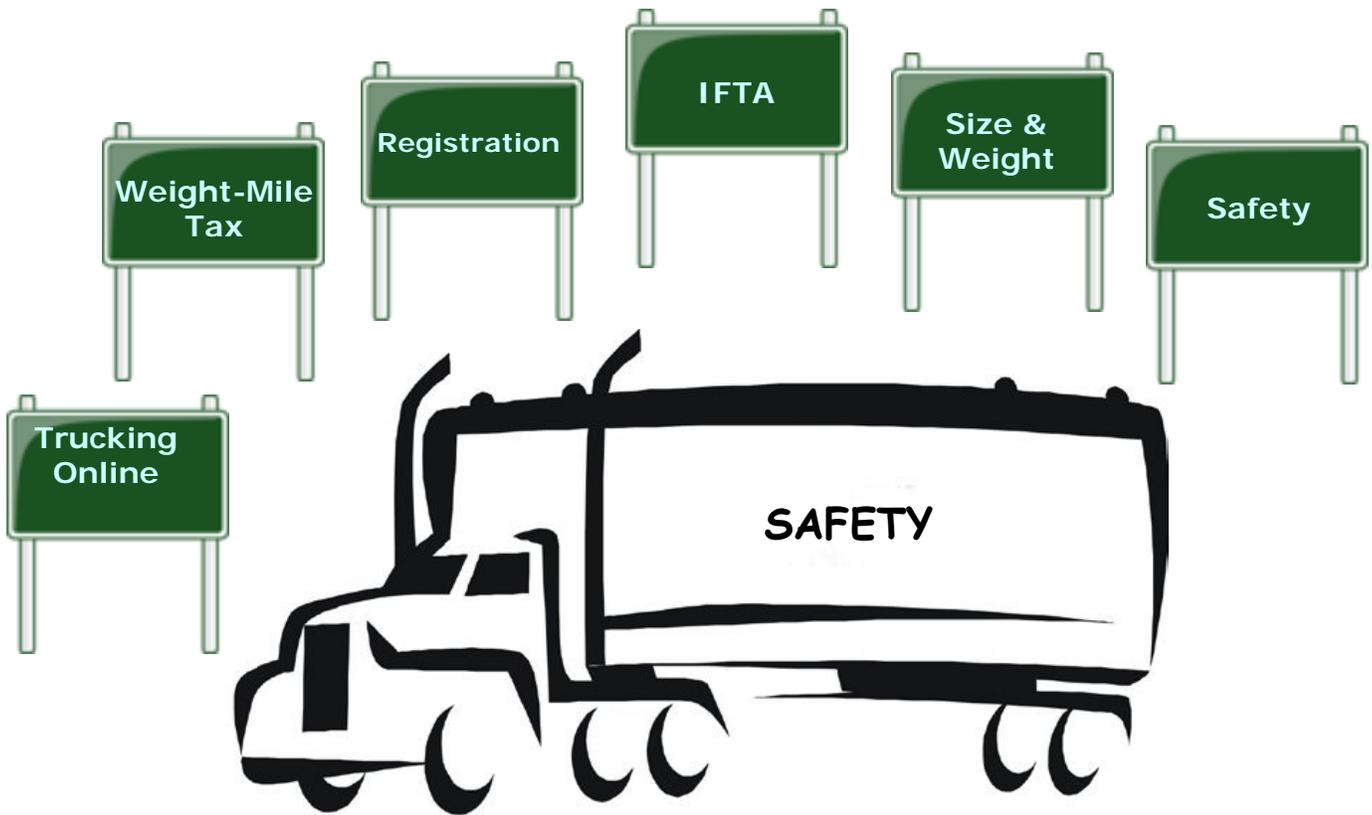


Motor Carrier Education Manual

State of Oregon
Department of Transportation
Motor Carrier Transportation Division



Trucking companies must have knowledge in all areas of regulations in order to fulfill their regulatory requirements. This material provides concise and relevant information to your business and is provided to you by the Oregon Department of Transportation, Motor Carrier Transportation Division.

This section describes **Safety**.

Gregg Dal Ponte, Administrator
February 2016

MOTOR CARRIER SAFETY

Overview

Every motor carrier and driver in Oregon shares the duty to use our roads and highways responsibly. Every vehicle must be driven and maintained to ensure the safety of all highway users.

The contents of this packet are to provide motor carriers with a basic knowledge of the Federal Motor Carrier Safety Regulations (FMCSR, Parts listed below), the Oregon Revised Statutes (ORS), and the Oregon Administrative Rules (OAR), related to highway safety:

- Parts 40/382-Controlled Substances and Alcohol Use and Testing
- Part 383/ORS 807/809-Commercial Driver's License Standards
- Part 387/OAR 740-Minimum Levels of Financial Responsibility
- Part 390/OAR 740-General Motor Carrier Safety Regulations
- Parts 380/391/OAR 740-Qualifications of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements
- Part 392-Driving of Commercial Motor Vehicles/USDOT Registration Required
- Part 393-Parts and Accessories Necessary for Safe Operation (includes Cargo Securement)
- Part 395/OAR 740-Hours of Service of Drivers
- Part 396-Inspection, Repair, and Maintenance
- Oregon's Green Light Preclearance System

These contents are only a guide. They are **not** to be used for legal interpretations. It is the responsibility of motor carriers and drivers to become familiar with the regulations.

Additional information can be found on the Internet at:

www.oregon.gov/ODOT/MCT/

The site above provides additional information regarding Oregon registration, safety, and size and weight regulations. This site also contains many motor carrier forms that can be downloaded for use by motor carriers.

www.fmcsa.dot.gov/regulations

This site contains additional motor carrier information provided by the United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA).

MOTOR CARRIER SAFETY

PARTS 40/382 – Controlled Substances and Alcohol Use and Testing

Applicability 382.103

Drivers required to have a commercial driver's license (CDL) under Part 383 are subject to the controlled substances and alcohol testing rules. This requirement includes the following interstate and intrastate truck and bus operations:

- For-hire and private companies.
- Federal, State, local, and tribal governments.
- Church and civic organizations.
- Farmers and custom harvesters.

Exemptions:

- Drivers exempt from commercial driver's license requirements by their issuing state.
- Most farmers; see section on Farm Vehicle Drivers - CDL.
- Active duty military personnel.

DEFINITIONS

Refusal to submit to a test 40.191 / 40.261 / 382.107

Refusal to submit means that a driver:

- Fails to appear for a test (except a pre-employment test) within a reasonable time.
- Fails to remain at the testing site until the test is completed.
- Fails to provide a sufficient amount of urine for a drug test, or breath specimen for an alcohol test, when there is no medical explanation for the failure.
- Fails or declines to take a second test when required.
- Fails to undergo a medical evaluation as part of a verification process.
- Fails to cooperate with any part of the testing process.
- Provides a urine sample determined to be adulterated or substituted.

MOTOR CARRIER SAFETY

PARTS 40/382 – Controlled Substances and Alcohol Use and Testing

Safety-sensitive function **382.107**

Safety-sensitive function means all time from the time a driver begins to work or is ready to work until the time the driver is relieved from work and all responsibility for work. Safety-sensitive functions shall include all time:

- At a plant, terminal, facility, or other property of a motor carrier or shipper.
- Waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
- Inspecting, servicing, or obtaining assistance for a CMV.
- Driving a CMV.
- In or upon any CMV, except time spent resting in a sleeper berth.
- Loading or unloading a CMV. Performing any other functions related to loading or unloading, including supervising, attending the CMV, or taking care of shipping documents.

TYPES OF ALCOHOL AND CONTROLLED SUBSTANCES TESTS

Pre-employment **382.301**

No employer shall allow a driver, who the employer intends to hire or use, to perform a safety-sensitive function until the driver has received a negative controlled substances test result.

Post-accident **382.303**

If a driver is involved in an accident resulting in a fatality, or is cited for a moving traffic violation in connection with an injury or tow-away accident, the employer shall require the driver to submit, as soon as practicable, to controlled substances and alcohol testing. If the driver is not tested for alcohol within *two hours* of the accident, the employer is required to continue attempting to test, but prepare a report explaining the reasons why the test was not promptly administered. If an alcohol test has not been administered within *eight hours* or a controlled substances test within *32 hours* of the accident, the employer shall cease all attempts to test and prepare a report describing the reasons why the test was not promptly administered.

MOTOR CARRIER SAFETY

PARTS 40/382 – Controlled Substances and Alcohol Use and Testing

Random 382.305

Companies are to randomly test a number of drivers equal to **10 percent** of the average number of driver positions per year for alcohol testing and **50 percent** for controlled substances. All testing is to be unannounced and reasonably spread throughout the calendar year. All drivers must be scientifically selected for testing and have an equal chance of being selected. A driver shall only be tested for alcohol immediately prior to, during, or immediately after performing a safety-sensitive function.

Reasonable suspicion 382.307

A driver is required to submit to an alcohol and/or controlled substances test when a properly trained company official or supervisor has observed and documented the driver's behavior that may indicate alcohol or controlled substance abuse. The company official or supervisor must have received two hours of training on abuse recognition, as prescribed by 382.603, prior to requiring a reasonable suspicion test.

Return-to-duty / Follow-up 40.305 / 40.307

Return-to-duty and follow-up tests are conducted when a driver, who has violated the prohibited controlled substances or alcohol conduct standards, returns to performing safety-sensitive functions. See PROHIBITIONS below.

PROHIBITIONS

Subpart B - Prohibitions 382.201 - 382.215

The following are identified as Subpart B – Prohibitions:

- Performing a safety-sensitive function while having an alcohol concentration of 0.04 or greater.
- Using alcohol while performing a safety-sensitive function.
- Performing a safety-sensitive function within 4 hours after using alcohol.
- Using alcohol within 8 hours following an accident, before taking a DOT-required post-accident alcohol test.
- Refusing to take a DOT-required alcohol or controlled substances test.
- Using controlled substances while performing a safety-sensitive function.
- Performing a safety-sensitive function after testing positive or adulterating or substituting a test specimen for controlled substances.

MOTOR CARRIER SAFETY

PARTS 40/382 – Controlled Substances and Alcohol Use and Testing

A driver who has violated a Subpart B prohibition cannot perform any safety-sensitive duties until that driver has completed a Substance Abuse Professional (SAP) evaluation, referral, and education/treatment process. The first step in this process is a SAP evaluation.

EVALUATION AND TESTING

SAP Evaluation
382.503 /
40.281 - 40.313

The Substance Abuse Professional conducts face-to-face evaluations of the driver to determine what education and/or treatment program is required.

Return-to-Duty
Test
382.309 / 40.305

Upon completion of the education and/or treatment program prescribed by the SAP, the driver must take a return-to-duty test for controlled substances and/or alcohol with a negative test result, before the driver can return to safety-sensitive duties.

Follow-up Testing
382.311 /
40.307 / 40.309

The driver must take at least *six* unannounced follow-up tests for controlled substances and/or alcohol in the first 12 months of safety-sensitive duties, above and beyond any random testing requirements. The SAP may prescribe more follow-up tests during the first 12 months and/or subsequent to that.

Other alcohol-
related conduct
382.505

A driver found to have an alcohol concentration between 0.02 and 0.04 shall not perform safety-sensitive functions for at least 24 hours.

MOTOR CARRIER SAFETY

PARTS 40/382 – Controlled Substances and Alcohol Use and Testing

RECORD RETENTION

Retention of records 382.401

An employer shall maintain all records related the controlled substances and alcohol program in a secure location with limited access, made available within two business days to any authorized government personnel. The records shall be kept on file based on the following retention periods:

Five years:

- All records related to any violations of the controlled substances or alcohol standards described in Subpart B.
Examples: positive test results, SAP evaluations.
- Records related to the administration of the program.

Two years: Records related to the collection process.

One year: Negative and canceled test results.

Indefinite period: Training records.

COMPANY POLICY

Company Policy 382.601

Every motor carrier shall provide each driver with educational materials on controlled substances and alcohol that include, but are not limited to:

- Which drivers are subject to the requirements, and who is responsible for providing information.
- What behavior is prohibited and what constitutes a refusal to test.
- The circumstances and time period under which a driver will be tested and the procedures involved. What constitutes a safety-sensitive function.
- 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. *
- The signs and symptoms of alcohol or controlled substances problems.

MOTOR CARRIER SAFETY
PARTS 40/382 – Controlled Substances and Alcohol Use and Testing

** See also Driver Wellness training in Parts 380.500 to 380.513.*

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

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 operator's license; and
- Disqualify drivers who do not operate *Commercial Motor Vehicles (CMV)* safely.

DEFINITIONS

Commercial Motor Vehicle 383.5 *Commercial motor vehicle (CMV)* means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a:

- Combination Vehicle (Group A) – Has a gross combination weight rating (GCWR) or gross combination weight of **26,001 pounds** or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) or gross vehicle weight of more than **10,000 pounds**, whichever is greater; or
- Heavy Straight Vehicle (Group B) - Has a gross vehicle weight rating (GVWR) or gross vehicle weight of **26,001 pounds** or more, whichever is greater; or
- Small Vehicle (Group C) - Is designed to transport **16 passengers** or more, including the driver; or
- Small Vehicle (Group C) - Is of any size and used to transport **hazardous materials** requiring placarding.

Note: *The above definition of CMV pertains to Part 383 (Commercial Driver's License), Part 380 (Entry-Level Driver Training) and Part 382 (Controlled Substances and Alcohol Testing) only.*

Gross Combination Weight Rating 383.5 *Gross combination weight rating (GCWR)* is the greater of:
(1) A value specified by the manufacturer of the power unit, if such value is displayed on the FMVSS certification label, or
(2) The sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value.
Exception: The CGWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

Gross Vehicle Weight Rating 383.5 *Gross vehicle weight rating (GVWR)* is the value specified by the manufacturer as the loaded weight of a single vehicle.

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

COMMERCIAL DRIVER'S LICENSE (CDL) CLASSES, ENDORSEMENTS, AND RESTRICTIONS

CDL Classes 383.5 / 383.91 / ORS 807.031

There are three classes of CDL: *Class A CDL* allows the driver to operate Group A, Group B, and Group C vehicles. *Class B CDL* allows drivers to operate Group B and Group C vehicles. *Class C CDL* allows drivers to operate Group C vehicles. Vehicle Groups:

- GROUP A--Gross combination weight rating (GCWR) or actual weight (GCW) of **26,001 or more pounds**, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) or gross vehicle weight (GVW) of more than **10,000 pounds**, whichever is greater.
- GROUP B--GVWR or actual weight of **26,001 or more pounds** (whichever is greater), (may tow a trailer up to 10,000 pounds).
- GROUP C--GCWR, GVWR or actual weight up to 26,000 pounds, designed to transport **16 or more passengers**, including the driver.
- GROUP C--GCWR, GVWR or actual weight up to 26,000 pounds, transporting **hazardous materials** requiring placarding.

Endorsements 383.93 / ORS 807.035

In addition to basic CDL tests, drivers who operate specialized commercial motor vehicles must pass additional tests to obtain the following endorsements on their CDL's:

T—Double/triple trailers

P—Passenger

N—Tank vehicle

H—Hazardous materials

X—Combination of tank vehicle and hazardous materials

S—School bus

Tank Vehicle 383.5

A *tank vehicle* is any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an *empty* storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

**Hazardous
Materials
383.141 /
OAR 735-062-0190**

To obtain a hazardous materials endorsement, or renew a hazardous materials endorsement, individuals must pass a Transportation Security Administration security screening process. For further information, visit the DMV Web site at:

www.oregon.gov/odot/dmv/driverid/cdlendrest.shtml

**Air Brake
Restriction
383.95**

If an individual 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 will indicate the license holder may not operate a CMV equipped with air brakes.

A driver who passes the knowledge and skills tests, and has no air brake restriction, qualifies as an air brake inspector. See 396.25.

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 principal.

**Farm Vehicle
Driver – CDL
383.3(h)**

Drivers of “covered farm vehicles” are exempt from CDL requirements if:

- ✓ The driver operates anywhere within the state the vehicle is registered, or
- ✓ The driver operates outside the state where the vehicle is registered, and stays within 150 air-miles of the home farm or ranch.

Covered Farm Vehicle means a straight truck or articulated vehicle that:

- Is operated in interstate or intrastate commerce; and
- Is operated by a farm or ranch owner, or employee or family member of the farm or ranch owner; and
- Transports agricultural commodities, livestock, or machinery or supplies to or from a farm or ranch; and
- Is equipped with a license plate or designator, issued by the state of registration, for identification as a farm vehicle; and
- Does NOT transport hazardous materials requiring placards.

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

Oregon Farm Endorsements ORS 807.035

A farmer who operates a commercial motor vehicle in intrastate commerce that does not fall under the definition of “covered farm vehicle” (i.e. hauling hazardous materials requiring placards) is not required to hold a CDL if the CMV is:

- Controlled or operated by the farmer;
- Used to transport agricultural products, farm machinery, or farm supplies to or from the farm;
- Not used in for-hire operations;
- Operated within 150 miles of the farm; AND
- Not used in triple-trailer combinations.

Rather than a CDL, a farmer may obtain one of the following:

- Class A Farm Endorsement (shown as a Y on the license) - same vehicle combination as that allowed for a Class A CDL.
- Class B Farm Endorsement (shown as a Z on the license) - same vehicle(s) as that allowed for a Class B CDL.

A farmer with a farm endorsement may also transport the following without requiring an additional endorsement:

- Double trailers
- Tank vehicle
- Hazardous materials – if placarded in accordance with applicable laws

Oregon Classes and Exemptions ORS 807

Because the CDL is a state-issued license, check with the appropriate state officials regarding particular license classes and specific exemptions. For other classes and exemptions for Oregon drivers, see ORS 807.020 to 807.036.

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

CONVICTIONS, SUSPENSIONS, AND DISQUALIFICATION

**Employer
Responsibility
383.37 / 383.51 /
391.15**

No employer shall knowingly allow or require a driver to drive a CMV whose license is suspended, revoked, or cancelled, or who has been disqualified to drive a CMV.

**Driver
Responsibility:
Notification of
Convictions
383.31**

When a driver who holds a CDL is convicted of violating, in any vehicle or in any State, a law relating to motor vehicle traffic control (other than a parking violation), that driver must notify both his/her *employer* and the *State* from which his/her CDL is issued of the violation(s) within 30 days of the conviction. 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.

**Driver
Responsibility:
Notification of
Suspensions
383.33 / 391.15**

A driver must notify his/her employer before the end of the business day following the day the driver receives notice of suspension, revocation, cancellation, loss of privilege, or disqualification from any state or jurisdiction.

**Commercial
Driver's License
Information
System (CDLIS)**

The CDLIS enables the States to exchange information about the driving records and driver's licenses of CMV drivers. This helps ensure that only one license is issued to a driver and that drivers currently disqualified are prevented from obtaining a CDL.

Employers have access to the CDLIS clearing-house through their State's vehicle licensing agency.

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

DISQUALIFICATION TABLES (1-4)

Table 1:
Major Offenses
383.51 / 391.15

Major offenses include:

- Driving *any* vehicle while under the influence of alcohol or controlled substances.
 - Having an alcohol concentration of 0.04 or greater while operating a CMV.
 - Refusing to take an alcohol test as required by a state or jurisdiction under its implied consent laws defined in 383.72.
 - Transportation, possession, or unlawful use of controlled substances while on duty.
 - Leaving the scene of an accident while operating *any* vehicle.
 - Using *any* vehicle to commit a felony.
 - Driving a CMV while suspended, when the suspension was the result of a CMV violation.
 - Causing a fatality through negligent operation of a CMV.
-
- **First conviction** - One year disqualification.
 - **First conviction while transporting hazardous materials** - Three year disqualification.
 - **Subsequent convictions** - Lifetime disqualification.

Penalties
383.51 / 391.15
ORS 809.413

A driver convicted of a felony for using *any* vehicle for manufacturing, distributing, or dispensing controlled substances is disqualified for life, and is not eligible for reinstatement.

Table 2:
Serious Traffic Violations
383.51

Serious traffic violations include:

- Speeding 15 mph or more above the posted speed limit in *any* vehicle.
- Reckless driving, improper or erratic lane changes, or following too closely in *any* vehicle.
- Traffic offenses linked to fatalities in *any* vehicle.
- Driving a CMV without the proper class of CDL and/or endorsements.
- Driving a CMV without a CDL in possession.

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

Penalties
383.51 /
ORS 809.413

- **Second conviction within three years** – 60 day disqualification.
- **Third or subsequent conviction within three years** – 120 day disqualification.

Table 3:
Railroad Crossing
Violations
383.51

Railroad crossing violations while operating a CMV include: *

- Failing to slow down or stop at or before a railroad crossing when required.
- Failing to drive completely through a crossing when required.
- Failing to negotiate a crossing because of insufficient undercarriage clearance.

* *See also Parts 392.10 and 392.11.*

Penalties
383.51 / 383.53

- **First conviction** – 60 day disqualification.
- **Second conviction within three years** – 120 day disqualification.
- **Third or subsequent conviction within three years** – One year disqualification.

An employer who knowingly allows or requires a driver to commit a railroad crossing violation may be subject to a civil penalty of \$10,000.

Table 4:
Violations of Out-
of-Service Orders
383.51 / 391.15 /
ORS 809.413

During a CVSA inspection, a driver and/or CMV can be placed out-of-service for certain safety-related deficiencies or defects. The driver is in ***violation of the out-of-service order*** if the driver operates the CMV before the driver is allowed to do so.

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

Penalties
383.51 / 383.53 /
391.15 /
ORS 809.413

- **First conviction** – 90 day to one year disqualification.
- **Second conviction within ten years** – One to five year disqualification.
- **Third or subsequent conviction within ten years** – Three to five year disqualification.

Hazardous Materials / Passengers:

- **First conviction** - 180 day to two year disqualification.
- **Second or subsequent conviction within ten years** – Three to five year disqualification.

A driver who operates a CMV in violation of an out-of-service order shall also be subject to a civil penalty of \$1,100 to \$2,750. An employer who knowingly allows or requires a driver to violate an out-of-service order shall be subject to a civil penalty of \$2,750 to \$11,000.

MOTOR CARRIER SAFETY

PART 387/OAR 740 – Minimum Levels of Financial Responsibility

Definitions
387.5

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.

Requirements for Financial Responsibility
Part 387 / OAR 740

All motor carriers must have at least the minimum amount of public liability insurance required by law. The amount of insurance and the required insurance forms are prescribed in both Part 387 and the Oregon Administrative Rules (OAR's).

OAR 740:
Level and Proof of Liability Insurance

The OAR's require each motor carrier operating one or more vehicles **over 26,000 lbs. intrastate** in Oregon to maintain at least **\$750,000** of public liability insurance. A current **Form "E"**, issued by an insurer, must be on file with the Oregon Department of Transportation (ODOT) to prove the motor carrier meets this requirement (740-040-0010 & 0020).

Part 387:
Levels and Proof of Liability Insurance

Part 387 also requires certain motor carriers to maintain minimum levels of public liability insurance as shown in the table below (387.9, 387.33):

Classification		Minimum Applicability	Minimum Liability
Non-HazMat	Interstate for-hire	10,000 lbs. GVWR	\$750,000
Hazardous Materials	Explosives (1.1, 1.2, 1.3)	None	\$5,000,000
	Poison-Inhalation, Hazard Zone A (2.3, 6.1)		
	Radioactive Materials, HRCQ (Class 7)		
	Hazardous Substances	In bulk *	
	Compressed Gas (2.1, 2.2)		
	Intrastate in bulk * or Interstate	10,000 lbs. GVWR	\$1,000,000
Passenger	Interstate for-hire	7-15 passenger	\$1,500,000
		16 passenger	\$5,000,000

* *In bulk* – over 3,500 water gallons.

MOTOR CARRIER SAFETY

PART 387/OAR 740 - Minimum Levels of Financial Responsibility

These motor carriers must have proof of the minimum level of insurance at the company's principal place of business (387.7, 387.31).

Proof shall consist of one of the following:

- Form **MCS 90** (**MCS-90B** for passenger carriers) – Insurance endorsement issued by an insurer.
- Form **MCS-82** (**MCS-82B** for passenger carriers) – Surety bond issued by a surety.
- Written authorization of the I.C.C. authorizing carrier to *self-insure*.

MOTOR CARRIER SAFETY

PART 390/OAR 740 – General Federal Motor Carrier Safety Regulations

General Applicability 390.3

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

Exceptions to General Applicability:

- School bus operations directly related to school functions.
- Transportation performed by governmental agencies. Fire and rescue vehicles used during emergencies. Hearse and ambulance services.*
- Certain intrastate farm operations. See ORS 825.024.
- Noncommercial transportation.

* See also **emergency exception** under 390.5 (*Definitions: Direct Assistance, Emergency, Emergency relief*), 390.23, and 390.25.

Farm Vehicle Drivers 390.39

Drivers of “covered farm vehicles” are exempt from Federal Motor Carrier Safety Regulation Parts 382 (Drug and Alcohol Testing), 383 (CDL), 391 Subpart E (Physical Qualifications and Examinations), 395 (Hours of Service), and 396 (Inspection Repair and Maintenance) requirements if:

- The GVW/GVWR of the vehicle is 26,001 lbs. or less.
- The GVW/GVWR of the vehicle is greater than 26,001 lbs when:
 - ✓ The driver operates anywhere within the state the vehicle is registered, or
 - ✓ The driver operates outside the state where the vehicle is registered, and stays within 150 air-miles of the home farm or ranch.

Covered Farm Vehicle means a vehicle that:

- Is operated in interstate or intrastate commerce; and
- Is operated by a farm or ranch owner, or employee or family member of the farm or ranch owner; and
- Transports agricultural commodities, livestock, or machinery or supplies to or from a farm or ranch; and
- Is equipped with a license plate or designator, issued by the state of registration, for identification as a farm vehicle; and
- Does NOT transport hazardous materials requiring placards.

MOTOR CARRIER SAFETY

PART 390/OAR 740 - General Federal Motor Carrier Safety Regulations

DEFINITIONS

- Commercial Motor Vehicle 390.5** *Commercial motor vehicle (CMV)* is any self-propelled or towed motor vehicle used on a highway in commerce to transport passengers or property when the vehicle:
- Has a gross vehicle weight rating (GVWR), gross combination weight rating (GCWR), or actual weight of **10,001 or more pounds**; or
 - Is designed or used to transport more than **8 passengers**, including the driver, for compensation; or
 - Is designed or used to transport more than **15 passengers**, including the driver, and is not used to transport passenger for compensation; or
 - Is used to transport **hazardous materials** requiring placarding.

Note: *The above definition of CMV pertains to Parts 390 through 397.*

- Gross Combination Weight Rating 390.5** *Gross combination weight rating (GCWR)* is the greater of:
- (1) A value specified by the manufacturer of the power unit, if such value is displayed on the FMVSS certification label, or
 - (2) The sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value. Exception: The CGWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

- Gross Vehicle Weight Rating 390.5** *Gross vehicle weight rating (GVWR)* is the value specified by the manufacturer as the loaded weight of a single motor vehicle.

MOTOR CARRIER SAFETY

PART 390/OAR 740 - General Federal Motor Carrier Safety Regulations

- Interstate Commerce 390.5** *Interstate Commerce* is trade, traffic, or transportation in the United States –
- Between a place in a State and a place outside of such State (including a place outside of the United States); or
 - Between two places in a State through another State or a place outside of the United States; or
 - Between two places in a State as part of trade, traffic, transportation originating or terminating outside the State or the United States.
- Driveaway-towaway operation 390.5** *Driveaway-towaway operation* means transporting an unladen vehicle with at least one set of wheels on the ground:
- Between a manufacturer, dealership, purchaser, or repair shop, or
 - By means of a saddle-mount or tow-bar.

ACCIDENT REGISTER AND REPORTING

- Accident 390.5 / OAR 740-100-0020** An *accident* is an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce that results 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 390.15** Motor carriers must maintain an accident register for three years after the date of each accident. The accident register must contain at least the following information:
- Date and place of accident
 - Driver's name
 - Number of injuries and fatalities
 - Hazardous materials (other than fuel) released, if any
 - Copies of all accident reports required by governmental entities or

MOTOR CARRIER SAFETY

PART 390/OAR 740 - General Federal Motor Carrier Safety Regulations

insurers.

**Accident Reporting
OAR 740-100-0020** Accidents occurring in Oregon must be reported to ODOT within 30 days. However, fatal accidents occurring in Oregon must be reported to ODOT as soon as possible (next business day).

Accidents shall be reported on DMV Form 735-0032 or may be reported online. For information go to:

www.oregon.gov/odot/mct/safety.shtml

Select “Crash Reports & Stats”. You may also call (503) 986-3507. Fax (503) 986-4249.

Note: For DMV reporting requirements, visit the DMV Web site at:

www.oregon.gov/odot/dmv/driverid/accidentreport.shtml

VEHICLE IDENTIFICATION

**Marking of CMV’s
390.21 /
OAR 740-100-
0010(2)(b)** Every self-propelled CMV operated by a motor carrier must be marked on **BOTH** sides of the vehicle, with the following:

- The motor carrier’s legal name or a single trade name, as listed on the motor carrier identification report.
- The motor carrier’s USDOT number.

Note: External identification is not required on vehicles 26,000 lbs. or less GCWR and operated in private intrastate carriage, except when transporting placarded hazardous materials or over 15 passengers. However, the motor carrier is still be required to have a USDOT number if operating CMV’s as defined in 390.5.

A USDOT number may be obtained by applying online at:

<https://portal.fmcsa.dot.gov/UrsRegistrationWizard/>

MOTOR CARRIER SAFETY

PARTS 380/391/OAR 740 – Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

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

General Driver Requirements **391.11**

A driver must meet the following requirements:

- Be in good health and physically able to perform all duties of a driver.
- Be at least 21 years of age for interstate commerce, or 18 years of age for intrastate commerce.
- Speak and read English well enough to converse with the general public, understand highway traffic signs and signals, respond to official questions, and be 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 operator's license.

Driver Qualification File **391.51**

Every motor carrier must have a qualification file for each driver employed. The file must include:

• **APPLICATION FOR EMPLOYMENT (391.21, 383.35)**

Besides basic driver information as outlined in 391.21, the employment application shall include detailed information of all license suspensions, and a **3-year** history of moving violations, accidents, and employers (**10-year** employer history for CDL drivers). The driver-applicant must sign the application certifying its accuracy.

• **INQUIRY TO STATE AGENCIES (391.23)**

Within 30 days of hire, the motor carrier must obtain the driver's driving record, both personal and employment-related, for the preceding **three years**. The inquiry must be made to all states where the driver was licensed.

• **ANNUAL REVIEW OF DRIVING RECORD (391.25)**

At least once every 12 months, the motor carrier must obtain and review the driver's driving record, both personal and employment-related.

Note: Convictions, accidents, and suspensions from a driver's driving record may automatically be obtained through the Oregon DMV's Automated Reporting System (ARS). For information, visit the DMV Web site at: www.oregon.gov/ODOT/DMV/records/business.shtml#ars

MOTOR CARRIER SAFETY
PARTS 380/391/OAR 740 - Qualification of Drivers;
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• **ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS (391.27)**

At least once every 12 months, the motor carrier must require each driver to provide a list of all moving violations for the previous 12 months. Drivers who have provided information required by 383.31 need not repeat that information in this annual list of violations.

• **ROAD TEST (391.31, 391.33)**

The driver must successfully complete a road test and be issued a certificate, or provide the motor carrier with a copy of the driver's CDL or previous certificate showing that the driver has already completed a road test. However, a copy of the CDL alone is not sufficient for any driver required to have a double/triple trailer or tank vehicle endorsement.

• **LCV DRIVER CERTIFICATE (380.401)**

The LCV (Longer Combination Vehicle) driver must successfully complete LCV driver training and be issued a Driver-Training Certificate. For more information see LCV Training below.

• **ENTRY-LEVEL DRIVER CERTIFICATE (380.509, 380.511)**

The entry-level driver must successfully complete entry-level driver training and be issued a training certificate. For more information see Entry-Level Training below.

• **MEDICAL EXAMINATION (391.41 - 391.49)**

The driver must pass a physical examination conducted by a licensed health care professional* every two years. The driver is then issued a Medical Examiner's Certificate. A copy of the Medical Certificate must be kept in the Driver Qualification File. If a driver is operating under a medical variance or has a Skills Performance Evaluation Certificate (SPE), those documents must also be included in the Driver Qualification File.

CDL drivers: Must submit a copy of the Medical Examiner's Certificate to the State Department of Motor Vehicles (DMV). CDL holders are not required to carry the Medical Certificate once the Certificate is posted to the driving record.

Non-CDL drivers: Must carry the Medical Certificate while operating a CMV as defined in Part 390.5.

Note: For drivers who hold a CDL - After January 30, 2015, the medical exam certificate will suffice in the Driver Qualification file for up to 15 days from the date the certificate was issued. After 15 days, proof of medical exam certification must be met by obtaining a copy of the CDLIS motor vehicle record.

*The health care professional must be listed on the National Registry of Certified Medical Examiners. A note must be placed in the Driver Qualification File relating to verification of that listing. Approved health care professionals are listed on the Federal Motor Carrier Safety Administration website:

www.fmcsa.dot.gov/medical/driver-medical-requirements/national-registry-certified-medical-examiners

MOTOR CARRIER SAFETY

PARTS 380/391/OAR 740 - Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

Physical Requirements 391.41

A driver is physically qualified to driver if that driver:

- Has no loss or major impairment of a foot, leg, hand, or arm, or has been granted a Skill Performance Evaluation (SPE) Certificate under 391.49 (interstate operations), or waiver of physical disqualification under OAR 740-100-0010(2)(f) (intrastate operations).
- Has no 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 likely to interfere with CMV operation.
- Has no clinical diagnosis of epilepsy.
- Has 20/40 vision or better with corrected lenses. Can recognize traffic signal colors.
- Has enough hearing to perceive a forced whisper.
- Has no drug or alcohol abuse problems.
- Has no other physical or mental disorder likely to interfere with CMV operations.

Medical Waivers 391.49 / OAR 740-100- 0010(2)(f)

A driver unable to pass a physical examination may be eligible for an interstate SPE Certificate granted by FMCSA (503-399-5774), or an intrastate waiver of physical disqualification granted by ODOT (503-945-0891).

Driver Investigation History File 391.53

Every motor carrier must have an investigation file for each driver that includes the driver's *Safety Performance History*. Within 30 days of hire, the motor carrier must contact the previous employers within the past three years to obtain and verify the information listed below. Previous employers are required to release the information. A written record must be kept of all contact results. The file must be considered confidential and only be allowed limited access.

<ul style="list-style-type: none">• DRIVER IDENTIFICATION / EMPLOYMENT VERIFICATION (391.23)
<p>The motor carrier must obtain general employment data about the driver, such as name, date of birth, starting and ending dates, and job responsibilities.</p>
<ul style="list-style-type: none">• ACCIDENT HISTORY (391.23)
<p>The motor carrier must inquire about all accidents the driver was involved in, and obtain all accident</p>

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PARTS 380/391/OAR 740 - Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

information listed in 390.15(b).

• **DRUG/ALCOHOL HISTORY (40.25, 391.23)**

The motor carrier must obtain information about whether the driver had any drug/alcohol violations and whether the driver completed a rehabilitation program. This information must only be obtained from employers where the applicant drove CDL-required vehicles, and must only be made with the driver's written authorization.

The motor carrier must also ask the applicant about all positive pre-employment tests or refusals for motor carriers within the last **two years** who did not hire the driver.

Note: Records of positive drug tests may also be obtained from the Oregon DMV, with the driver's written permission. For information, visit the DMV Web site at:

www.oregon.gov/ODOT/DMV/records/business.shtml#drug

Limited Exemptions

The following specific conditions and types of drivers are exempt from certain Part 391 requirements:

Drivers employed before January 1, 1971 (391.61)

A driver who has been a regular employee of a motor carrier for a continuous period that began before January 1, 1971, is exempt from:

- Application for employment.
- Employment verification.
- Initial inquiry to state agencies.
- Road test.

Multiple-employer drivers (391.63)

If a motor carrier employs a driver who is employed as a driver by more than one motor carrier, the motor carrier must have:

- Driver's name and social security number.
- License number, state, and type of license.
- Medical examiner's certificate.
- Road test or equivalent.
- Controlled substances / alcohol program requirements.

Drivers furnished by other motor carriers (391.65)

A motor carrier using a driver regularly employed by another motor carrier must contact the other motor carrier and obtain a signed certificate verifying the driver's name and signature, the driver's qualifications, and the expiration date of the medical examiner's certificate. The driver must

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Long Combination Vehicle Requirements; Entry-Level Driver Requirements

still meet the controlled substances / alcohol program requirements.

Private intrastate carriers (OAR 740-100-0010(2)(e))

A driver who is employed by a private intrastate carrier is exempt from most of Part 391 if the driver operates a CMV that is 26,000 lbs. or less GVWR, and is not transporting placarded hazardous materials. The driver must still have a valid driver's license and be able to speak English.

LONGER COMBINATION VEHICLE (LCV) TRAINING REQUIREMENTS

Definition 380.105

Longer combination vehicle (LCV) is any combination of a truck-tractor and two or more trailers with a gross vehicle weight (GVW) greater than 80,000 pounds.

Driver Requirements 380.107 / 380.203 / 380.205

A driver who wishes to operate an LCV shall first complete an LCV driver-training program. To qualify for the training program, the driver must have a:

- Class A CDL with a double/triple trailer endorsement; and
- Clean driving record for the previous 6 months operating a vehicle combination requiring a Class A CDL.

Driver-Training Certificate 380.401

Each driver who completes the LCV driver training shall be issued a certificate. A copy of the certificate shall be maintained in the driver's qualification file.

Driver-Instructor Requirements 380.301 / 380.303

LCV driver training may only be given by a qualified driver-instructor. The qualifications required are based on whether the driver-instructor is a *classroom instructor* or *skills instructor*.

LCV Driver- Instructor Qualification File 391.55

A motor carrier must have a qualification file for each LCV driver-instructor it employs or uses. The file must include:

- Proof of the instructor's qualifications; and
- A copy of the instructor's CDL with the appropriate endorsement(s).

Note: For further information on the LCV driver training requirements, see 380.101 through 380.401.

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ENTRY-LEVEL DRIVER TRAINING REQUIREMENTS

Definition
380.502

Entry-level driver is a driver with less than one year of experience driving a CMV with a CDL.

Requirements
380.503

All entry-level drivers subject to the CDL requirements of Part 383 must receive entry-level driver training. The training must include instructions in the following four areas:

- Driver qualification requirements
- Hours of service
- Driver wellness *
- Whistleblower protection

* *See also company policy requirements under Part 382.601.*

Training
Certificate
380.509 / 380.513

Each driver who completes the entry-level driver training shall be issued a certificate. A copy of the certificate shall be maintained in the driver's qualification file.

Note: *For further information on the entry-level driver training requirements, see 380.500 through 380.513.*

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PART 392 – Driving of Motor Vehicles

Illness or Fatigue **392.3**

No driver may drive a CMV when the driver's ability or alertness is impaired by fatigue, illness, or any other cause that makes it unsafe to drive the vehicle.

Drugs and Other Substances **392.4 / 382.213 / 382.215**

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

- Any Schedule I drug listed in 21 CFR 1308.11.
- Amphetamines (including "pep pills" and "bennies").
- Narcotics.
- Any other substance that makes driving unsafe.

Alcohol **392.5 / 382.201 - 382.207**

A driver is forbidden to use or be under the influence of alcohol while driving, being on duty, or within 4 hours of going on duty. A driver is forbidden to possess an alcoholic beverage while driving or being on duty, unless it is a manifested part of the shipment.

Railroad Crossings **392.10 / 392.11 / 392.12**

Drivers of CMV's transporting certain hazardous materials or passengers are required to stop before crossing railroad tracks. Also, those drivers may not shift gears while crossing the tracks. All other drivers must slow down when crossing. Additionally, all drivers must ensure that before they drive onto railroad tracks they have enough space to drive completely through the crossing without stopping.

Unauthorized Passenger **392.60**

Unless authorized in writing by the motor carrier, no driver shall transport any person on any CMV other than a bus. The written authorization need not be carried in the vehicle.

Radar Detectors **392.71**

No driver shall use a radar detector or drive a CMV equipped with one.

Texting **392.80**

No driver shall engage in texting while driving. *

Cell Phones **392.82**

No driver shall use a hand-held mobile telephone while driving *

* For purposes of this section only (texting/cell phones), 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 commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway, as defined in FMCSR 390.5, and halted in a location where the vehicle can safely remain stationary.

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PART 392 – Driving of Motor Vehicles

USDOT Registration 392.9b

Prior to operating your CMV, you must register with the US Department of Transportation. You must obtain, and keep active, a USDOT number.

Identification Reports 390.19

To apply for a USDOT number, and register with the USDOT apply at Federal Motor Carrier Safety Administration website:

<https://portal.fmcsa.dot.gov/UrsRegistrationWizard/>

You must update your USDOT number every two years.

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PART 393 – Parts and Accessories Necessary for Safe Operation

Every CMV 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.

Note: See also the periodic inspection items and standards prescribed in Appendix G to Subchapter B.

BRAKES

Brake Systems 393.40 / 393.41

CMV's must be equipped with the following brake systems which must meet the braking requirements of FMCSR Part 393 and/or Federal Motor Vehicle Safety Standards (FMVSS) Part 571, as applicable:

- Service brakes
- Parking brakes
- Emergency brakes

Brakes on all Wheels 393.42 / 393.48

Every CMV 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. However, the vehicle must meet the braking requirements of 393.52.
- Vehicles being towed in a driveaway-towaway operation. However, the combination must meet the requirements of 393.52.
- Any trailer with a gross weight of 3,000 pounds or less, provided the trailer weight does not exceed 40 percent of the weight of the power unit.
- Three-axle dollies, steered by a co-driver (tillerman), are not required to have steering axle brakes.
- Loaded housemoving dollies, and specialized trailers and dollies transporting furnaces, reactors, and similar vehicles, provided the combination does not exceed 20 mph. However, the combination must be able to stop within 40 ft.

Breakaway and Emergency Braking 393.43

Every power unit and its trailer must be equipped with the following emergency braking systems:

Power unit -

- **Tractor protection:** The power unit must have adequate service brakes to stop the power unit in the event of a trailer breakaway.

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PART 393 – Parts and Accessories Necessary for Safe Operation

- **Trailer emergency brakes:** Each power unit with air brakes must have both a manual and an automatic system for setting the emergency brakes on a trailer with air brakes. *

Trailer -

Breakaway: Every trailer must be equipped with brakes that apply automatically if the trailer breaks away from the power unit. *

* *Does not apply to driveaway-towaway operations.*

Brake Components

All brake components, including those identified below, must be installed, maintained, and protected to prevent leaks and to ensure proper functioning of the brake systems.

- Brake tubing and hoses – 393.45
- Brake chambers, slack adjusters, linings/pads, drums/rotors – 393.47
- Reservoirs – 393.50

Brake Warning Devices and Gauges 393.51

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 Adjustment Indicators 393.53

The following CMV's must be equipped with automatic brake adjusters:

- Hydraulic-braked vehicles manufactured on or after October 20, 1993.
- Air-braked vehicles manufactured on or after October 20, 1994. Must also have brake adjustment indicators.

Antilock Brake Systems (ABS) 393.55

The following CMV's must be equipped with antilock brake systems: *

- Truck-tractors manufactured on or after March 1, 1997.
- All other vehicles with air brakes manufactured on or after March 1, 1998.
- Hydraulic-braked trucks and buses manufactured on or after March 1, 1999.

Each antilock brake system must include ABS malfunction indicators.

* *Does not apply to driveaway-towaway operations.*

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PART 393 – Parts and Accessories Necessary for Safe Operation

COUPLING DEVICES

General Requirements 393.70

Coupling devices, including fifth wheel assemblies, drawbars/tow-bars and drawbar eyes, pintle hooks, turntables, safety devices, and saddle-mounts*, must be properly secured and allow for proper alignment between the towing vehicle and the towed vehicle. Coupling devices must be free of excessive wear and cracks. No securement bolts or rivets are allowed to be loose or missing.

* See 393.71 for driveaway-towaway (saddle-mount) operations.

Fifth Wheel Assemblies 393.70(b)

- Every fifth wheel assembly must have a *locking device* to prevent separation or excessive play of the upper and lower halves of the fifth wheel. The locking device shall apply automatically on coupling.
- The upper and lower fifth wheel halves must be located to allow for equal *weight distribution* on the axles of the towed and towing vehicles.

Full Trailers 393.70(c)

- The tow-bar used to tow a full trailer must have a *locking device* to prevent separation of the towed and towing vehicles.
- The *tow-bar eye* and *pintle hook* must not have excessive play, nor be repaired by welding.

Safety Devices 393.70(d)

Every full trailer and converter dolly must have safety device(s) to prevent separation of the towed and towing vehicles in the event of a tow-bar failure. The safety devices must meet the following requirements:

- Must not be attached to the pintle hook or other attachment device.
- Must have an ultimate breaking strength equal to the weight of the towed vehicle.
- Must prevent the tow-bar from dropping to the ground in case the tow-bar fails or becomes disconnected. The safety device must not have excess slack.

Number of safety devices:

Hinged/swiveled tow-bar, full trailer or converter dolly: Must have one of the following:

- *Two separate chains/cables* running along both sides of the tow-bar.

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- A *bridle ('Y') system*, with two attachments at the towed vehicle, and one attachment at the towing vehicle. When a single cable is used, a thimble and twin-base cable clamps shall be used to form the front bridle eye.
- *Two pairs of chains/cables*. One pair from the towed vehicle to the rear of the tow-bar. The other pair from the towing vehicle to the front of the tow-bar.
 - The chains/cables must extend beyond any bolts, rivets, etc. used to connect structural members of the tow-bar.
 - For an extendible tow-bar, a stop must be used to prevent separation of the movable part of the tow-bar.

Fixed tow-bar, converter dolly: A single chain/cable may be used down the centerline of the tow-bar. The device may be attached to any location along the tow-bar.

EMERGENCY EQUIPMENT

**Emergency
Equipment
392.8 / 393.95**

CMV's must carry the following emergency equipment:

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

**Fire Extinguishers
393.95**

Fire extinguishers must be securely mounted and readily accessible. Each extinguisher must have a gauge or other indicator that shows whether the extinguisher is fully charged and a label displaying one of the following Underwriters' Laboratories (UL) ratings:

- One extinguisher - 5 B:C or more.
- Two extinguishers - 4 B:C or more each.
- One extinguisher - 10 B:C or more, if the vehicle is transporting placarded hazardous materials.

Note: Does not apply to vehicles towed in driveway-towaway operations.

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PART 393 – Parts and Accessories Necessary for Safe Operation

Warning Devices for Stopped Vehicles 392.22 / 392.24 / 392.25 / 393.95

CMV's must be equipped with one of the following types of warning devices:

- Three reflective triangles.
- At least six fusees or three liquid-burning flares, *except* for vehicles transporting explosives (1.1, 1.2, 1.3), flammable liquid (3) or flammable gas (2.1) in cargo tanks, or compressed gas as a fuel.

Placement of Warning Devices: The three warning devices must be placed as follows (except where special rules apply):

- One on the traffic side, ten feet from the vehicle, in the direction of approaching traffic.
- One 100 feet away from the vehicle in the center of the traffic lane or shoulder where the vehicle is stopped, in the direction of approaching traffic.
- One 100 feet away from the vehicle in the center of the traffic lane or shoulder where the vehicle is stopped, in the direction away from approaching traffic.

Hazard Warning Flashers 392.22

A CMV stopped upon a highway or shoulder must activate the vehicle's hazard warning flashers immediately. The driver must leave the flashers on until the warning devices are in place. The flashers must again be used while the warning devices are being picked up before the movement of the vehicle.

FUEL SYSTEM

General Requirements 393.65

Each fuel system must meet the following requirements: *

- Fuel systems, including fuel tanks and fuel lines, must be properly secured in a workmanlike manner, and be free of leaks.
- No part of the system may extend beyond the widest part of the vehicle.
- No part of the fuel system of a *bus* may be located within or above the passenger compartment.

* *See 393.69 for propane systems.*

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PART 393 – Parts and Accessories Necessary for Safe Operation

Fuel Lines **393.65**

Each fuel line must be located so that:

- The lines do not extend more than 2 inches below the fuel tanks unless the lines are enclosed in a protective housing. Diesel fuel crossover, return, and withdrawal lines which extend below the bottom of the tank must be protected.
- The lines do not extend between a towed vehicle and the towing unit while the combination is in motion.

Fuel Tanks **393.65 / 393.67**

Fuel tanks must meet the following requirements: *

- No part of a fuel tank may be located forward of the front axle of a power unit, or extend beyond the widest part of the vehicle.
- Fuel spilled while fueling must not contact the exhaust or electrical system.
- Fill pipe openings must be located outside the passenger compartment and sealed with a tightly fitted cap.

Drains and bottom fittings:

- Must not extend more than $\frac{3}{4}$ of an inch below the bottom of the fuel tank.
- Must be protected against damage from impact.

* See 393.68 for natural gas containers.

LIGHTS

General Requirements **393.11 / 571.108**

FMCSR Part 393.11 and FMVSS Part 571.108 specify the required color, position, and types of lamps and reflectors for CMV's. Requirements are also found in:

- Hazard warning signals – 393.19
- Clearance lamps – 393.22
- Turn signals – 393.22
- Head lamps – 393.24
- Stop lamps – 393.25
- Driveaway-towaway operations – 393.17

Must be Operable

All required lamps shall be capable of being operated at all times.

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PART 393 – Parts and Accessories Necessary for Safe Operation

393.9

Lamp Mounting and Visibility 392.33 / 393.9 / 393.25

All lamps must be permanently and securely mounted to the vehicle or projecting load. The lamps must be visible under normal conditions.

Conspicuity Systems 393.11 / 393.13 / 393.26

Certain vehicles must have retroreflective sheeting or reflex reflectors to make them more visible to other motorists under conditions of reduced visibility.

MISCELLANEOUS PARTS AND ACCESSORIES

Cab and Body Components 393.203

Cab and body components must meet the following requirements:

- *Cab doors and door parts* shall not be missing or broken. Doors shall not sag or be wired shut or secured in the closed position to prevent opening.
- *Bolts or brackets securing the cab* or the body of the vehicle to the frame shall not be loose, broken, or missing.
- *Hood* must be securely fastened.
- *Seats* must be securely mounted.
- *Front bumper* must not be missing, loosely attached, or protruding beyond the confines of the vehicle so as to create a hazard.

Exhaust Systems 393.83 / 393.84

Exhaust systems must meet the following requirements:

- The exhaust system and discharge must be located where they are not likely to 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. Floors must be substantially constructed and free of holes that allow entrance of

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PART 393 – Parts and Accessories Necessary for Safe Operation

fumes and gases.

Location of discharge:

Trucks and truck tractors: Must discharge at a location to the rear of the cab, or above and near the rear of the cab.

Buses, gasoline-powered: Must discharge at or within 6 inches forward of the rearmost part of the bus.

Buses, other fuels: Must discharge either:

- At or within 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).

Frames 393.201

Frames, crossmembers, and securement devices (bolts, etc.) shall not be cracked, loose, sagging, broken, or missing. No holes shall be drilled in the top or bottom rail flanges, nor shall any welding be done on the frame or chassis, except as specified by the manufacturer.

Rear End Protection 393.86

Every CMV must be equipped with a rear impact guard, bumper, or other device that prevents the under ride of another vehicle. The impact guard must be substantially constructed and attached to the vehicle. The dimensions and locations required are based on the date the impact guard was manufactured. *

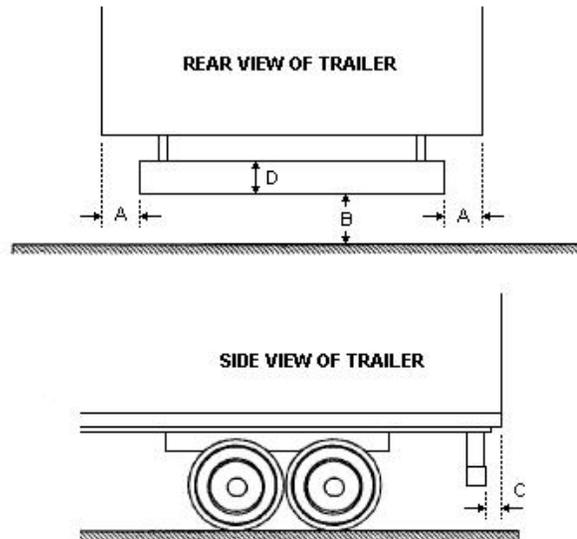
* Does not apply to truck-tractors (390.5), pole trailers (390.5), pulpwood trailers (393.5), low chassis vehicles (393.5), special purpose vehicles (393.5), wheels back vehicles (393.5), and driveaway-towaway operations (390.5).

Impact Guard Measurements	Code ¹	Manufactured before 1/26/98 ²	Manufactured on or after 1/26/98 ³
Width	A	18" max.	4" max.
Height	B	30" max.	22" max.
Rear Surface	C	24" max.	12" max.
Cross-Sectional Vertical Height	D	n/a	3.94" min.

MOTOR CARRIER SAFETY

PART 393 – Parts and Accessories Necessary for Safe Operation

- ¹ Letters correspond with the measurements labeled in the figures below.
- ² Impact guard required only when the height from the ground to the vehicle chassis is greater than 30” when the vehicle is empty.
- ³ Impact guard must be labeled under specifications in 393.86(a)(6) / 571.223.



Seat Belts **392.16 / 393.93 /** **ORS 811.210 /** **815.055**

CMV's must be equipped with seats, seat belt assemblies, and seat belt anchorages as specified in FMVSS Part 571. A driver must not drive before correctly restraining him/herself.

Sleeper Berths **393.76**

Sleeper berths must meet minimum dimension requirements. They must not be installed in or on a trailer and must be located in or adjacent to the cab. An exit doorway or opening must be at least 18 inches high by 36 inches wide, and must lead directly into the cab.

Each sleeper berth must be equipped with an adequate mattress, bed clothing, and blankets. The sleeper berth must be properly ventilated and located so as to protect occupants against exhaust heat, fumes, fuel leaks, dust, and rain. A means must be provided to prevent ejection of the occupants from the sleeper berth during vehicle deceleration.

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PART 393 – Parts and Accessories Necessary for Safe Operation

Steering System 393.209

Steering systems must be in proper working order, including the following:

- *Steering wheel* must be properly secured and not have any cracked or missing spokes. The steering wheel shall turn freely in both directions.
- *Steering wheel lash (free play)* must not exceed certain parameters.
- *Steering column* must be securely fastened.
- *Steering gear box* must be securely attached and not cracked. The pitman arm must not be loose on the steering gear output shaft. The yolk-coupling of the steering column must not be loose on the steering gear input shaft.
- *Attachments*, including ball and socket joints, universal joints, clamps, bolts, and nuts, shall not be worn, loose, or welded.
- *Tie rods and drag links* shall not be worn or bent.
- *Power steering systems* must not have loose or broken parts; frayed, cracked, or slipping belts; leaks; or insufficient fluid in the reservoir.

Suspension System 393.207

Suspension systems must be structurally sound and in proper working order, including the following:

- *Axles* must be in proper alignment, and no positioning part shall be cracked, broken, loose, or missing.
- *Adjustable axles* must have locking pins in place.
- *Leaf springs* must not be cracked, broken, missing, nor 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.

Tires 393.75

Tires used on CMV's must meet specific safety standards. No tire may have any of the following defects:

- Body ply or belt material cut or otherwise exposed through the tread or sidewall.

MOTOR CARRIER SAFETY

PART 393 – Parts and Accessories Necessary for Safe Operation

- Tread or sidewall separation.
- Flat or audible leak.
- Have less than the minimum tread depth:
 - Front axle: 4/32 inch minimum.
 - Other axles: 2/32 inch minimum.
- Carry a weight greater than the rated capacity for that tire. This includes an underinflated tire.
- Mounted or inflated so that it comes in contact with any part of the vehicle, including an adjacent tire.
- *Front axle:*
 - Regrooved tires on trucks or truck tractors which have a load-carrying capacity equal to or greater than 4,920 lbs.
 - Mixing bias and radial tires on the same axle.
 - Regrooved, recapped, or retreaded tires on buses.

Wheels **393.205**

Wheels must meet the following conditions:

- *Wheels, rims, and hubs* shall not be cracked or broken.
- *Stud or bolt holes* shall not be elongated (out of round).
- *Nuts or bolts* shall not be missing or loose.
- *Lock or side rings* shall not be bent, broken, cracked or improperly seated.

Windshields **393.60 / 393.78 /** **393.79**

A vehicle's windshield (includes both left and right sides, if split windshield) must be free of discoloration, intersecting cracks, and damage greater than ¾ inch in diameter. The wipers and the defroster must be in proper working order.

Affected area:

Lowest: Top of the steering wheel.

Highest: 2 inches below top of the windshield.

Sides: 1 inch from left and right sides of each windshield.

MOTOR CARRIER SAFETY

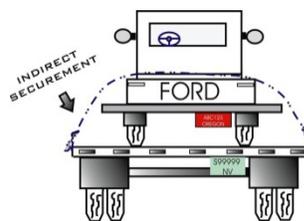
PART 393 – Cargo Securement

CARGO SECUREMENT

General Requirement 393.100 / 393.106	The cargo loaded on a CMV must be contained or secured to prevent the load from leaking, blowing, falling from the vehicle, or shifting to an extent that would affect the vehicle’s stability. Cargo likely to roll must be restrained by chocks, cradles, or other devices to prevent rolling.
Securement System Standards 393.104 / 393.112	All securement devices and systems (tiedowns, anchor points, walls, stakes, chocks, etc.) must be in good working order, properly secured, and free of damage that would adversely affect the cargo securement. Tiedowns must meet certain manufacturing standards. Edge protection (<i>defined in 393.5</i>) must be used wherever a tiedown would be subject to abrasion or cutting.
Cargo Inspection 392.9	The driver must ensure that the cargo is properly distributed and secured. Accessory equipment (tarps, tailgate, spare tire, etc.) must also be secured. The driver must examine and adjust/change the cargo securement, as necessary: <ul style="list-style-type: none">• Before driving.• Within the first 50 miles.• At the next change of duty status, after 3 hours of driving, or after driving 150 miles, whichever occurs first.
Working Load Limit 393.5 / 393.102 / 393.106 / 393.108	Working load limit (WLL) is the maximum load that may be applied to a component of a cargo securement system during normal service. The securement devices must have an <i>aggregate WLL (defined in 393.5)</i> capable of preventing cargo movement in the forward, rearward, sideways, and vertical directions. The WLL of a tiedown is determined by the manufacturer’s markings or, if not available, by the WLL tables in 393.108.

Indirect Securement

The tiedown goes from an anchor point on the vehicle, through, over, or around the cargo and attaches to another anchor point on the *other side* of the vehicle.



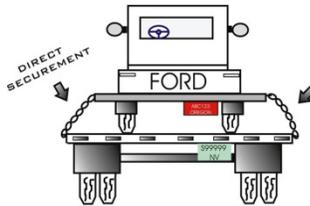
The assigned WLL is the entire WLL determined by the manufacturer’s marking or by the WLL tables.

MOTOR CARRIER SAFETY

PART 393 – Cargo Securement

Direct Securement

- The tiedown goes from an anchor point on the vehicle to an attachment point on the cargo, or
- The tiedown goes from an anchor point on the vehicle, through, over, or around the cargo and attaches to another anchor point on the *same side* of the vehicle.



The assigned WLL is **one-half** of the WLL determined by the manufacturer's marking or by the WLL tables.

The assigned *aggregate* WLL of all devices used to secure cargo must be at least one-half times the **weight** of the cargo. For example, if the cargo weighs 30,000 lbs., the assigned *aggregate* WLL of all devices used to secure the cargo must be at least 15,000 lbs.

General Provisions **393.110**

The number of tiedowns required to secure cargo is also dependent on the **length** of the cargo.

If no front end structure or cargo to prevent forward movement:

Length of Cargo	Weight of Cargo	Minimum Number of Tiedowns
5 ft. or less	1,100 lbs. or less	1
	Over 1,100 lbs.	2
Over 5 ft. up to 10 ft.	n/a	2
Over 10 ft.	n/a	2 tiedowns for first 10 ft., plus - 1 tiedown for each extra 10 ft. length or fraction thereof. <i>Example: 25 ft. = 4 tiedowns.</i>

MOTOR CARRIER SAFETY

PART 393 – Cargo Securement

With front end structure or cargo to prevent forward movement: *

1 tiedown for each 10 ft. length or fraction thereof.

Example: 25 ft. = 3 tiedowns.

* *See 393.114 for front end structure requirements.*

Special Purpose Vehicles 393.5 / 393.110

The length requirements of 393.110 do not apply to vehicles transporting cargo which, because of its design, size, shape, or weight, must be secured by special methods. However, the cargo must be properly secured.

Examples: Crane booms, trusses, boats.

Commodity- Specific Rules 393.106

Additional rules apply to certain types of cargo, and take precedence over the general requirements. **Bolded** items are described in more detail below.

- **Logs – 393.116**
- **Dressed lumber or similar building products – 393.118**
- Metal coils – 393.120 (*defined in 393.5*)
- Paper rolls – 393.122
- Concrete pipe – 393.124
- **Intermodal containers – 393.126**
- Automobiles, light trucks, and vans – 393.128
- **Heavy vehicles, equipment, and machinery – 393.130**
- **Flattened or crushed vehicles – 393.132**
- Roll-on/roll-off or hook lift containers – 393.134 (*defined in 393.5*)
- Large boulders – 393.136
- **Baled hay and straw**

Logs ¹ 393.116

The following applies to all log loads. However, loads of less than 5 processed logs, and logs that are unitized by banding all the logs together, may be secured under the general requirements of 393.100 to 393.114: ²

- The logs must be solidly packed and cradled with bunks or stakes (**A**) to prevent the logs from rolling.
- The outer bottom logs (**B**) must rest solidly against the bunks or stakes.

MOTOR CARRIER SAFETY

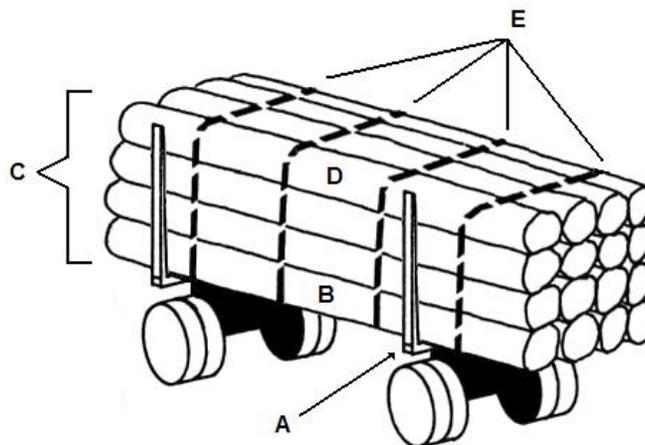
PART 393 – Cargo Securement

- Each outside log (**C**) must have one end touching a bunk or stake, and the other end touching, or at least extending beyond, the other bunk or stake.
- The center of each highest outside log (**D**) must be below the top of each bunk or stake.
- The logs must be secured by *two* tiedowns or wrappers with the following exceptions:
 - Log truck/pole trailers: When any logs rise above the bunks, *two* additional wrappers are required.
 - Logs 27 feet or longer: OR OSHA rule OAR 437-007-1010 requires *four* evenly-spaced wrappers (**E**).
 - Shortwood loaded lengthwise: Allowed *one* tiedown/wrapper for any middle stack blocked in the front and rear by structures or other shortwood stacks.³
- The aggregate WLL of all tiedowns/wrappers used to secure the logs loaded on a flatbed or frame vehicle (*defined in 393.5*) must be at least **1/6** times the total weight of the logs.

¹ “Logs” include round processed wood (e.g., utility poles, peeler cores).

² See 393.116 for additional rules for pole trailers and shortwood logs loaded crosswise.

³ “Shortwood” - logs up to 16 feet in length (393.5).



MOTOR CARRIER SAFETY

PART 393 – Cargo Securement

**Dressed Lumber or
Similar Building
Products
393.118**

Bundles one or two tiers high

Bundles must be secured with tiedowns over the **top tier**.

Bundles three or more tiers high

Bundles require tiedowns over the **top tier**, **plus one** of the following:

- *Stakes* on the vehicle sides to prevent lateral movement; or
- *Blocking* or *friction devices* between tiers to prevent lateral movement; or
- *Tiedowns over the middle tier*. If more than 3 tiers, the maximum height of the middle tier that is secured may not exceed 6 feet above the deck of the vehicle; or *
- *Tiedowns over the second tier* from the bottom; or *
- *Tiedowns over each tier*; or
- Loaded in a *sided vehicle* (defined in 393.5) or *container* of adequate strength (*does not include curtain vans or tautliners*).

Note: *All tiedowns required above must be secured under the general requirements of 393.100 to 393.114. At least two tiedowns are required for bundles two or more tiers high and longer than 5 ft.*

Note: *393.118 does not apply to non-bundles such as glue-laminated beams. Glue-laminated beams must be secured with tiedowns over the top tier under the general requirements of 393.100 to 393.114. (note updated 10/26/09. 393.118 applies to load of veneer)*

* Note: *Spacers are allowed under the specifications in 393.118(d)(3).*

MOTOR CARRIER SAFETY

PART 393 – Cargo Securement

Intermodal Containers 393.126

Container chassis vehicle (defined in 393.5)

- Each container must be secured to the chassis with securement devices or integral locking devices at all lower corners that cannot come open while the vehicle is in transit. The front and rear of the container must be secured independently.
- The securement devices must not allow the container to shift in any direction more than ½ inch.

Loaded container on non-chassis vehicle

- All lower corners of the container must rest upon the vehicle.
- The container must be secured by *one* of the following:
 - Chains, wire ropes, or locking devices fixed to all lower corners, or
 - Crossed chains fixed to all upper corners.
- The container must be secured to the vehicle with devices that cannot come open while the vehicle is in transit. The front and rear of the container must be secured independently.

Empty container on non-chassis vehicle

The container need not have all lower corners resting on the vehicle, provided:

- The container is balanced on the vehicle.
- The container does not overhang more than 5 feet at the front or rear of the vehicle, and does not interfere with the vehicle's maneuverability.
- The container is secured to prevent shifting in any direction.

MOTOR CARRIER SAFETY

PART 393 – Cargo Securement

Heavy Vehicles, Equipment, and Machinery 393.130

The following applies to vehicles, equipment, and machinery individually weighing 10,000 lbs. or more. Loads less than 10,000 lbs. may be secured according to the general requirements of 393.100 to 393.114, or 393.128:

- Equipment with crawler tracks or wheels must be secured with at least four tiedowns, attached as close as possible to the front and rear of the vehicle. *
- Accessory equipment (e.g., shovels, buckets) must be lowered and secured to the vehicle, or lowered and locked in place to prevent shifting during transport.
- Articulated vehicles must be restrained to prevent articulation while in transit.

* *The following securement arrangements are also permitted:*

Two individual tiedowns sharing one anchor point on the equipment, or one anchor point on the vehicle, as long as the anchor point is strong enough.



A single chain used as two tiedowns when the chain acts independently on each side of the equipment. Each side of the tiedown must have two attachment points and one adjustment mechanism.



MOTOR CARRIER SAFETY

PART 393 – Cargo Securement

Flattened or Crushed Vehicles 393.132

- Synthetic webbing is not allowed for securing the vehicles, except that webbing may be used to connect wire rope or chain to anchor points on the CMV. However, the webbing may not come in contact with the flattened or crushed vehicles.
- Containment walls, if used, must extend to the full height of the load, and must block against cargo movement.
- The containment system must prevent liquids from leaking, and loose vehicle parts from falling, from the flattened or crushed vehicles.
- There are four options for securement:

Containment Walls	Tiedowns Per Vehicle Stack
All 4 sides	0
3: front, rear, and one side	2
2: front and rear	3
none	4

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PART 393 – Cargo Securement

**Baled Hay and
Straw
393.102(c):
FMCSA
Memorandum**

The following meets or exceeds the performance requirements of the FMCSR. Tiedowns are exempt from the aggregate WLL found in 393.106(d), provided they meet the WLL requirements below.

Bale Placement

Loads must be well-balanced and positioned on the vehicle so the load is stable without tiedowns.

Small bales (see first diagram below)

- *Sides of load:* Outside bales must not be placed in the same direction in more than two successive tiers (**A**), except one bale above and below a tier, up to three tiers in succession (**B**).
- Bales in the top tier must be loaded crosswise to the vehicle (**C**).
- No bale must be loaded vertically.

Big bales

Sides of load: Outside bales must not be placed in the same direction in more than three successive tiers.

Load projection

No bales may extend beyond the vehicle bed between a truck and trailer, or semi-trailer and trailer. No bales may extend more than one-third the bale length beyond the rear of the bed surface on a single vehicle or the last vehicle in a combination of vehicles. Bales may extend over the truck cab provided they are supported, interlocked with other bales, and do not obstruct the driver's view.

Longitudinal Tiedowns

The load must be unitized with two longitudinal tiedowns, each having a minimum WLL of 2,100 lbs., and secured with a tightening device (**F**, **I**). The tiedowns must be applied over V-boards (**E**), or big bales may use the alternate method below.

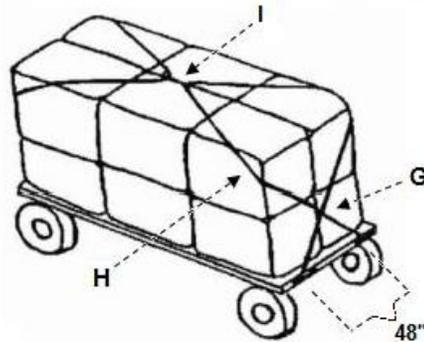
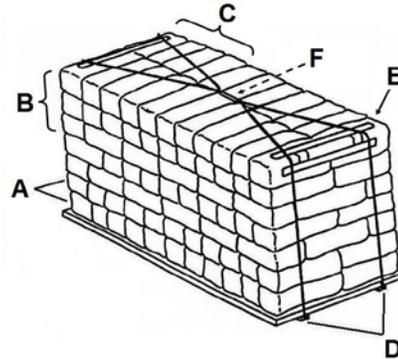
MOTOR CARRIER SAFETY

PART 393 – Cargo Securement

With V-Boards

(big or small bales)

Two tiedowns must be anchored at the front and rear near the corners (**D**), extended over the top, and crossed or connected with a tightening device at the center (**F**).



Alternate securement (big bales)

Two tiedowns must be anchored at the front and rear of the load at least 48 in. apart, crossed at the front and rear (**G**), passed to the outside around the upper corners of the load (**H**), and connected with a tightening device at the top center (**I**).

Lateral Tiedowns

Each tiedown must have a minimum WLL of 4,000 lbs. Multiple tiedowns may be substituted, provided each has a minimum WLL of 625 lbs., with a combined WLL of 4,000 lbs. or more. Tiedowns less than 2 inches in width or diameter must include V-boards.

Vehicles 32 feet or less in length

One tiedown shall be placed in the center of the length of the vehicle.

Vehicles greater than 32 feet in length

Two tiedowns shall be positioned at one-third and two-thirds the length of the vehicle.

Note: Bales not unitized by longitudinal tiedowns must be secured according to the general cargo securement requirements of FMCSR, 393.100-114.

Note: For further information, visit ODOT's website at: www.oregon.gov/ODOT/MCT/docs/HaySecurement.pdf.

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

The hours of service rules apply to all motor carriers and drivers, with some exceptions found in Part 395.1, and intrastate exceptions found in OAR 740-100-0010(2).

DEFINITIONS

**Driving Time
395.2**

Driving time means all time spent at the driving controls of a CMV in operation. This includes time behind the wheel waiting to load or unload, and delays on impassable highways.

**Off-Duty Time
395.2**

These conditions must be met before any time can be considered *off-duty time*:

1. The driver must be relieved of all duty and responsibility for the vehicle, its accessories, and any cargo or passengers being transported.
2. The duration of relief must be a finite period of sufficient duration to ensure fatigue is significantly reduced.
3. The driver must be at liberty to pursue activities of his/her own choosing, and be allowed to leave the premises where the CMV is located. However, the driver may elect to rest in a parked CMV, as long as the driver has no responsibilities during the rest period.

A driver may record as off duty up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth.

**On Duty Time
395.2**

Generally, *On duty time* means all time from the time a driver begins to work or is ready to work until the time the driver is relieved from work and all responsibility for work. On duty time shall include all time:

- At a plant, terminal, facility, or other property of a motor carrier or shipper, or on public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
- Inspecting, servicing, or conditioning any CMV at any time.
- Driving a CMV (*see definition of Driving Time above*).

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

- All time loading or unloading a CMV, supervising, or assisting in the loading or unloading, attending a CMV being loaded or unloaded, remaining in readiness to operate the CMV, or in giving or receiving receipts for shipments loaded or unloaded.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled CMV.
- Taking a controlled substances/alcohol test, including travel to and from the testing facility, when directed by a motor carrier.
- Performing any other work for a motor carrier.
- Performing any compensated work for a person who is not a motor carrier.
- All time in or on a commercial motor vehicle, other than:
 - Time spent resting in or on a parked vehicle. (However, drivers who haul certain Class 1 explosives must log attendance time as on-duty time);
 - Time spent resting in a sleeper berth; orUp to 2 hours riding in the passenger seat of a moving property-carrying CMV immediately before or after 8 consecutive hours in the sleeper berth.

DRIVER'S RECORD OF DUTY STATUS

**Driver's Record of
Duty Status
395.8**

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 an exemption.

The driver's log must be kept current to the *last change of duty status*. The driver must have the current day's log plus the previous 7 consecutive days in his/her possession.

The driver must turn in the original log sheet to the motor carrier within 13 days. The logs must be kept on file for at least 6 months. *

Example log sheet (see explanation of trip at the end of 395.8):

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

DRIVER'S DAILY LOG																								
(ONE CALENDAR DAY - 24 HOURS)																								
4-23-2005 <small>(MONTH) (DAY) (YEAR)</small>			270 <small>(MILES DRIVING TODAY)</small>			I certify these entries are true and correct:			TT #12, TR #21 <small>VEHICLE NUMBERS (SHOW EACH UNIT)</small>															
Washington Transportation <small>(NAME OF CARRIER OR CARRIERS)</small>						John E. Doe <small>(DRIVER'S SIGNATURE IN FULL)</small>																		
Washington, D.C. <small>(MAIN OFFICE ADDRESS)</small>						Washington, D.C. <small>(HOME TERMINAL ADDRESS)</small>																		
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	[Bar chart showing off-duty periods]																						11	
2: SLEEPER BERTH	[Bar chart showing sleeper berth periods]																						1.75	
3: DRIVING	[Bar chart showing driving periods]																						7.75	
4: ON DUTY (Not Driving)	[Bar chart showing on-duty (not driving) periods]																						3.5	
																							<u>24</u>	
REMARKS																								
SHIPPING DOCUMENTS:																								
1673, 1674																								
<small>Shipping Document No.</small>																								
<small>Shipper & Commodity</small>																								

* Retention periods will be greater if the logs are used for other purposes such as tax reporting.

INTERSTATE COMMERCE: PROPERTY

11-Hour Rule
395.3(a)(3)(i)

A driver shall not drive more than 11 hours following 10 consecutive hours off duty (see example below)

Note: This rule applies even if the time periods extend into the following day.

Rest Break
395.3(a)(3)(ii)

Driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes (see example below).

Note: This rule applies even if the time periods extend into the following day. Drivers who are not required to maintain a driver's log are not required to take the rest break mandated by 395.3.

14-Hour Rule
395.3(a)(2)

A driver shall not drive beyond the 14th hour after coming on-duty, following 10 consecutive hours off duty.

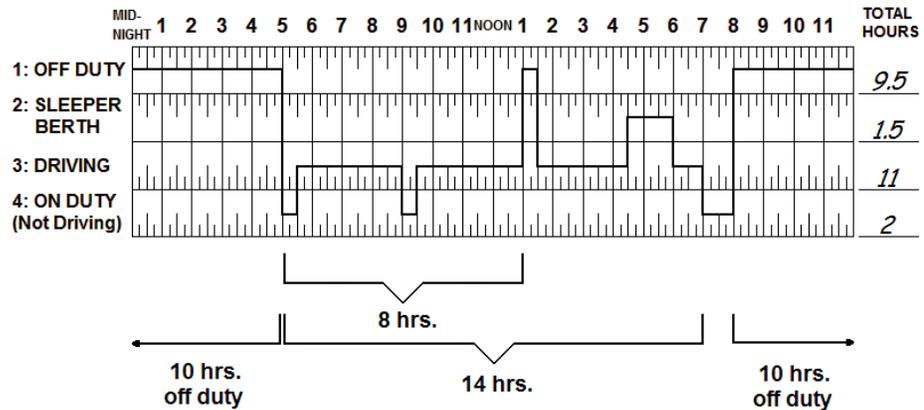
A driver may be *on duty*, but may not *drive*, after the 14th hour.

The 14 hours includes all time: driving, on duty (not driving), off duty less than 10 hours, and sleeper berth less than 8 hours.

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

Note: This rule applies even if the time periods extend into the following day.



Exception:
16-Hour
395.1(o)

A driver is exempt from the 14-hour rule if the driver:

- Was released from duty at the normal work-reporting location for the previous 5 days;
- Returns to the normal work-reporting location and is released from duty within 16 hours; and
- Has not used this exception in the last 6 days, except after a 34-hour restart.

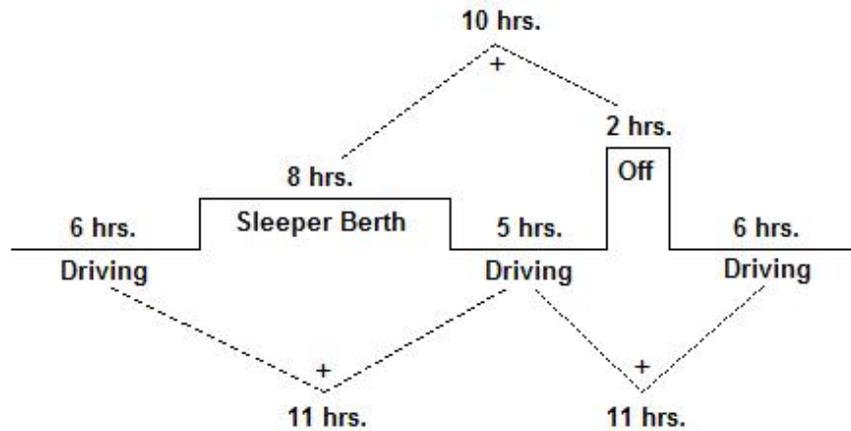
Exception:
Sleeper Berth
Provision
395.1(g)(1)

A driver is allowed to take 10 hours sleeper berth/off duty time in two separate **periods** if:

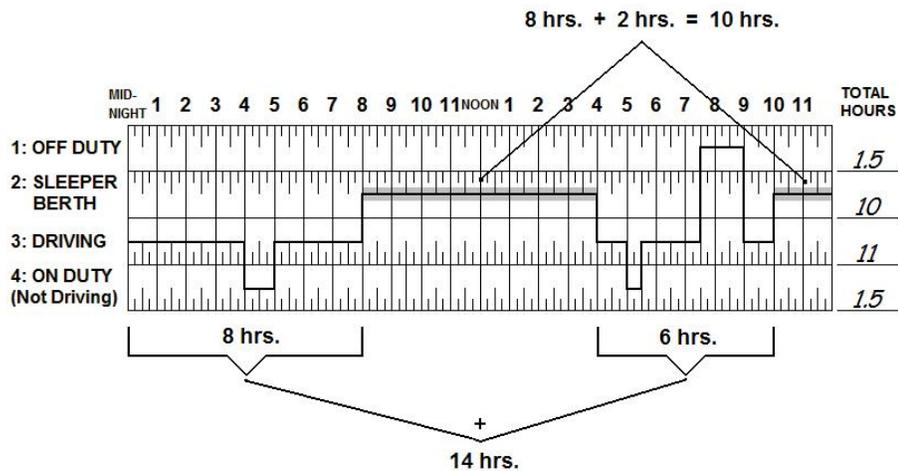
- One **period** is at least 8 *but less than 10 hours sleeper berth*.
- The other **period** is at least 2 *but less than 10 hours sleeper berth, off duty, or both*.
- 11-hour rule: The *driving time* just before and after each **period**, when added together, must be no more than 11 hours:

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers



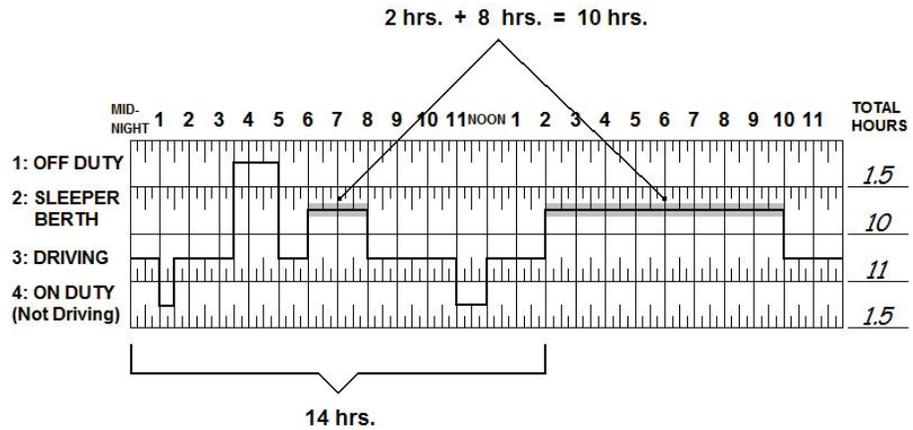
- 14-hour rule: The *total time* just before and after each **period**, when added together, must not result in a driver driving beyond the 14th hour.
 - A **period** of at least 8 hours sleeper berth is not included in the 14 hours:



- A **period** less than 8 hours sleeper berth, or less than 10 hours off duty, is included in the 14 hours:

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers



- The driver must *continue* using the sleeper berth provision until the driver has taken at least 10 consecutive hours off duty, sleeper berth, or both.

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

60 / 70 Hour Rule 395.3(b)

A driver shall not drive after being on duty:

- 60 hours in 7 consecutive days, or
- 70 hours in 8 consecutive days.

A driver may be *on duty*, but may not *drive*, after the 60th or 70th hour.

A motor carrier who:

- *Does not operate CMV's every day of the week*, must use the 60-hour rule.
- *Operates CMV's every day of the week*, can choose either the 60-hour or the 70-hour rule.

The following is an example of a typical 70-hour/8-day recap located on the inside front cover of a log book. Some logs also have recaps along the right hand margin of each log sheet. Neither type of recap is required but is helpful in tracking hours.

DAY OF MO.	HOURS WORKED TODAY (TOTAL OF LINES 3 & 4 ON LOG)	70 HR/8 DAY DRIVERS ONLY		
		A	B	C
LAST 7 DAYS OF PRECEDING MONTH	2	TOTAL HOURS ON-DUTY LAST 7 DAYS	TOTAL HOURS AVAILABLE TOMORROW (70 HOURS MINUS COL. A)	TOTAL HOURS ON-DUTY LAST 8 DAYS
	12			
	13			
	6			
	8			
	8			
	9			
1	12	68	2	70
2	2	58	12	70
3	12	57	13	70
4	13	64	6	70
5	5	61	9	69
6	9	62	8	70

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

Exception:
34-Hour Restart
395.3(c)

Drivers may “restart” the 7/8 day period by taking at least 34 consecutive hours off-duty, sleeper berth, or both.

DAY OF MO.	HOURS WORKED TODAY (TOTAL OF LINES 3 & 4 ON LOG)	70 HR/8 DAY DRIVERS ONLY		
		A	B	C
LAST 7 DAYS OF PRECEDING MONTH	2	TOTAL HOURS ON-DUTY LAST 7 DAYS	TOTAL HOURS AVAILABLE TOMORROW (70 HOURS MINUS COL. A)	TOTAL HOURS ON-DUTY LAST 8 DAYS
	12			
	13			
	6			
	8			
	8			
	9			
1	12	68	2	70
2	0	56	14	68
3	12	12		12
4	13	25		25
5	5	30		30
6	9	39		39

24 hours off, plus 10 hours on the following day = 34 hours off duty

Restart 8 day period

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

INTRASTATE COMMERCE: PROPERTY

12-Hour Rule
OAR 740-100-
0010(2)(i)(A)

A driver shall not drive more than 12 hours following 10 consecutive hours off duty.

Driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

Note: This rule applies even if the time periods extend into the following day.

16-Hour Rule
OAR 740-100-
0010(2)(i)(B)

A driver shall not drive beyond the 16th hour after coming on-duty, following 10 consecutive hours off duty.

A driver may be *on duty*, but may not *drive*, after the 16th hour.

The 16 hours includes all driving, on duty (not driving), off duty, and sleeper berth less than 8 hours.

Note: This rule applies even if the time periods extend into the following day.

70 / 80 Hour Rule
OAR 740-100-
0010(2)(i)(C) & (D)

A driver shall not drive after being on duty:

- 70 hours in 7 consecutive days, or
- 80 hours in 8 consecutive days.

A driver may be *on duty*, but may not *drive*, after the 70th or 80th hour.

A motor carrier who:

- *Does not operate CMV's every day of the week*, must use the 70-hour rule.
- *Operates CMV's every day of the week*, can choose either the 70-hour or the 80-hour rule.

Note: Drivers may "restart" the 7/8 day period by taking at least 34 consecutive hours off-duty, sleeper berth, or both.

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

INTRASTATE EXCEPTIONS

- 7 or 8-Day Period
390.3, Interp' #24** A driver who begins a trip in *interstate* commerce must continue to comply with the *interstate* hours of service regulations for the next 6 or 7 consecutive days, even if the driver operates exclusively *intrastate* during the 6 or 7 days.
- Hazardous
Materials
OAR 740-100-
0010(j)** The intrastate hours of service rules do not apply to drivers transporting hazardous materials requiring placarding. Drivers transporting placarded hazardous materials must comply with the Federal interstate hours of service.

MOTOR CARRIER SAFETY
PART 395/OAR 740 – Hours of Service of Drivers

PROPERTY VS. PASSENGERS

Hours of Service Table Different hours of service regulations apply to the transportation of passengers. The differences are summarized below:

Property		Passengers
Interstate	Intrastate	Interstate and Intrastate
395.3	OAR 740-100-0010(2)(i)	395.5
11 hrs. driving ¹	12 hrs. driving ¹	10 hrs. driving ²
No driving beyond 14 th hr ¹	No driving beyond 16 th hr ¹	No driving after 15 hrs ²
Includes <u>all</u> time		Includes <u>on-duty</u> time only
16-Hour Exception	n/a	n/a
<u>Sleeper Provision</u> 8 hrs. sleeper + 2 hrs. sleeper/off. 2 hrs. counts towards 14 hrs.		<u>Split Sleeper</u> Split 8 hrs. into 2 periods. Each period must be at least 2 hrs. 15 hrs. includes on-duty time only.
<u>100 Air-Mile Radius Drivers</u> Return/off duty within 12 hrs.		
Non-CDL Exemption		n/a
60 / 70 hrs.	70 / 80 hrs.	60 / 70 hrs.
34-Hour Restart		n/a

¹ Following **10** consecutive hours off duty.

² Following **8** consecutive hours off duty.

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PART 395/OAR 740 – Hours of Service of Drivers

EXCEPTIONS: 24-HOUR RESTART

Construction
395.1(m) / 395.2

Drivers transporting construction materials and equipment may restart their 7/8 day period after taking at least 24 consecutive hours off-duty, if they operate to or from a construction site that is within 50 air-miles of their normal work reporting location.

Note: *Exception not allowed for placarded hazardous materials.*

Well Drilling
395.1(l) / 395.2

Drivers who transport and operate ground water well drilling rigs may restart their 7/8 day period after taking at least 24 consecutive hours off-duty.

Utility
395.1(n) / 395.2

See “OTHER EXCEPTIONS”.

TIME RECORD EXEMPTIONS

Short-Haul
100 Air-Mile
Radius Drivers
395.1(e)(1)

A driver is exempt from completing the driver’s daily log if *all* of the following is true:

- The driver operates within *100 air-miles* of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within *12 hours*.
- The driver completes a *time card* for each day showing:
 - The time the driver reports for duty.
 - The time the driver is released from duty.
 - The total hours on duty.

Note: *The start and stop times for each time card must show AM or PM, or be recorded in military time. Each time card must also include the driver’s name and date. The time cards must be kept on file for at least 6 months, but need not be in the driver’s possession.*

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

Short-Haul **Non-CDL Vehicles** **395.1(e)(2)**

A driver is exempt from completing the driver's daily log if *all* of the following is true:

- The driver operates a *property-carrying CMV not requiring a CDL*.
- The driver operates within *150 air-miles* of the normal work reporting location.
- The driver returns to the work reporting location and is released from work at the end of each day.
- The driver completes a *time card* for each day showing:
 - The time the driver reports for duty.
 - The time the driver is released from duty.
 - The total hours on duty.

Note: *Interstate drivers using this exemption may drive up to the 16th hour on 2 days of each 7-day period. However, any driver using this exemption may not use the 100 air-mile radius exception or sleeper berth provision.*

Occasional Drivers **395.8(j)(2)**

A first time or occasional driver must give the motor carrier a signed statement showing the total hours on duty during the last 7 days, and the last time the driver went off duty.

Automatic On-Board Recording Devices **395.15**

Alternatively, motor carriers may require a driver to use an ***automatic on-board recording device*** to record the hours of service. The driver must still have in his/her possession the duty status records in automated or written form, for the previous 7 consecutive days. All hard copies of the duty status records must be signed by the driver. Each CMV must also have an information packet which contains: (1) an instruction sheet, and (2) a supply of blank log book forms.

Note: For a device to be used as an automatic on-board recording device it must meet the performance requirements of 395.15(i).

MOTOR CARRIER SAFETY

PART 395/OAR 740 – Hours of Service of Drivers

OTHER EXCEPTIONS

**Adverse Driving
Conditions**
395.1(b) / 395.2

A driver who encounters *adverse driving conditions* and because of those conditions cannot complete a trip in the maximum time allowed, may drive to reach a safe location no more than:

- 13 hours following 10 consecutive hours off duty (property); or
- 12 hours following 8 consecutive hours off duty (passenger).

The *adverse driving conditions* must not have been apparent to the person dispatching the trip. The driver must comply with all other hours of service limits.

Agriculture
395.1(k)

The hours of service regulations do not apply to *any* drivers transporting agricultural or farm commodities, or farm supplies, within 150 air-miles of the farm, the distribution point, or the source of the product.

Agricultural commodity means nonprocessed food, feed, fiber, or livestock.

Farm supplies include machinery or any supplies used on a farm.

Utility
395.1(n) / 395.2

The hours of service regulations do not apply to drivers of **utility service vehicles** used to repair and/or maintain public utility services.

Note: See FMCSR 395.2 for definition of utility service vehicle.

Travel Time
395.1(j)

When a driver is traveling, but not driving, at the direction of the motor carrier, such time must be counted as on-duty time, unless the driver goes off duty for at least 10 consecutive hours (property) or 8 consecutive hours (passenger) after arriving at the destination. In that case, the travel time is also considered off duty.

MOTOR CARRIER SAFETY

PART 396 – Inspection, Repair, and Maintenance

General Requirements
396.3 / 396.7

Every motor carrier shall systematically inspect, repair, and maintain all CMV's (power units and trailers) under its control. Vehicles shall not be operated if they are likely to cause an accident or a breakdown.

MAINTENANCE RECORDS

Information Required
396.3(b)

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

- Description of the vehicle: company number, make, serial number, year, and tire size.
- Routine inspections and maintenance: type and due date.
- All repairs and maintenance: description and date performed.
- For buses: records of tests conducted on pushout windows, emergency doors, and emergency marking lights.

Retention Period
396.3(c)

Maintenance records must be retained for one year at the location where the vehicle is stored, and maintained for six months after the carrier sells the vehicle.

DRIVER INSPECTIONS

Pre-Trip Inspection
392.7 / 396.13

Each driver shall ensure that the following parts and accessories are in good working order:

- Service and parking brakes
- Steering system
- Coupling devices
- Lights and reflectors
- Tires
- Horn
- Windshield wipers
- Rearview mirrors

Note: See also 392.8, emergency equipment, and 392.9, cargo securement. See 396.15 for driveaway-towaway operations.

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PART 396 – Inspection, Repair, and Maintenance

Driver Vehicle Inspection Reports 396.11 / 396.13

At the end of each driving day, the driver shall complete a *Driver Vehicle Inspection Report* that covers all items in the pre-trip inspection (above), *plus* wheels and emergency equipment. The driver shall list any safety-related defects, or those likely to cause a breakdown. Each report shall include *three* signatures by the following individuals:

- Driver – at the end of the driving day, certifying the defects found, or that no defects were discovered.
- Carrier/mechanic – before the next trip, certifying that the defects were repaired.
- Driver – before the next trip, acknowledging that the carrier/mechanic signed for the repairs.

The reports must be kept on file for at least *three months*, but need not be in the driver's possession.

Note: Effective December 18, 2014, drivers operating property-carrying vehicles are not required to complete a Driver Vehicle Inspection Report when the driver has neither found nor been made aware of any vehicle defects or deficiencies.

Note: *Driver Vehicle Inspection Reports are not required for driveaway-towaway operations, or for a motor carrier operating only one CMV or CMV combination (power unit with trailers).*

PERIODIC INSPECTIONS

General Requirements 396.17

Every commercial motor vehicle, including each unit in a combination, requires a periodic inspection every 12 months. The inspection must include all items described in the Minimum Periodic Inspection Standards (Part 393, Appendix G). Any defective parts or accessories discovered during the inspection shall be repaired promptly.

Documentation of Inspection 396.17(c) / 396.21

The original or a copy of the periodic inspection report must be retained by the motor carrier for 14 months from the report date. Documentation (report, sticker, or decal) of the most recent periodic inspection must be kept on or in the vehicle.

Inspection Options 396.17 / 396.23

The periodic inspection may be performed by one of the following entities:

- The motor carrier

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PART 396 – Inspection, Repair, and Maintenance

- An outside repair shop
- A state or other governmental agency that is a member of the Commercial Vehicle Safety Alliance (CVSA). The vehicle must *pass* a level I (full roadside) or level V (terminal) inspection in order to qualify for this option.

Inspector Qualifications 396.19

If the inspector performing the annual inspection is an employee of the motor carrier or the outside repair shop, the carrier must ensure that the inspector is qualified. To be qualified, the inspector must:

- Understand the inspection criteria in Part 393, Appendix G.
- Have the mechanical knowledge and ability necessary to inspect and identify defective components.

Training or Experience: Inspectors must have gained experience or training by *one* of the following:

- Completing a State, Federal, or Canadian training program in commercial motor vehicle safety inspections; or
- Having at least one year of equivalent training, experience, or both.

Documentation 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 INSPECTIONS

Brake Inspector Qualifications 396.25

Each motor carrier must ensure that any employee responsible for brake inspection, maintenance, or repairs has the mechanical knowledge and ability necessary to perform those tasks.

Training or Experience: Employees must have gained experience or training by *one* of the following:

- Completing a training program sponsored or approved by a State, Federal agency, Canadian Province, or labor union in brake servicing or inspection; or
- Having at least one year of equivalent brake-related training, experience, or both; or
- Passing the CDL air brake inspection test.

Documentation of Qualifications: Motor carriers must retain evidence

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PART 396 – Inspection, Repair, and Maintenance

of a brake inspector's qualifications until one year after the brake inspector ceases to perform inspections for the carrier. However, no evidence is required for a brake inspector who passed the CDL air brake test.

ROADSIDE INSPECTIONS

Inspection Report 396.9

Driver Responsibility: A driver who receives an inspection report from an on-highway ODOT-authorized inspector must deliver the report to the motor carrier as soon as possible.

Certification of Repairs: The motor carrier is to examine the inspection report and ensure that any violations or defects noted on the report are corrected before next dispatch. The carrier must sign the report to certify that all violations have been corrected, and return the report to the indicated address within 15 days after the inspection.

Record Retention: A copy of the report must be retained by the motor carrier for 12 months from the date of inspection.

Out-of-Service 395.13 / 396.9(c) / OAR 740-100-0060

A *driver* or commercial *vehicle* placed out-of-service during an on-highway ODOT-authorized inspection must have the out-of-service deficiency or defect corrected as prescribed on the inspection report, before the vehicle may again be operated on the highway.

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On-Highway Inspections



When you get stopped for inspection . . .

Your truck may be stopped and inspected by ODOT/law enforcement who have been certified by the Department.

You will be asked to produce certain paperwork during the inspection which includes:

- ✓ Your driver's license
- ✓ Your medical examiner's certificate, if applicable
- ✓ Your medical waiver (Skills Performance Evaluation), if applicable
- ✓ Your record of duty status (logbook)
- ✓ Your trip receipts
- ✓ Your shipping/delivery papers or manifest
- ✓ A vehicle registration for each unit
- ✓ Oregon Weight Receipt and Tax Identifier
- ✓ Current annual inspections for each unit



MOTOR CARRIER SAFETY

Green Light Transponder Information

Carrier Savings Oregon's Green Light weigh station preclearance system uses weigh-in-motion scales and transponder systems that allow safe and legal trucks to by-pass weigh stations. Motor carriers that participate in the Green Light system can save travel time and operating costs such as fuel, and wear and tear on their vehicles. Each weigh station by-pass saves about five minutes, plus the \$1.24 per minute it's estimated it costs to operate a heavy truck. While Green Light saves motor carriers time and money, it also increases weigh station capacity.

Transponder Technology Green Light uses the same technology used in weigh station preclearance systems all around the country. Vehicles with Green Light transponders can use them in any other state by enrolling with the state and agreeing to the terms and conditions of its systems.

Locations A total of 22 Oregon weigh stations have the intelligent transportation system. The locations of the sites are as follows:

Interstate 5

Woodburn Port of Entry, Southbound
Woodburn Weigh Station, Northbound
Ashland Port of Entry, Northbound
Ashland Weigh Station, Southbound
Booth Ranch Weigh Station, Southbound
Booth Ranch Weigh Station, Northbound

Interstate 82

Umatilla Port of Entry, Southbound

Interstate 84

Farewell Bend Port of Entry, Westbound
Olds Ferry Weigh Station, Eastbound
La Grande Weigh Station, Eastbound
Emigrant Hill Weigh Station, Westbound
Cascade Locks Port of Entry, Eastbound
Wyeth Weigh Station, Westbound

US Highway 97

Juniper Butte Weigh Station, Northbound
Juniper Butte Weigh Station, Southbound
Bend Weigh Station, Northbound
Klamath Falls Port of Entry, Northbound
Klamath Falls Weigh Station, Southbound

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Green Light Transponder Information

OR Highway 58

Lowell Weigh Station, Westbound

US Highway 26

Brightwood Weigh Station, Westbound

Brightwood Weigh Station, Eastbound

US Highway 30

Rocky Point Weigh Station, Westbound

Cost

The Oregon Department of Transportation is distributing transponders at no cost to companies with trucks that regularly stop at Green Light weigh stations.

How to Obtain

For more information, contact the Motor Carrier Transportation Division at 503-378-6054 or download the Green Light Transponder Application form from the MCTD Web site at:

www.oregon.gov/ODOT/MCT/GREEN.aspx