivered into a storage tank owned, leased or controlled by the licensee and not delivered directly to the fuel tank of a qualified vehicle. The licensee must retain copies of all delivery tickets and/or receipts. Bulk fuel inventory reconciliations must be maintained.

A licensee may claim a tax-paid credit on the IFTA tax return for bulk fuel from the aforementioned tank when the fuel is placed into the fuel tank of a qualified motor vehicle and either the purchase price of the fuel includes tax paid to the member jurisdiction where the tank is located or the licensee has paid fuel tax to the member jurisdiction where the tank is located. The licensee must maintain the following records:

1. Date of withdrawal;
2. Number of gallons or liters;
3. Fuel type;
4. Unit number; and
5. Purchase and inventory records to substantiate that tax was paid on all bulk purchases.

MoDOT Audit Contacts

Questions regarding IFTA or IRP recordkeeping, record retention or other issues may be addressed to any of the following personnel:

Name	Title	City	Phone
Dwayne Bechel	Senior Auditor	Sikeston	573-472-5227
Barbara Black	Intermediate Auditor	St. Joseph	816-387-2510
Kim Carriger	Senior Auditor	Chesterfield	314-453-1847
Rusty Halton	Senior Auditor	Park Hills	573-518-1782
Robert Mason	Senior Auditor	Jefferson City	573-522-9578
Amy Rugen	Senior Auditor	Cole Camp	660-668-3499
Bob Schwab	Senior Auditor	Chesterfield	314-453-1849
Stephanie Teasley	Senior Auditor	Springfield	417-895-6305
Debbie Hill	Audit Manager	Jefferson City	573-526-3441

Other IFTA or IRP questions can be addressed by calling MoDOT Motor Carrier Services toll-free at 1-866-831-6277.

Individual Vehicle Mileage And Fuel Record

NOTE: The following form is not an official record. It is provided as an example of information required for IFTA and IRP compliance. IVMRs may vary due to specific business needs.

Carrier	ABC Carriers, Inc.	Account Number	999999999	Driver Name	John Doe, Jr.	Unit Number	58
Load Information	Origins:	1/2/04 Pickup Maplewood, MO 1/3/04 Pickup Springfield, IL	Destinations:	1/2/04 Delivery Springfield, IL 1/3/04 Delivery Dayton, OH		Driver Comments:	

Date	Town Origin-Jurisdiction Lines-Town Destination	State	Ending Odometer	Miles by Jurisdiction	Highways or Routes Traveled	Name of Fuel Stop and Location	Gallons Purchased
1/2/04	Beginning State & Odometer Reading	MO	45,869				
	Maplewood MO - IL Line	MO	45,878	9	64		
	MO Line - Springfield IL	IL	45,976	98	55-29	Ted's I-72 Fuel Springfield, IL	98
1/3/04	Springfield IL - IN Line	IL	46,101	125	29-97-72-57-74		
	IN Line - OH Line	IN	46,259	158	74-32-65-465-70		
	OH Line - Dayton OH	OH	46,297	38	70-49		
			Total Trip Miles **	428		Total Fuel Purchases	98

Odometer Miles, Total Trip Miles & Total Jurisdictional Miles Must Agree		→ OFFICE USE →	Total Jurisdictional Miles **			
			Jurisdiction	Miles	Jurisdiction	Miles
			MO			
Ending Odometer	46,297		IL			
Beginning Odometer	45,869		IN			
Total Odometer Miles **	428		OH			

Example

Note: Beginning odometer reading on this trip must match ending reading from prior trip and ending reading from this trip must be the beginning reading on the next trip.

Blank copies of the document are available on the Motor Carrier Services web site, www.modot.org/mcs, on the Forms and Manuals page.

Individual Vehicle Mileage And Fuel Record

Carrier	Account Number	Driver Name	Unit Number

Load Information	Origins:	Destinations:	Driver Comments

Date	Town Origin-Jurisdiction Lines-Town Destination	State	Ending Odometer	Miles by Jurisdictiion	Highways or Routes Traveled	Name of Fuel Stop and Location	Gallons Purchased
	Beginning State & Odometer Reading			**All other odometer reading will be ending readings.**			
	Total Trip Miles **					**Total Fuel Purchases**	

	Odometer Miles, Total Trip Miles & Total Jurisdictional Miles Must Agree	→	**Total Jurisdictional Miles ****		←
			Jurisdiction **Miles**	**Jurisdiction** **Miles**	
					OFFICE USE ONLY
	Ending Odometer	OFFICE USE			
	Beginning Odometer				
	Total Odometer Miles **	→			←

How to Obtain Manuals and Forms

How To Obtain Manuals And Forms

Motor Carrier Services Division does not stock or supply manuals and forms, such as the FMCSRs, "Accident Countermeasure" Manual, Medical Examiner's Certificate, Driver's Qualification File Forms, Driver's Daily Log Books, Hazardous Materials Placards, Hazardous Materials Labels, etc. They may be obtained from printing firms, state motor carrier associations, or other sources including, but not confined to, those listed below. Please note that the following suppliers may carry only certain items:

Jack Bilt Corporation
108 West 19th Street
Kansas City, MO 64108
(800) 522-5245
www.jack-bilt.net

LabelMaster
5724 North Pulaski Road
Chicago, IL 60646
(800) 621-5808
labelmaster.com

J.J. Keller & Associates, Inc.
3003 West Breezewood Lane
Neenah, WI 54956
(877) 564-2333
www.jjkeller.com

Missouri Trucking Association
102 East High Street
Jefferson City, MO 65101
(573) 634-3388
www.motrucking.org

Superintendent of Documents
U.S. Government Printing Office
732 N. Capitol Street N.W.
Washington, DC 20401
(202) 512-0000
www.gpoaccess.gov

Regulatory Publications

Federal Motor Carrier Safety Regulations
49 CFR Parts 200-399
www.fmcsa.dot.gov

Federal Hazardous Materials Regulations
49 CFR Parts 100-177
www.hazmat.dot.gov
www.phmsa.dot.gov

HM Container Regulations
49 CFR Parts 178-199
www.hazmat.dot.gov
www.phmsa.dot.gov

Motor Carrier Services' Office Directory

Missouri Department of Transportation
Motor Carrier Services Division
www.modot.mo.gov
www.modot.org/mcs

State Headquarters
Motor Carrier Services Division
P.O. Box 270
Jefferson City, MO 65102
Office: (573) 751-7117
Fax: (573) 522-4260
Toll Free: (866) 831-6277

Steff Copeland
Motor Carrier Investigations Administrator
E-mail: *steff.copeland@modot.mo.gov*

Mark Biesemeyer
Transportation Program Manager
E-mail: *mark.biesemeyer@modot.mo.gov*

Aaron Hubbard
Motor Carrier Project Manager
E-mail: *aaron.hubbard@modot.mo.gov*

Jeff Payne
Motor Carrier Investigations Specialist
Case Settlement
E-mail: *jeffrey.payne@modot.mo.gov*

Kathy Hatfield
Motor Carrier Investigations Specialist
Medical Exemption Program
E-mail: *kathy.hatfield@modot.mo.gov*

Pam Lueckenotto
Motor Carrier Investigations Specialist
Hazardous Materials
E-mail: *pamela.lueckenotto@modot.mo.gov*

Field Offices

Carthage Office
16619 Inca Road
Carthage, MO 64836
Office: (417) 629-3347
Fax: (573) 522-4282

Chesterfield Office
1590 Woodlake Drive
Chesterfield, MO 63017
Office: (314) 340-4013
Fax: (573) 522-4283

Jefferson City Office
830 MoDOT Drive
Jefferson City, MO 65109
Office: (573) 751-7117
Fax: (573) 522-4260

Lee's Summit
Physical Address
2050 NE Independence Ave.
Mailing Address
600 NE Colbern Road
Lee's Summit, MO 65086
Office: (816) 622-0041
Fax: (573) 522-4261

Kirksville Office
22777 Potter Trail
Kirksville, MO 63501
Office: (660)785-2410
Fax: (573)522-4262

Springfield Office
3025 E. Kearney
Springfield, MO 65803
Office: (417) 895-6365
Fax: (573) 522-4282

Sikeston Office
2675 N. Main St.
Sikeston, MO 63801
Office: (573) 472-9095
Fax: (573) 522-4293

Local and Bordering Federal Motor Carrier Safety Administration Field Offices

Arkansas
2527 Federal Building
700 West Capitol Ave.
Little Rock, AR 72201
(501) 324-5050

Illinois
3250 Executive Park Drive
Springfield, IL 62703-4514
(217) 492-4608

Iowa
105 6th Street
Ames, IA 50010-6337
(515) 233-7400

Kansas
1303 SW First American Place, Suite 200
Topeka, KS 66604-4040
(785) 271-1260

Kentucky
330 West Broadway, Room 124
Frankfort, KY 40601
(502) 223-6779

Missouri
3219 Emerald Lane, Suite 500
Jefferson City, MO 65109
(573) 636-3246

Nebraska
100 Centennial Mall North, Room 406
Lincoln, NE 68508
(402) 437-5986

Oklahoma
300 N. Meridian, Suite 106 South
Oklahoma City, OK 73107
(405) 605-6047

Tennessee
640 Grassmere Park, Suite 111
Nashville, TN 37211
(615) 781-5781

FMCSA Information Line 1-800-832-5660

The automated response asks the caller to choose one of the five numbers for further information as follows: (rotary callers may stay on the line)

- To apply for a USDOT # or operating authority, press 1.
- For a safety rating, a carrier profile or other safety data or to check the status of your application for a USDOT #, press 2 and stay on the line while your call is connected.
- For insurance filing information, press 3.
- To check the status of your application for operating authority or for other operating authority information, press 4.
- For household goods movement complaints and related issues, press 5.
- For all other questions or complaints, please contact the Federal Motor Carrier Safety Administration office nearest you, for the telephone number of that office, press 6.

FMCSA' s Household Goods Consumer Complaint Hotline
1-888-368-7238

OSHA's Whistle Blower Protection # For Employee Complaints
(301) 515-6796

PHMSA (Pipeline and Hazardous Materials Administration)
(800) 467-4922 or (847) 294-8580

U.S. DOT Number and MC Number are also available online: *http://www.fmcsa.dot.gov*

Missouri Department of Transportation
Motor Carrier Services

1-866-831-6277
www.modot.org/mcs

MC10.107