

Commercial Motor Vehicles Basics

Definition of a Commercial Motor Vehicle

A commercial motor vehicle is defined by USDOT as any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle...

- (1) 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, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Age and Driver's License

Each commercial motor vehicle driver must be at least 21 years of age and have a valid driver's license for the class of vehicle being operated. Drivers of vehicles with a manufacturer's weight rating greater than 11,794kg (26,000 pounds), or vehicles designed to transport 16 or more passengers, including the driver, must have a commercial driver's license (CDL). A CDL is also needed if the driver is operating a vehicle carrying hazardous materials in a quantity that requires a placard.

Alcohol and Drug Testing Requirements

It is illegal for drivers of commercial motor vehicles to be in possession of, or be under the influence of alcohol or controlled substances while on duty. Drivers required to have a CDL are subject to pre-employment controlled substances testing requirements, and post-accident, reasonable suspicion, return-to-duty / follow-up, and random controlled substances and alcohol testing requirements.

Financial Responsibility/ Insurance Coverage

For-hire motor carriers of property (non-hazardous) must have at least \$750,000 in public liability coverage. For-hire and private motor carriers of hazardous materials, substances and wastes must have between \$1,000,000 and \$5,000,000 in coverage depending on the type of material being transported, and the quantity.

For-hire motor carriers of passengers must have at least \$1,500,000 in coverage for any vehicle with a seating capacity of 15 passengers or less, and \$5,000,000 for vehicles with a seating capacity of 16 passengers or more.

Illness or Fatigue

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

Hours Allowed At The Wheel

Drivers must adhere to regulations determining the maximum hours of service and the minimum hours of rest. The first rule is the 11-hour rule. A driver is prohibited from operating the vehicle for more than 11 hours and is required to rest at least ten consecutive hours. The second rule is the 14-hour rule. The driver must not drive beyond the 14th hour on duty. Ten consecutive hours off duty must be taken before driving. There is a sleeper berth provision that does allow a driver to split the 10 hour rest period. CMV drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.

Finally, according to the 60 or 70-hour rule, the driver must not drive after 60 hours on duty in seven consecutive days if the motor carrier does not operate commercial motor vehicles every day of the week, or after 70 hours on duty in eight consecutive days if the motor carrier operates commercial motor vehicles every day of the week.

Inspections

All drivers and vehicles are subject to routine roadside inspections. Driver inspections will determine whether drivers are properly licensed and medically qualified to operate the commercial vehicle. Vehicle inspections will determine the condition of brakes, required on every axle, tires, wheels, rims, alignment, the body, the manner in which the load is secure and finally, verify that the truck is properly marked with the motor carrier's name, identification number, and the location of its principal place of business. Vehicles and drivers that do not meet inspection standards for certain critical items will be placed out-of-service until the violations are corrected. In certain cases, the driver and/or company will be penalized.

- All equipment and components must be in safe and proper operating condition at all times.
- Tires on the front wheels must have a tread depth of at least 3.175 mm (4/32 inch). Tires on other wheels must have a tread depth of at least 1.588 mm (2/32 inch).

- All trucks manufactured after July 24, 1980, are required to be equipped with steering axle brakes.
- Hydraulic braked trucks and buses manufactured on or after October 20, 1993, must be equipped with automatic brake adjusters. Air braked vehicles manufactured on or after October 20, 1994, must be equipped with automatic brake adjusters. If the air braked vehicle has external adjustment mechanisms, the vehicle must also be equipped with brake adjustment indicators.
- Trailers with a gross vehicle weight rating greater than 4,536 kg (10,000 pounds) and more than 2,032 mm wide (80 inches) must be equipped with red and white reflective tape if the trailer was manufactured on or after December 1, 1993.
- Truck-tractors manufactured on or after July 1, 1997, must have red and white reflective material on the rear of the vehicle.
- Antilock brake systems (ABS) are required on new heavy trucks and buses. ABS is required on truck tractors manufactured on or after March 1, 1997; air braked trucks, buses, trailers and converter dollies manufactured on or after March 1, 1998; and hydraulic braked trucks and buses manufactured on or after March 1, 1999.
- Rear underride protection is required on trucks and trailers. The ground clearance for the rear underride device cannot exceed 762 mm (30 inches). For trailers manufactured on or after January 26, 1998 the ground clearance cannot exceed 559 mm (22 inches). The rear underride device on trailers manufactured on or after January 26, 1998, must have a certification label indicating that the device meets U.S. requirements.
- All trucks must display markings on both doors, stating the name of the company, the city and country in which the company is based.

Common Misconceptions About DOT Compliance

We don't need a USDOT number on our trucks because:

- a. We don't operate trucks over 26,000# GVWR – This is false. A USDOT number is required for any commercial endeavor (company) that utilizes vehicles exceeding 10,000# GVWR, which is the DOT definition of a Commercial Motor Vehicle (CMV)
- b. We don't have any CDL licensed drivers – This is also false. The requirement for having a USDOT number has nothing to do with whether or not you have CDL licensed drivers. You may have only trucks with GVWRs between 10,000 and 26,001 and still be required to have a USDOT number.
- c. We only operate our trucks intrastate (within our domicile state) – This is most likely false. Most states require you to have either a federally issued USDOT number or one issued by the state before they will issue an intrastate private carrier operating permit.

Our drivers don't have to fill out daily driver logs because:

- d. They only operate within a 100 air-mile radius of our base of operations – This is true, with some exceptions. If they go outside of the 100 air-mile radius on any given day, they are required to fill out a log for that day. In either case, there are still limitations on the amount of time they may work and time-keeping requirements you will need to follow.

We don't need to maintain driver qualification files (DQF's) because:

- e. We don't have any CDL licensed drivers – This is false. The portion of the Federal Motor Carrier Safety Regulations (FMCSR) that covers the requirements for maintaining DQF's defines commercial motor vehicles as any vehicle with a GVWR of 10,001# or greater. Some of these vehicles may legally be operated by non-CDL licensed drivers. (49CFR Part 391.51)
- f. We don't operate trucks with GVWR's over 26,000# - Same answer as above. Threshold for DQF requirement is 10,001# GVWR – not 26,001# as many people believe.
- g. We only operate intrastate – This is most likely false. Most states use the Federal Motor Carrier Safety Regulations as the basis for their intrastate motor carrier safety regulations. Therefore, DQF's are most likely a requirement for an intrastate operation as well.
- h. We don't have a USDOT number – This is false. See statement number 1.

We don't have to be concerned about DOT drug and alcohol testing requirements if we don't have for-hire authority. – This is false. The requirements for drug and alcohol testing apply to ANY operation with trucks that have GVWR's exceeding 26,000#. This is not limited to only for-hire trucking operations.

Federal Motor Carrier Safety Regulations don't apply to us because we don't operate across state lines. – This is generally false. Again, most states base their safety regulations for intrastate operations on the FMCSR's. So, in essence, they most likely do apply to any operation with trucks exceeding 10,000# GVWR, regardless of the fact that they don't operate across state lines.

We don't have to be concerned about being pulled over for a roadside inspection because:

- i. We don't operate trucks over 26,000# GVWR. – This is false. Again, the majority of the FMCSR's apply to Commercial Motor Vehicles as defined in 49CFR Section 390, or vehicles used in commercial operations that have a GVWR of 10,001# or greater.
- j. We don't have a USDOT number – This is false. You can actually be ticketed and fined in a roadside inspection for “failure to display a valid USDOT number”.

We don't have to have to be concerned about having a written DOT drug & alcohol testing policy because:

- k. We are a private fleet, not a for-hire carrier. – This is false. If you have ANY trucks that exceed 26,000# GVWR, then you must have CDL licensed drivers. Therefore, you MUST have a DOT drug and alcohol testing policy in writing, and you MUST administer and document the proper training of drivers and supervisors.
- l. We don't have any trucks that exceed 26,000# GVWR – This is true. As long as all of your trucks are all under 26,001# GVWR, you will not be required to abide by the DOT drug & alcohol testing rules. This is true even if one or more of your drivers happen to have a CDL (even though it is not required to operate your trucks).

We are not subject to having a DOT audit conducted on our operation because:

- m. We don't operate trucks that exceed 26,000# GVWR. – This is false. Again, the FMCSR's apply to any operation with trucks that exceed 10,000# GVWR. The only requirements that would not apply in this case would be those requirements that cover CDL licensing and drug & alcohol testing.
- n. We don't have any CDL licensed drivers – This is false. A completely non-CDL driver operation is still subject to the FMCSR's and can be audited by the DOT.
- o. We don't have a USDOT number – This is false. See statement 1 above.
- p. We only operate intrastate, never crossing state lines. – This is generally false. Most states use the Federal Motor Carrier Safety Regulations as the basis for their intrastate motor carrier safety regulations. Therefore, DOT audits commonly occur, even with solely intrastate operations.

Our regular company drug & alcohol testing policy covers our drivers along with everyone else in our company. – This can be true or false. It is alright to cover drivers within your normal company drug & alcohol testing policy IF you have no trucks that exceed 26,000# GVWR, even if some of your drivers happen to have their CDL. However, it is false IF you have any trucks that exceed 26,000# GVWR and CDL licensed drivers to operate them. If this is your situation, you MUST have a separate, DOT specific drug & alcohol testing policy and program in place that meets all the requirements of 49CFR Parts 40 and 382.

The Hours of Service (HOS) regulations don't apply to our operation because:

- q. We don't have any CDL licensed drivers – This is false. The Hours of Service regulations have nothing to do with CDL or non-CDL drivers. All drivers of Commercial Motor Vehicles (those that exceed 10,000# GVWR) are subject to the HOS regulations.

- r. We don't operate trucks over 26,000# GVWR. – This is false for the same reason stated above.
- s. We don't have a USDOT number. – You probably should. See statement 1 above.
- t. We only operate intrastate, never crossing state lines. – This is most likely false. Most states use the Federal Motor Carrier Safety Regulations as the basis for their intrastate motor carrier safety regulations. Therefore, the Hours of Service limitations most likely apply to an intrastate operation as well.
- u. We only operate our trucks within a 100 air-mile radius of our base of operations. – This is false. The Hours of Service limitations apply regardless of the range of operations.

Our regular company timesheets are okay to use as a record of our drivers' hours on-duty. – This is potentially false, especially if you are sending drivers out to destinations further than 100 air-miles away from your base of operations. If you are not exceeding the 100 air-miles zone, you should use a separate, DOT oriented timesheet (often referred to as an exempt log) to record your driver's time on-duty each day. Your drivers should also sign this time sheet each week.

Our drivers aren't required to have a DOT physical exam certificate because:

- v. They don't operate equipment over 26,000# GVWR – This is false. The portion of the FMCSR's that covers requirements for drivers to undergo a bi-annual DOT medical exam is the portion that defines Commercial Motor Vehicles as those that exceed 10,000# GVWR.
- w. They don't have CDL licenses. – This is also false. The requirements are not based on the possession of a CDL, but on the size of equipment operated.

We are not required to request information from previous employers on new drivers because:

- x. They are not CDL licensed drivers. – This is false. Again, the requirements for this are not based on the possession of a CDL, but on the size of equipment operated.
- y. We only operate intrastate, never crossing state lines. – This is generally false. Because most states use the Federal Motor Carrier Safety Regulations as the basis for their intrastate motor carrier safety regulations, documentation of these requests is most likely a requirement for an intrastate operation as well.
- z. We don't have a USDOT number. – Again, you probably should have one. See statement 1 above
- aa. We don't operate trucks over 26,000# GVWR. – This is false for the same reason as "a." immediately above.

We don't need to be concerned about maintaining a DOT recordable accident register because:

- bb. We don't operate trucks over 26,000# GVWR – This is false. The portion of the Federal Motor Carrier Safety Regulations (FMCSR) that covers the requirements for maintaining a DOT recordable accident register defines commercial motor vehicles as any vehicle with a GVWR of 10,001# or greater. Therefore, if you operate any trucks with a GVWR exceeding 10,000#, you are required to maintain an accident register with specific information as prescribed by the FMCSR's.
- cc. We only operate intrastate, never crossing state lines. – This is most likely false. Because most states use the Federal Motor Carrier Safety Regulations as the basis for their intrastate motor carrier safety regulations, maintaining an accident register is most likely a requirement for an intrastate operation as well.
- dd. We are a private fleet, not a for-hire carrier. – This is false. Private carriers are required to follow the same regulations as for-hire carriers.

We don't need to have annual DOT vehicle inspections done on our trucks or trailers because none of them exceed 26,000# GVWR. – This is false. The portion of the FMCSR's that covers the regulations for annual DOT vehicle inspections defines a Commercial Motor Vehicle as any vehicle that exceeds 10,000# GVWR.

We don't have to display IFTA stickers on our trucks because:

- ee. We don't have trucks that exceed 26,000# GVWR. – This is true. Only trucks that exceed 26,000# GVWR are required to have IFTA stickers.
- ff. We only operate intrastate, never crossing state lines. – This is true. As long as you operate only within the boundaries of your domicile state and purchase all fuel within the same state, you are not required to have an IFTA account.

HazMat regulations don't apply to us because we don't haul full truckload quantities of hazardous materials. – This is false. Anytime a commercial motor vehicle is used to transport hazardous materials in excess of 1,000 lbs. (or less, in some cases), it then becomes subject to the HazMat regulations.