

A Texas Motor Carrier's Guide to Highway Safety

Texas Department of Public Safety



Texas Highway Patrol Division
Commercial Vehicle Enforcement



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Commercial Vehicle Enforcement

PART 1 – INTRODUCTION

Purpose

The Texas Department of Public Safety produces this pamphlet to provide basic compliance guidance to support the Federal Motor Carrier Safety Regulations (FMCSR).

Our goal is to secure safe transportation of passengers and cargo on the nation's highways, through the coordinated effort of Federal and State agencies along with voluntary safety compliance by Texas motor carriers and related trade associations to:

- ▶ Reduce commercial vehicle accidents;
- ▶ Reduce fatalities, injuries, and property losses involving commercial motor vehicles; and
- ▶ Reduce the occurrence of hazardous materials transportation incidents.

Safety compliance translates into saved lives, decreased injuries, and reduction of property loss.

About the Contents

The majority of the sections in this pamphlet highlight information from specific parts of the FMCSRs. You may reproduce and distribute any or all of the material contained in this booklet. You may also obtain further information from the Federal Motor Carrier Safety Administration's (FMCSA) website at www.fmcsa.dot.gov and the Texas Administrative Rules at www.sos.state.tx.us (Title 37, Part 1, Chapter 4, Subchapter B).

Disclaimer

Although we made every effort to assure the completeness and accuracy of the information in this booklet, it is not intended to take the place of published agency regulations. This booklet paraphrases the FMCSR published in Title 49 of the U.S. Code of Federal Regulations. Do not use the contents as a substitute for the official text. The regulations issued by the U.S. Department of Transportation (USDOT) and its operating administrations are published in the Federal Register and compiled in the U.S. Code of Federal Regulations. Likewise, Texas Motor Carrier Safety Regulations are published under 37 TEX. ADMIN. CODE, Chapter 4, and are subject to changes as may be published from time to time in the Texas Register.

Motor carriers, drivers, and shippers are responsible for understanding and complying with the Federal Motor Carrier Safety Regulations (FMCSRs) and Texas regulations.

A handwritten signature in black ink, appearing to read 'Omar Villarreal'.

Captain Omar Villarreal
Manager, Motor Carrier Bureau

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Abbreviations used throughout this Guide			
Texas Abbreviations		Federal Abbreviations	
CVE	Commercial Vehicle Enforcement	FMCSA	Federal Motor Carrier Safety Administration
TxDMV	Texas Department of Motor Vehicles	FMCSR	Federal Motor Carrier Safety Regulations
TxDPS	Texas Department of Public Safety	HM	Hazardous Materials
THP	Texas Highway Patrol Division of TxDPS	PMCPs	Private Motor Carrier of Passengers
TRC	Texas Transportation Code	CFR	Code of Federal Regulations
TAC	Texas Administrative Code		



Texas Administrative Code

TITLE 37	PUBLIC SAFETY AND CORRECTIONS
PART 1	TEXAS DEPARTMENT OF PUBLIC SAFETY
CHAPTER 4	COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES
<u>SUBCHAPTER A</u>	REGULATIONS GOVERNING HAZARDOUS MATERIALS
RULE §4.1	Transportation of Hazardous Materials

- (a) The director of the Texas Department of Public Safety incorporates, by reference, the Federal Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 107 (Subpart G), 171 - 173, 177, 178, and 180, including all interpretations thereto, for commercial vehicles operated in intrastate, interstate, or foreign commerce, as amended through May 1, 2012. All other references in this section to the Code of Federal Regulations also refer to amendments and interpretations issued through May 1, 2012.
- (b) Explanations and Exceptions.
- (1) Certain terms when used in the federal regulations as adopted in subsection (a) of this section will be defined as follows:
- (A) the definition of motor carrier will be the same as that given in Texas Transportation Code, §643.001(6);
 - (B) hazardous material shipper means a consignor, consignee, or beneficial owner of a shipment of hazardous materials;
 - (C) interstate or foreign commerce will include all movements by commercial motor vehicle, both interstate and intrastate, over the streets and highways of this state;
 - (D) department means the Texas Department of Public Safety;
 - (E) FMCSA field administrator, as used in the federal motor carrier safety regulations, means the director of the Texas Department of Public Safety or the designee of the director for vehicles operating in intrastate commerce;
 - (F) farm vehicle means any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agriculture products, farm machinery, and farm supplies to or from a farm or ranch; and
 - (G) private carrier means any person not included in the terms “common carrier by motor vehicle” or “contract carrier by motor vehicle” who transports by commercial motor vehicle property of which the person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent or bailment, or in furtherance of commerce.
- (2) All references in Title 49, Code of Federal Regulations, Parts 107 (Subpart G), 171 - 173, 177, 178, and 180 made to other modes of transportation, other than by motor vehicles operated on streets and highways of this state, will be excluded and not adopted by this department.
- (3) Regulations adopted by this department, including the federal motor carrier safety regulations, will apply to farm tank trailers used exclusively to transport anhydrous ammonia from the dealer to the farm. The usage of non-specification farm tank trailers by motor carriers to transport anhydrous ammonia must be in compliance with Title 49, Code of Federal Regulations, §173.315(m).
- (4) The reporting of hazardous material incidents as required by Title 49, Code of Federal Regulations, §171.15 and §171.16 for shipments of hazardous materials by highway is adopted by the department.

- (5) Regulations adopted by this department, including the federal motor carrier safety regulations, will apply to an intrastate motor carrier transporting a flammable liquid petroleum product in a cargo tank. The usage of non-specification cargo tanks by motor carriers for the intrastate transportation of flammable liquid petroleum products must be in compliance with Title 49, Code of Federal Regulations, §173.8.
- (6) Regulations and exceptions adopted herein are applicable to all drivers and vehicles transporting hazardous materials in interstate, foreign, or intrastate commerce.
- (7) Nothing in this section shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.
- (8) Penalties assessed for violations of the regulations adopted herein will be based upon the provisions of Texas Transportation Code, Chapter 644, and §4.16 of this title (relating to Administrative Penalties, Payment, Collection and Settlement of Penalties).
- (9) A peace officer certified, in accordance with §4.13 of this title (relating to Authority to Enforce, Training and Certificate Requirements), to enforce the Federal Hazardous Material Regulations, as adopted in this section, may declare a vehicle out-of-service using the North American Standard Hazardous Materials Out-of-service Criteria as a guideline.

Source Note: The provisions of this §4.1 adopted to be effective March 9, 2004, 29 TexReg 2376; amended to be effective August 31, 2004, 29 TexReg 8375; amended to be effective January 4, 2005, 29 TexReg 12235; amended to be effective May 22, 2005, 30 TexReg 3030; amended to be effective September 22, 2005, 30 TexReg 6064; amended to be effective January 24, 2006, 31 TexReg 404; amended to be effective May 30, 2006, 31 TexReg 4441; amended to be effective October 1, 2006, 31 TexReg 8109; amended to be effective January 28, 2007, 32 TexReg 245; amended to be effective April 30, 2007, 32 TexReg 2370; amended to be effective August 16, 2007, 32 TexReg 5033; amended to be effective January 2, 2008, 32 TexReg 10056; amended to be effective June 11, 2008, 33 TexReg 4527; amended to be effective December 10, 2008, 33 TexReg 10048; amended to be effective February 25, 2010, 35 TexReg 1470; amended to be effective November 8, 2010, 35 TexReg 9918; amended to be effective May 10, 2011, 36 TexReg 2994; amended to be effective June 26, 2012, 37 TexReg 4601

TITLE 37	PUBLIC SAFETY AND CORRECTIONS
PART 1	TEXAS DEPARTMENT OF PUBLIC SAFETY
CHAPTER 4	COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES
<u>SUBCHAPTER B</u>	REGULATIONS GOVERNING TRANSPORTATION SAFETY
RULE §4.11	General Applicability and Definitions

- (a) General. The director of the Texas Department of Public Safety incorporates, by reference, the Federal Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations, Parts 40, 380, 382, 385, 386, 387, 390 - 393, and 395 - 397 including all interpretations thereto, as amended through May 1, 2012. All other references in this subchapter to the Code of Federal Regulations also refer to amendments and interpretations issued through May 1, 2012. The rules adopted herein are to ensure that:
- (1) a commercial motor vehicle is safely maintained, equipped, loaded, and operated;
 - (2) the responsibilities imposed on a commercial motor vehicle's operator do not impair the operator's ability to operate the vehicle safely;
 - (3) the physical condition of a commercial motor vehicle's operator enables the operator to operate the vehicle safely;
 - (4) commercial motor vehicle operators are qualified, by reason of training and experience, to operate the vehicle safely; and,
 - (5) the minimum levels of financial responsibility for motor carriers of property or passengers operating commercial motor vehicles in interstate, foreign, or intrastate commerce is maintained as required.

- (b) Terms. Certain terms, when used in the federal regulations as adopted in subsection (a) of this section, will be defined as follows:
- (1) the definition of motor carrier will be the same as that given in Texas Transportation Code, §643.001(6) when vehicles operated by the motor carrier meet the applicability requirements of subsection (c) of this section;
 - (2) hazardous material shipper means a consignor, consignee, or beneficial owner of a shipment of hazardous materials;
 - (3) interstate or foreign commerce will include all movements by motor vehicle, both interstate and intrastate, over the streets and highways of this state;
 - (4) department means the Texas Department of Public Safety;
 - (5) director means the director of the Texas Department of Public Safety or the designee of the director;
 - (6) FMCSA field administrator, as used in the federal motor carrier safety regulations, means the director of the Texas Department of Public Safety for vehicles operating in intrastate commerce;
 - (7) farm vehicle means any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agriculture commodities, farm machinery, and farm supplies to or from a farm or ranch;
 - (8) commercial motor vehicle has the meaning assigned by Texas Transportation Code, §548.001(1) if operated intrastate; commercial motor vehicle has the meaning assigned by Title 49, Code of Federal Regulations, Part 390.5 if operated interstate;
 - (9) foreign commercial motor vehicle has the meaning assigned by Texas Transportation Code, §648.001;
 - (10) agricultural commodity is defined as an agricultural, horticultural, viticultural, silvicultural, or vegetable product, bees and honey, planting seed, cottonseed, rice, livestock or a livestock product, or poultry or a poultry product that is produced in this state, either in its natural form or as processed by the producer, including wood chips. The term does not include a product which has been stored in a facility not owned by its producer;
 - (11) planting and harvesting seasons are defined as January 1 to December 31;
 - (12) producer is defined as a person engaged in the business of producing or causing to be produced for commercial purposes an agricultural commodity. The term includes the owner of a farm on which the commodity is produced and the owner's tenant or sharecropper; and
 - (13) off-road motorized construction equipment includes but is not limited to motor scrapers, backhoes, motor graders, compactors, excavators, tractors, trenchers, bulldozers, and other similar equipment routinely found at construction sites and that is occasionally moved to or from construction sites by operating the equipment short distances on public highways. Off-road motorized construction equipment is not designed to operate in traffic and such appearance on a public highway is only incidental to its primary functions. Off-road motorized construction equipment is not considered to be a commercial motor vehicle as that term is defined in Texas Transportation Code, §644.001.
 - (14) The phrase "The commercial driver's license requirements of part 383 of this subchapter" as used in Title 49, Code of Federal Regulations, §382.103(a)(1) shall mean the commercial driver's license requirements of Texas Transportation Code, Chapter 522.
 - (15) For purposes of removal from safety-sensitive functions for prohibited conduct as described in Title 49, Code of Federal Regulations, Part 382.501(c), commercial motor vehicle means a vehicle subject to the requirements of Texas Transportation Code, Chapter 522 and a vehicle subject to §4.22 of this title (relating to Contract Carriers of Certain Passengers), in addition to those vehicles enumerated in Title 49, Code of Federal Regulations, Part 382.501(c).
- (c) Applicability.
- (1) The regulations shall be applicable to the following vehicles:
 - (A) a vehicle or combination of vehicles with an actual gross weight, a registered gross weight, or a gross weight rating in excess of 26,000 pounds when operating intrastate;
 - (B) a farm vehicle or combination of farm vehicles with an actual gross weight, a registered gross weight, or a gross weight rating of 48,000 pounds or more when operating intrastate;

- (C) a vehicle designed or used to transport more than 15 passengers, including the driver; and
 - (D) a vehicle transporting hazardous material requiring a placard.
 - (E) a motor carrier transporting household goods for compensation in intrastate commerce in a vehicle not defined in Texas Transportation Code, §548.001(1) is subject to the record keeping requirements in Title 49, Code of Federal Regulations, Part 395 and the hours of service requirements specified in this subchapter.
 - (F) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States.
 - (G) a contract carrier transporting the operating employees of a railroad on a road or highway of this state in a vehicle designed to carry 15 or fewer passengers.
- (2) The regulations contained in Title 49, Code of Federal Regulations, Part 392.9a, and all interpretations thereto, are applicable to motor carriers operating exclusively in intrastate commerce and to the intrastate operations of interstate motor carriers that have not been federally preempted by the United Carrier Registration Act of 2005. The term “operating authority” as used in Title 49, Code of Federal Regulations, Part 392.9a, for the motor carriers described in this paragraph, shall mean compliance with the registration requirements found in Texas Transportation Code, Chapter 643. For purposes of enforcement of this paragraph, peace officers certified to enforce this chapter, shall verify that a motor carrier is not registered, as required in Texas Transportation Code, Chapter 643, before placing a motor carrier out-of-service. Motor carriers placed out-of-service under Title 49, Code of Federal Regulations, Part 392.9a may request a review under §4.18 of this title (relating to Intrastate Operating Authority Out-of-Service Review). All costs associated with the towing and storage of a vehicle and load declared out-of-service under subsection (c)(2) of this section shall be the responsibility of the motor carrier and not the department or the State of Texas.
- (3) All regulations contained in Title 49, Code of Federal Regulations, Parts 40, 380, 382, 385, 386, 387, 390 - 393 and 395 - 397, and all interpretations thereto pertaining to interstate drivers and vehicles are also adopted except as otherwise excluded.
- (4) A medical examination certificate, issued in accordance with Title 49, Code of Federal Regulations, Part 391.41, 391.43, and 391.45, shall expire on the date indicated by the medical examiner; however, no such medical examination certificate shall be valid for more than two years from the date of issuance.
- (5) Nothing in this section shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee health and safety.

Source Note: The provisions of this §4.11 adopted to be effective March 9, 2004, 29 TexReg 2376; amended to be effective August 31, 2004, 29 TexReg 8375; amended to be effective January 4, 2005, 29 TexReg 12235; amended to be effective May 22, 2005, 30 TexReg 3031; amended to be effective September 22, 2005, 30 TexReg 6065; amended to be effective January 24, 2006, 31 TexReg 404; amended to be effective May 30, 2006, 31 TexReg 4442; amended to be effective October 1, 2006, 31 TexReg 8109; amended to be effective January 28, 2007, 32 TexReg 245; amended to be effective April 30, 2007, 32 TexReg 2370; amended to be effective August 16, 2007, 32 TexReg 5034; amended to be effective January 2, 2008, 32 TexReg 10056; amended to be effective June 11, 2008, 33 TexReg 4527; amended to be effective December 10, 2008, 33 TexReg 10048; amended to be effective February 25, 2010, 35 TexReg 1470; amended to be effective November 8, 2010, 35 TexReg 9919; amended to be effective May 10, 2011, 36 TexReg 2995; amended to be effective June 26, 2012, 37 TexReg 4602

TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 1 TEXAS DEPARTMENT OF PUBLIC SAFETY
CHAPTER 4 COMMERCIAL VEHICLE REGULATIONS
AND ENFORCEMENT PROCEDURES
SUBCHAPTER B REGULATIONS GOVERNING TRANSPORTATION SAFETY
RULE §4.12 Exemptions and Exceptions

- (a) Exemptions. Exemptions to the adoptions in §4.11 of this title (relating to General Applicability and Definitions) are made pursuant to Texas Transportation Code, §§644.052 - 644.054, and are adopted as follows:
- (1) Such regulations shall not apply to the following vehicles when operated intrastate:
 - (A) a vehicle used in oil or water well servicing or drilling which is constructed as a machine consisting in general of a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for such purpose or purposes;
 - (B) a mobile crane which is an unladen, self-propelled vehicle constructed as a machine used to raise, shift, or lower weights;
 - (C) a vehicle transporting seed cotton; or,
 - (D) concrete pumps.
 - (2) Drivers in intrastate commerce will be permitted to drive 12 hours following eight consecutive hours off duty. Drivers in intrastate commerce may not drive after having been on duty 15 hours, following eight consecutive hours off duty. Drivers in intrastate commerce violating the 12 or 15 hour limits provided in this paragraph shall be placed out-of-service for eight consecutive hours. Drivers of vehicles operating in intrastate commerce shall be permitted to accumulate the equivalent of eight consecutive hours off duty by taking a combination of at least eight consecutive hours off duty and sleeper berth time; or by taking two periods of rest in the sleeper berth, providing:
 - (A) neither rest period in the sleeper berth is shorter than two hours duration;
 - (B) the driving time in the period immediately before and after each rest period in the sleeper berth, when added together, does not exceed 12 hours;
 - (C) the on duty time in the period immediately before and after each rest period in the sleeper berth, when added together, does not include any driving time after the 15th hour; and
 - (D) the driver may not return to driving subject to the normal hours of service requirements in this subsection without taking at least 8 consecutive hours off duty, at least 8 consecutive hours in the sleeper berth, or a combination of at least 8 consecutive hours off duty and sleeper berth time.
 - (3) Drivers in intrastate commerce who are not transporting placardable hazardous materials and were regularly employed in Texas as commercial vehicle drivers prior to August 28, 1989, are not required to meet the medical standards contained in the federal regulations.
 - (A) For the purpose of enforcement of this regulation, those drivers who reached their 18th birthday on or after August 28, 1989, shall be required to meet all medical standards.
 - (B) The exceptions contained in this paragraph shall not be deemed as an exemption from drug and alcohol testing requirements contained in Title 49, Code of Federal Regulations, Parts 40 and 382.
 - (4) The maintenance of a driver's record of duty status is not required if the vehicle is operated within a 150 air-mile radius of the driver's normal work reporting location if:
 - (A) the driver returns to the normal work reporting location and is released from work within 12 consecutive hours;
 - (B) the driver has at least 8 consecutive hours off duty separating each 12 hours on duty and
 - (C) the motor carrier that employs the driver maintains and retains for a period of 6 months true and accurate time and business records which include the following information:
 - (i) the time the driver reports for duty each day;
 - (ii) the total number of hours the driver is on duty each day;

- (iii) the time the driver is released from duty each day;
 - (iv) the total time on duty for the preceding seven days in accordance with Title 49, Code of Federal Regulations, Part 395.8(j)(2) for drivers used for the first time or intermittently; and
 - (v) the motor carrier maintains business records that provide the date, time, quantity, and location of the delivery of a product or service, including delivery tickets or sales invoices.
- (5) The provisions of Title 49, Code of Federal Regulations, Part 395 shall not apply to drivers transporting agricultural commodities in intrastate commerce for agricultural purposes within a 150 air-mile radius from the source of the commodities or the distribution point for the farm supplies during planting and harvesting seasons.
- (6) Unless otherwise specified, a motor carrier transporting household goods for compensation in intrastate commerce in a vehicle not defined in Texas Transportation Code, §548.001(1) is subject to the record keeping requirements in Title 49, Code of Federal Regulations, Part 395 and the hours of service requirements specified in this subchapter.
- (7) Unless otherwise specified, a contract carrier is subject only to Title 49, Code of Federal Regulations, Part 391, except 391.11(b)(4) and Subpart E, Parts 393, 395, and 396, except §396.17.
- (b) Exceptions. Exceptions adopted by the director of the Texas Department of Public Safety not specified in Texas Transportation Code, §644.053, are as follows:
- (1) Title 49, Code of Federal Regulations, Part 393.86, requiring rear-end protection shall not be applicable provided the vehicle was manufactured prior to September 1, 1991 and is used solely in intrastate commerce.
 - (2) Drivers of vehicles under this section operating in intrastate transportation shall not be permitted to drive after having worked and/or driven for 70 hours in any consecutive seven-day period. A driver may restart a consecutive seven-day period after taking 34 or more consecutive hours off-duty. Drivers in intrastate transportation violating the 70 hour limit provided in this paragraph will be placed out-of-service until no longer in violation.
 - (3) Drivers of vehicles operating in intrastate transportation claiming the 150 air mile radius exemption in subsection (a)(4) of this section must return to the work reporting location; be released from work within 12 consecutive hours; and have at least 8 consecutive hours off-duty separating each 12 hours on-duty.
 - (4) Title 49, Code of Federal Regulations, Part 391.11(b)(1), is not adopted for intrastate drivers. The minimum age for an intrastate driver shall be 18 years of age. Intrastate drivers in violation of this paragraph shall be placed out-of-service until no longer in violation.
 - (5) Title 49, Code of Federal Regulations, Part 391.11(b)(2), is not adopted for intrastate drivers. An intrastate driver must have successfully passed the examination for a Texas Commercial Driver's License and be a minimum age of 18 years old.
 - (6) Texas Transportation Code, §547.401 and §547.404, concerning brakes on trailers weighing 15,000 pounds gross weight or less take precedence over the brake requirements in the federal regulations for trailers of this gross weight specification unless the vehicle is required to meet the requirements of Federal Motor Vehicle Safety Standard No. 121 (Title 49, Code of Federal Regulations 571.121) applicable to the vehicle at the time it was manufactured.
 - (7) Title 49, Code of Federal Regulations, Part 390.23 (Relief from Regulations), is adopted for intrastate motor carriers with the following exceptions:
 - (A) Title 49, Code of Federal Regulations, Part 390.23(a)(2) is not applicable to intrastate motor carriers making emergency residential deliveries of heating fuels or responding to a pipeline emergency, provided the carrier:
 - (i) documents the type of emergency, the duration of the emergency, and the drivers utilized; and
 - (ii) maintains the documentation on file for a minimum of six months. An emergency under this paragraph is one that if left unattended would result in immediate serious bodily harm, death or substantial property damage but does not include routine requests to re-fill empty propane gas tanks.

- (B) The requirements of Title 49, Code of Federal Regulations, Parts 390.23(c)(1) and (2), for intrastate motor carriers shall be:
- (i) the driver has met the requirements of Texas Transportation Code, Chapter 644; and
 - (ii) the driver has had at least eight consecutive hours off-duty when the driver has been on duty for 15 or more consecutive hours, or the driver has had at least 34 consecutive hours off duty when the driver has been on duty for more than 70 hours in seven consecutive days.
- (8) Title 49, Code of Federal Regulations, Part 380, (Subparts A - D), is not adopted for intrastate motor carriers and drivers. Title 49, Code of Federal Regulations, Part 380 (Subpart E) is adopted for intrastate motor carriers and drivers. Intrastate motor carriers and drivers must complete the requirements of Title 49, Code of Federal Regulations, Part 380.500 on or before July 31, 2005.
- (9) In accordance with §4132 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETA-LU) (Pub. L. 109-59), the hours of service regulations in this subchapter are not applicable to utility service vehicles that operate in either interstate or intrastate commerce. Utility service vehicles are those vehicles operated by public utilities, as defined in the Public Utility Regulatory Act, the Gas Utility Regulatory Act, the Texas Water Code, Title 49, Code of Federal Regulations, Part 395.2, or other applicable regulations, and charged with the responsibility for maintaining essential services to the public to protect health and safety.
- (10) The United States Department of Transportation number requirements in Texas Transportation Code, Chapter 643 do not apply to vehicles/motor carriers operating exclusively in intrastate commerce and that are exempted from the requirements by Texas Transportation Code, §643.002.
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Source Note: The provisions of this §4.12 adopted to be effective March 9, 2004, 29 TexReg 2376; amended to be effective August 31, 2004, 29 TexReg 8375; amended to be effective January 4, 2005, 29 TexReg 12235; amended to be effective January 24, 2006, 31 TexReg 404; amended to be effective May 30, 2006, 31 TexReg 4442; amended to be effective October 1, 2006, 31 TexReg 8109; amended to be effective January 28, 2007, 32 TexReg 245; amended to be effective August 16, 2007, 32 TexReg 5034; amended to be effective February 25, 2010, 35 TexReg 1470

NOTES



Commercial Vehicle Enforcement

DPS OFFICE DIRECTORY

TITLE	DIVISION	ADDRESS	CITY	PHONE #
Major	THP/Headquarters	PO Box 4087	Austin, TX 78773	512-424-7509
Captain	THP/Headquarters	PO Box 4087	Austin, TX 78773	512-424-2728
Inspector	Director's Staff	PO Box 4087	Austin, TX 78773	512-424-2137
Captain	THP/MCB	PO Box 4087	Austin, TX 78773	512-424-2053
Lieutenant	THP/MCB/Safety	PO Box 4087	Austin, TX 78773	512-424-2880
Lieutenant	THP/MCB/New Entrant	PO Box 4087	Austin, TX 78773	512-424-2851

REGION 1 DALLAS

Captain	THP/CVE	350 W. IH-30	Garland, TX 75043	214-861-2220
Lieutenant	(A1, A3, A7, A8)			
	THP/CVE	350 W. IH-30	Garland, TX 75043	214-861-2221
Lieutenant	(A2, A4, A5, A6,)			
	THP/CVE	4700 University Blvd.	Tyler, TX 75706	903-939-6053
1A1 – Sgt.	THP/CVE	350 W. IH-30	Garland, TX 75043	214-861-2222
1A2 – Sgt.	THP/CVE	PO Box 130040	Tyler, TX 75713	903-939-6006
1A3 – Sgt.	THP/CVE	624 NE Loop 820	Hurst, TX 76053	817-299-1381
1A4 – Sgt.	THP/CVE	1906 N. Jefferson	Mt. Pleasant, TX 75455	903-572-3139
1A5 – Sgt.	THP/CVE	PO Box 1084	Queen City, TX 75572	903-796-4782
1A6 – Sgt.	THP/CVE	1900 W. Spring St.	Palestine, TX 75803	903-661-5023
1A7 – Sgt.	THP/CVE	1720 E. Main St	Waxahachie, TX 75165	972-923-6772
1A8 – Sgt.	THP/CVE	2000 S. Trinity	Decatur, TX 76234	940-627-0035

REGION 2 HOUSTON

Captain	THP/CVE	12230 West Road	Houston, TX 77065	281-517-1260
Lieutenant	(A1, A2, A4)			
	THP/CVE	12230 West Road	Houston, TX 77065	281-517-1262
Lieutenant	(A3, A5, A6, A7)			
	THP/CVE	12230 West Road	Houston, TX 77065	281-517-1261
2A1 – Sgt.	THP/CVE	12230 West Road	Houston, TX 77065	281-517-1259
2A2 – Sgt.	THP/CVE	5505 Avenue N	Rosenberg, TX 77471	281-633-5408
2A3 – Sgt.	THP/CVE	1313 University Ave	Huntsville, TX 77320	936-435-0474
2A4 – Sgt.	THP/CVE	5420 Decker Dr	Baytown, TX 77520	281-424-0315
2A5 – Sgt.	THP/CVE	7200 Eastex Hwy	Beaumont, TX 77708	409-924-5444
2A6 – Sgt.	THP/CVE	2809 S. John Redditt	Lufkin, TX 75904	936-699-7318
2A7 – Sgt.	THP/CVE	3179 IH-45 South	New Waverly, TX 77358	936-344-8553

REGION 3A**WESLACO**

Captain	THP/CVE	2525 N. International Blvd.	Weslaco, TX 78596	956-565-7570
Lieutenant	(A1, A2, A6)			
	THP/CVE	2525 N. International Blvd.	Weslaco, TX 78596	956-565-7572
Lieutenant	(A3, A4, A5, A7)			
	THP/CVE	2525 N. International Blvd.	Weslaco, TX 78596	956-565-7573
3A1 – Sgt.	THP/CVE	2525 N. International Blvd.	Weslaco, TX 78596	956-565-7580
3A2 – Sgt.	THP/CVE (Pharr POE)	301 Capote Central Ave	Pharr, TX 78577	956-782-9261
3A3 – Sgt.	THP/CVE	1630 N. Sunshine Strip	Harlingen, TX 78550	956-440-6703
3A4 – Sgt.	THP/CVE	2301 Courage St.	Brownsville, TX 78521	956-541-4619
3A5 – Sgt.	THP/CVE	609 S. FM 509	Los Indios, TX 78567	956-399-5473
3A6 – Sgt.	THP/CVE	301 Capote Central Ave	Pharr, TX 78577	956-782-9261
3A7 – Sgt.	THP/CVE	2301 Courage St.	Brownsville, TX 78521	956-541-4619

REGION 3B**LAREDO**

Captain	THP/CVE	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-728-2278
Lieutenant	(3B1,3B2,3B3,3B4)	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-728-2261
	THP/CVE			
Lieutenant	(3B5,3B6,3B7,3B8)	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-728-2261
	THP/CVE			
3B1 – Sgt.	THP/CVE	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-728-2210
3B2 – Sgt.	THP/CVE (World Trade)	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-795-1373
3B3 – Sgt.	THP/CVE (World Trade)	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-795-1357
3B4 – Sgt.	THP/CVE (World Trade)	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-795-1357
3B5 – Sgt.	THP/CVE (Columbia)	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-417-5637
3B6 – Sgt.	THP/CVE (Columbia)	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-417-5638
3B7 – Sgt.	THP/CVE (Columbia)	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-417-5637
3B8 – Sgt.	THP/CVE	700 East Hidalgo	Rio Grande City, TX 78582	956-487-5411

REGION 3C**CORPUS CHRISTI**

Captain	THP/CVE	1922 S. Padre Island Dr	Corpus Christi, TX 78416	361-698-5630
Lieutenant	(3C1, 3C2, 3C3, 3C7)			
	THP/CVE	1922 S. Padre Island Dr	Corpus Christi, TX 78416	361-698-5631
Lieutenant	(3C4, 3C5, 3C6)			
	THP/CVE	2012 Veterans Blvd	Del Rio, TX 78840	830-703-1209
3C1 – Sgt.	THP/CVE	1922 S. Padre Island Dr	Corpus Christi, TX 78416	361-698-5632
3C2 – Sgt.	THP/CVE	6336 S. Hwy. 77	Riviera, TX 78379	361-296-3391
3C3 – Sgt.	THP/CVE	P.O. Box 462	Falfurrias, TX 78355	361-325-4765
3C4 – Sgt.	THP/CVE	32 Foster Maldonado	Eagle Pass, TX 78852	830-757-4683
3C5 – Sgt.	THP/CVE	555 S. Monroe	Eagle Pass, TX 78852	830-757-5325
3C6 – Sgt.	THP/CVE	2012 Veterans Blvd	Del Rio, TX 78840	830-768-1849
3C7 – Sgt.	THP/CVE	300 S. Johnson	Alice, TX 78332	361-668-8296

REGION 4**EL PASO**

Captain	THP/CVE	9670 Rio del Norte	El Paso, TX 79927	915-790-5300
Lieutenant	(4A1, 4A2, 4A3, 4A4)			
	THP/CVE	2405 S. Loop 250 West	Midland, TX 79703	432-498-2183
Lieutenant	(4A5, 4A6, 4A7)			
	THP/CVE	650 Gateway N.	El Paso, TX 79905	915-838-7800
Lieutenant	(4A8, 4A9)			
	THP/CVE	9670 Rio del Norte	El Paso, TX 79927	915-790-5300
4A1 – Sgt	THP/CVE	2405 S. Loop 250 West	Midland, TX 79703	432-498-2183
4A2 – Sgt.	THP/CVE	1600 W. Loop 306	San Angelo, TX 76904	325-223-6882
4A3 – Sgt.	THP/CVE	2302 W. Dickinson	Ft. Stockton, TX 79735	432-336-3414
4A4 – Sgt.	THP/CVE	1910 IH-20 West	Odessa, TX 79763	432-363-7400
4A5 – Sgt.	THP/CVE (Bota POE)	650 Gateway N.	El Paso, TX 79905	915-838-7800
4A6 – Sgt.	THP/CVE (Bota POE)	650 Gateway N.	El Paso, TX 79905	915-838-7800
4A7 – Sgt.	THP/CVE	650 Gateway N.	El Paso, TX 79905	915-838-7800
4A8 – Sgt.	THP/CVE (Ysleta POE)	9670 Rio del Norte	El Paso, TX 79927	915-790-5300
4A9 – Sgt.	THP/CVE (Ysleta POE)	9670 Rio del Norte	El Paso, TX 79927	915-790-5300

REGION 5**LUBBOCK**

Captain	THP/CVE	1302 Mac Davis Lane	Lubbock, TX 79401	806-472-2730
Lieutenant	THP/CVE	1302 Mac Davis Lane	Lubbock, TX 79401	806-472-2731
5A1 – Sgt.	THP/CVE	1302 Mac Davis Lane	Lubbock, TX 79401	806-472-2733
5A2 – Sgt.	THP/CVE	5505 N. Central Frwy	Wichita Falls, TX 76306	940-851-5531
5A3 – Sgt.	THP/CVE	4200 Canyon Drive	Amarillo, TX 79109	806-468-1330
5A4 – Sgt	THP/CVE	1700 Ave F, N.W.	Childress, TX 79201	940-937-2548
5A5 – Sgt	THP/CVE	2720 Industrial Blvd.	Abilene, TX 79605	325-795-4060

REGION 6**SAN ANTONIO**

Captain	THP/CVE	1617 E. Crest Drive	Waco, TX 76705	254-759-7167
Lieutenant	(6A4, 6A5, 6A6)			
	THP/CVE	1617 E. Crest Drive	Waco, TX 76705	254-759-7168
Lieutenant	(6A1, 6A2, 6A3)			
	THP/CVE	6502 S. New Braunfels	San Antonio, TX 78223	210-531-4318
6A1 – Sgt	THP/CVE	6502 S. New Braunfels	San Antonio, TX 78223	210-531-2247
6A2 – Sgt	THP/CVE	203 S. Teel.	Devine, TX 78016	830-665-8035
6A3 – Sgt.	THP/CVE	8802 N. Navarro	Victoria, TX 77904	361-578-3463
6A4 – Sgt.	THP/CVE	1400 IH 35 N.	San Marcos, TX 78666	512-396-4864
6A5 – Sgt.	THP/CVE	9000 N. IH-35.	Austin, TX 78753	512-997-4120
6A6 – Sgt.	THP/CVE	1617 E. Crest Drive.	Waco, TX 76705	254-759-7169

How to Obtain Manuals and Forms

The Department does not stock or supply manuals and forms. The forms or books you will need may be obtained from printing firms, state motor carrier associations, or other sources including, but not confined to those listed below.

The Department is informing you of sources to obtain this information.

This is not a recommendation or endorsement of the following organizations.

J.J. Keller & Associates

3003 Breezewood Lane
PO Box 368
Neenah WI 54957
1-877-564-2333
www.jjkeller.com

Label Master

Attn: Customer Service
5724 North Pulaski Road
Chicago IL 60646
1-800-621-5808
www.labelmaster.com

Texas Motor Transportation Association (TMTA)

700 E 11th Street
Austin TX 78701
1-800-727-7135
www.tmta.com

Important Websites

* Hyperlinks marked with an “*” have an underscore (“_”) where the underlined space appears.

Texas Department of Public Safety
www.txdps.state.tx.us

Federal Motor Carrier Safety Administration (FMCSA) official website:
www.fmcsa.dot.gov

Nearest FMCSA field office:
www.fmcsa.dot.gov/aboutus/aboutus.htm

Texas Department of Transportation (TXDOT)
<http://www.dot.state.tx.us/>

How do I obtain a Texas DOT (TXDMV) number?
<http://www.TXDMV.gov> or call 1-888-368-4689

How do I start a trucking business?
www.fmcsa.dot.gov/factsfigs/formspubs.htm

Where can I find the federal safety regulations and interpretations?
www.fmcsa.dot.gov/rulesregs/fmcsrhome.htm

Where can I find a copy of “A Texas Motor Carrier’s Guide to Highway Safety”?
<http://www.txdps.state.tx.us/InternetForms/Forms/MCS-9.pdf>



Texas Highway Patrol Division

Commercial Vehicle Enforcement

Where can I download a copy of the Texas drug testing forms?

<http://www.txdps.state.tx.us/InternetForms/Forms/MCS-9.pdf>

Where can I find information on farming operations?

www.txdps.state.tx.us/InternetForms/Forms/CVE-13.pdf

Where can I obtain the booklet “A Texas Guide to Farm Vehicle Compliance”?

www.txdps.state.tx.us/InternetForms/Forms/CVE-13.pdf

How do I obtain a US DOT number?

www.fmcsa.dot.gov/factsfigs/formspubs.htm or call 1-800-832-5660

How do I obtain a hazardous materials registration number?

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

Where can I find descriptive statistics concerning the truck and bus industry?

<http://ai.volpe.dot.gov>

How can I obtain data about a motor carrier, broker, or freight forwarder’s application, insurance and process agent?

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

Where can I file forms and pay fees for registration, insurance and fines?

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

How can I obtain my motor carrier profile? Where can I find detailed information about my company’s safety performance? Where can I find my motor carrier safety ratings, inspections and accident summary data?

http://safer.fmcsa.dot.gov/CSP_Order.asp*

How can I change the name and address of my business online?

<http://www.fmcsa.dot.gov/registration-licensing/registration-licensing.htm>

Then select “Online Registration and Licensing System”

How do I report safety violations?

www.fmcsa.dot.gov/pdfs/saftviolationrpt.pdf

Where can I find the latest information about safety programs?

www.fmcsa.dot.gov/safetyprogs/saftprogs.htm

How can I learn about the “No-Zone Program?”

<http://www.sharetheroadsafely.org/nozone/decalProgram.asp>

Where can I find consumer information about the transportation of household goods?

www.fmcsa.dot.gov/factsfigs/moving.htm

Where can I find consumer information about the transportation of hazardous materials?

<http://hazmat.dot.gov/>

How can I obtain the latest research and analysis on truck and bus safety?

<http://www.fmcsa.dot.gov/> and <http://ai.volpe.dot.gov/>

Texas State Law

www.state.tx.us (select Government, then Laws, then Codes)

Secretary of State (Texas Administrative Code)

<http://www.sos.state.tx.us/>

International Fuels Tax Agreement information (Texas Comptroller of Public Accounts)
<http://www.window.state.tx.us/taxinfo/fuels/ifta.html>

Compliance Safety Accountability (CSA)
<http://csa.fmcsa.dot.gov>

Motor Carrier Analysis and Information Resources Online
<http://ai.fmcsa.dot.gov>

Safety Measurement System Data
<http://ai.fmcsa.dot.gov/sms>

Pre-employment Screening Program
www.psp.fmcsa.dot.gov

To Obtain Forms:

Texas Department of Motor Vehicles (TXDMV):

1-888-DMVgotx (368-4689)
<http://www.txdmv.gov>

United States Department of Transportation (USDOT):

<http://www.fmcsa.dot.gov/factsfigs/forms.htm>

- Commercial/Consumer Complaint Form
- Crash Cost Worksheet
- Do-It-Yourself
- Education and Technical Assistance Program
- Form OP-1 (MX)
- Form OP-2
- Hazardous Materials Incident Report (Form F 5800.1)
 - [Guidance For Preparing Hazardous Materials Incident Reports](#)
- Medical Examination Report Form
- Motor Carrier Licensing Forms
- Motor Carrier Safety Assistance Program
- NASS Crash Data Collection Forms
- PRISM Brochure
- Skill Performance Evaluation (SPE)
- USDOT Number Application Form (MCS-150, MCS-150A, MCS-150B)



Part 380 - Special Training Requirements

Federal Register, Vol. 69, No. 99, Friday, May 21, 2004

37 Texas Administrative Code 4.12(b)(8)

Texas has adopted all of Part 380 for interstate transportation, but only Subpart E for intrastate transportation.

Entry Level Driver Training (Part 380, Subpart E, Sections 380.500 to 513)

Compliance Time Line (380.501-509)

An entry-level driver who first began operating a CMV in interstate commerce requiring a CDL must receive this training before driving a CMV.

Drivers who are required to hold a CDL and have less than one year's experience in operating commercial motor vehicles in interstate commerce are subject to the training requirements.

Training Areas (380.503)

- Driver qualification requirements
- Hours of service of drivers
- Driver wellness; and
- Whistleblower protection

Proof of Training (380.513)

An employer who uses an entry-level driver must ensure the driver has received the training and has received a training certificate or diploma verifying that he/she received the training. The certificate or diploma must include the following:

- Date of certification issuance;
- Name of training provider;
- Mailing address of training provider;
- Name of driver,
- A statement (in accordance with that listed in the final rule) that the driver has completed training in the mandated requirements;
- The printed name of the person attesting that the driver received the training; and
- The signature of the person attesting that the driver received the training.

A copy of the certificate or diploma must be placed in the driver's personnel or qualification file.

Sample Entry Level Driver Training Certificate

Entry Level Driver Training Certificate for _____ (Name of Driver)		
I certify that the individual listed above has received training requirements set forth in the Federal Motor Carrier Safety Regulations for entry-level drivers training in accordance with 49 C.F.R. 380.503.		
_____ Printed Name of Person Certifying	_____ Signature of Person Certifying	_____ Date of Certificate
Training Provider: _____		
Mailing Address of Training Provider: _____		
(Optional) Motor Carrier: _____		
(Optional) Date of Training: _____		
(Optional) Location of Training: _____		
(Optional) Other Information: _____		

A copy of the Entry Level Driver Training Certificate or Diploma must be placed in the driver's personnel or qualification file.

Note: This form is provided as a suggested format for recording a driver's Entry Level Driver Training. A motor carrier may use any form of certificate that substantially complies with 49 C.F.R. 380.513.



Part 382 - Controlled Substances and Alcohol Use and Testing

Applicability (382.103)

Drivers required to have a CDL are subject to the controlled substance and alcohol testing rules. This requirement extends to those drivers currently covered by the rule, including interstate and intrastate truck and motor coach operations.

Exemptions from other parts of federal safety regulations do not apply to CDL and drug/alcohol testing. For example, each of the following types of operation must still comply with all CDL and drug/alcohol testing rules.

- Federal, State, local, and tribal governments (except from other rules under 390.3(f))
- Private Motor Carriers of passengers, including church and civic organizations (except from Hours of Service Record Keeping under 395, 8(a))
- Apiarian (Beekeeping) industries (except from Driver Qualifications rules under 391.2(b))

Exemptions

- Drivers exempt from CDL requirements by their issuing State
- Active duty military personnel

Types Of Alcohol And Controlled Substance Tests (Sections 382.301-382.311)

Pre-employment (382.301): No employer shall allow a driver to perform a safety-sensitive function until they have received a negative controlled substance pre-employment test result.

Post-Accident (382.303): As soon as practicable following an accident involving a CMV each employer shall test for alcohol and controlled substances each surviving driver:

- Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- Who receives a citation under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - ◆ Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - ◆ One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Type of Accident	Citation issued to CMV driver:	Test must be performed by employer:
Human Fatality	Yes _____	→ Yes
	No _____	→ Yes
Bodily injury with immediate medical treatment away from the scene	Yes _____	→ Yes
	No _____	→ No
Disabling damage to any motor vehicle requiring tow away	Yes _____	→ Yes
	No _____	→ No

Random (382.305): Companies must randomly test drivers at a minimum annual percentage rate of 10% of the number of drivers for alcohol testing, and 50% of the number of drivers for controlled substances testing. The random alcohol test must be performed immediately prior, during or immediately after a driver is about to, or has performed a safety-sensitive function as defined in Section 382.107. All drivers must have an equal chance of being selected.

The Selection Method for Random Testing (382.305(i)): Motor carriers shall select drivers for random testing using a **scientifically valid method**, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. All drivers must have an equal chance of being selected. **Drawing slips of paper from a container IS NOT SCIENTIFICALLY VALID.**

Each employer shall ensure that random tests conducted under this part are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.

Reasonable Suspicion (382.307): An employer shall require a driver to submit to an alcohol and/or controlled substance test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol and/or controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substances test must be based on specific, contemporaneous observations concerning the appearance, behavior, speech or body odors of the driver. A supervisor or company official who is trained in accordance with Section 382.603 shall make the required observations.

Return-to-Duty (382.309 and Part 40, Subpart O): Each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by subpart B of Part 382, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use. **NOTE**: A return to duty test is not valid unless the driver has first complied with education and/or treatment prescribed by a Substance Abuse Professional (40.305). A driver must be directly observed when submitting a sample for a return to duty test. (40.67(b)).

Follow-up (382.311 and Part 40, Subpart O): If a Substance Abuse Professional determines that a driver needs assistance for the misuse of alcohol, or for use of a controlled substance, an employer must ensure that the driver is subject to follow-up testing. A minimum of six tests must be conducted in the first 12 months, and the driver may only be subject to this test for a maximum of 60 months. A driver must be directly observed when submitting a sample for a follow-up test. (40.67(b)).

Retention of Records (382.401)

Five Years:

- Alcohol test results indicating a Breath Alcohol Concentration (BAC) of 0.02 or greater.
- Verified positive drug test results
- Driver evaluation and referrals
- Refusals to submit to required alcohol and drug tests
- Calibration Documentation
- Records related to the administration of the alcohol and controlled substances testing programs, and
- A copy of each annual calendar year summary required by §382.403 (You will be notified by FMCSA if you are required to create/maintain this).

Three Years:

- Information from previous employers concerning drug and alcohol test results of employees. (391.23)

Two Years:

- Records related to the alcohol and controlled substances collection process (except calibration of breath testing equipment), and
- Records of required training of collection personnel shall be kept during the time the individual performs these functions, and for two years afterwards.

One Year:

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

Access to Records (382.405)

All required records shall be maintained in a secure location with controlled access, and shall be made available for inspection by an authorized representative of the FMCSA.

Inquiries To Previous Employers (382.413 and 40.25)

A motor carrier shall inquire about the following information on a driver from the driver's previous employers for a period of two years preceding the driver's date of application. You must obtain the driver's written authorization first. You may not allow anyone who refuses to give written authorization to operate a commercial motor vehicle.

- Alcohol tests with a result of 0.04 alcohol concentration or greater;
- Verified positive controlled substances test results; and
- Refusals to be tested; and
- Other violations of DOT Agency drug and alcohol testing regulations and with respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests)

Employer Obligation To Promulgate a Policy (382.601)

(a) *General requirements.* Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

- (1) The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle.
- (2) Each employer shall provide written notice to representatives of employee organizations of the availability of this information.

(b) *Required content.* The materials to be made available to drivers shall include detailed discussion of at least the following:

- (1) The identity of the person designated by the employer to answer driver questions about the materials;
- (2) The categories of drivers who are subject to the provisions of this part;
- (3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part;
- (4) Specific information concerning driver conduct that is prohibited by this part;
- (5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing under 382.303(d);
- (6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by 382.303(d) of this part;
- (7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part;
- (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- (9) The consequences for drivers found to have violated subpart B of this part, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under Part 40, Subpart O, of this title;
- (10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;

- (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.
- (c) *Optional provision.* The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.
- (d) *Certificate of receipt.* Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of the materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

Supervisor Training (382.603)

All persons designated to supervise drivers receive a minimum of 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use. The supervisor will use this training to determine whether reasonable suspicion exists to require a driver to undergo testing under Section 382.307.

Reports of Valid Positive Results on Alcohol and Drug Tests (37 TAC 4.21)

- (a) Reporting Requirement. An employer required under the federal safety regulations to conduct alcohol and controlled substance testing of employees shall report to the department a valid positive result on an alcohol or controlled substance test performed as part of the carrier's alcohol and drug testing program or consortium, as defined by Title 49, Code of Federal Regulations, Part 382, on an employee of the carrier who holds a commercial driver license issued under Texas Transportation Code, Chapter 522.
 - (1) The report must be submitted by employers within 10 days of receiving notice of a valid positive result on an alcohol or drug test performed.
 - (2) Report Submission Requirements.
 - (A) The report must be submitted on a form prescribed by the department that is available at the following Internet web site address: <http://www.txdps.state.tx.us/forms>. All information requested on the form must be completed. The completed form must be mailed to MCS Section Supervisor, Motor Carrier Bureau, Texas Department of Public Safety, 6200 Guadalupe, MSC# 0521, Austin, Texas 78752-4019, or sent by facsimile to (512) 424-5310. Unless the report is for a refusal to submit a sample, employers must also attach a legible copy of either the Federal Drug Testing, Custody and Control Form (with at least steps one through six completed), the U.S. Department of Transportation (DOT) Alcohol Testing Form (with at least steps one through three completed), or the Medical Review Officer's or Breath Alcohol Technician's report of a positive, diluted, adulterated, or substituted alcohol or drug test.
 - (B) Any requestor who has obtained permission to request and receive release of information via electronic mail under subsection (b)(2) of this section may also submit reports via electronic mail. The complete report must be filled out in its entirety, and must be clearly scanned with attachments as described in paragraph (2)(A) of this subsection.
 - (3) When a valid positive result is obtained on an owner-operator, that owner-operator is responsible for submission of the Report of Valid Positive Drug or Alcohol test to the department.
 - (4) A Medical Review Officer, Breath Alcohol Technician, laboratory, consortium, or other individuals may submit a Report of Valid Positive Drug or Alcohol Test to the department. Reports by laboratories or other individuals will only be entered in the department's database when verified by the Medical Review Officer or Breath Alcohol Technician.
 - (5) A dilute positive drug test under Title 49, Code of Federal Regulations, Part 40.197(a) is a valid positive result. A dilute negative drug test is not a valid positive test. A positive drug test from a recollection under Title 49, Code of Federal Regulations, Part 40.197(b) is a valid positive test.
- (b) Release of Information. Information regarding Reports of Valid Positive Drug or Alcohol Tests is con-

fidential and only subject to release as provided in Texas Transportation Code, 521.053. A request must be submitted on a form prescribed by the department that is available at the following Internet web site address: <http://www.txdps.state.tx.us/forms>.

- (1) The request form must be mailed to MCS Section Supervisor, Motor Carrier Bureau, Texas Department of Public Safety, 6200 Guadalupe, MSC# 0521, Austin, Texas 78752-4019, or sent by facsimile to (512) 424-5310.
- (2) A requester may apply for and obtain permission to request and receive release of information via electronic mail. Electronic mail addresses are subject to initial and continuing verification by the department. A request must be submitted on a form prescribed by the department that is available at the following Internet web site address: <http://www.txdps.state.tx.us/forms>. Once a requester has obtained permission to request and receive information via electronic mail, each individual request must still be made with a clearly scanned copy of the form described in subsection (b) of this section and be in compliance with the requirements of Texas Transportation Code, §521.053.
- (c) A valid positive test result under §4.22 of this title (relating to Contract Carriers of Certain Passengers) must be reported and maintained in the same manner as reports under subsection (a) of this section. Such information may only be released in the same manner as described in subsection (b) of this section.



REPORT OF VALID POSITIVE RESULT ON ALCOHOL TEST UNDER TRC 644.252



A. ID	NAME OF MOTOR CARRIER			DATE OF ALCOHOL TEST
	NAME OF INDIVIDUAL TESTED	SOCIAL SECURITY NUMBER	CDL NUMBER & STATE	BIRTHDATE

B. CERTIFICATION OF BREATH ALCOHOL TECHNICIAN

By signing below, I, the Breath Alcohol Technician (BAT) certify the following:

- I am the BAT for the alcohol testing program or consortium of the motor carrier listed above.
- I am qualified under 49 CFR 40.213 to act as a BAT.
- This individual is subject to a report of a valid positive result of an alcohol test under TRC §644.252 because:
 - The individual tested positive on an alcohol screening test, and tested at a _____ level on an alcohol confirmation test. **NOTE:** If the confirmation test results are below 0.04, do not submit this report.
 - The individual refused to submit to testing by:
 - Failing to submit a specimen of sufficient amount to test, without medical reason
 - Refusing to submit a specimen
 - Refusing to cooperate with the specimen collection process or submit to follow-up testing or evaluation
- I followed the alcohol testing procedures required by 49 CFR parts 40 and 382 (or other parts applicable to CDL holders) applicable to the BAT. I conducted the confirmation alcohol test properly, and ensured that the results of the screening and confirmation tests (and additional results, if any) were affixed to the Alcohol Testing form. I forwarded the results to the Designated Employer Representative after:
 - The individual submitting the sample signed the Alcohol Testing form in Step 4; or
 - The individual tested refused to sign the Alcohol Testing form in Step 4, and I noted that refusal in the "REMARKS" section of Step 3 of the Alcohol Testing form.

I further certify that I have reviewed my records and that the information contained in this certificate is true and correct to the best of my knowledge.

PRINTED NAME	SIGNATURE X		
ADDRESS	CITY	STATE	ZIP

C. CERTIFICATE OF MOTOR CARRIER

By signing below, I, the authorized representative of the Motor Carrier listed above, certify the following:

- The Motor Carrier listed above:
 - Has an in-house drug and alcohol testing program that meets the federal requirements of 49 CFR Parts 40 and 382 (or other parts applicable to CLD holders); **OR**
 - Is a member of a consortium, as defined in 49 CFR 382.107, that provides drug and alcohol testing that meets the federal requirements of 49 CFR Parts 40 and 382 (or other parts applicable to CDL holders).

NAME OF CONSORTIUM: _____
- The individual tested is subject to alcohol testing by the Motor Carrier, and was tested for the following reason:
 - Random Reasonable Suspicion Post-Accident Return to Duty Follow-up Pre-employment
 - Other _____; **AND**
 - Had a 0.04 or more breath alcohol level under 49 CFR Parts 40 and 382 (or other parts applicable to CDL holders) (**NOTE:** a copy of the federal Alcohol Testing form must be provided, with the screening and confirmation test results included or affixed to the federal Alcohol Testing form); **OR**
 - Refused to submit to an alcohol test (**NOTE:** BAT certification is not required)

I further certify that I have reviewed the motor carrier's records and that the information contained in this certificate is true and correct to the best of my knowledge.

PRINTED NAME OF DESIGNATED MOTOR CARRIER REPRESENTATIVE		TELEPHONE NUMBER	
ADDRESS			
SIGNATURE OF DESIGNATED MOTOR CARRIER REPRESENTATIVE X	CITY	STATE	ZIP

DELIVER OR MAIL THIS FORM AND ANY ATTACHMENTS TO THE MCS SUPERVISOR, MOTOR CARRIER BUREAU, TEXAS DEPARTMENT OF PUBLIC SAFETY, 6200 GUADALUPE, MSC #0521, AUSTIN, TX 78752-4019, OR FAX LEGIBLE COPY TO 512/424-5310. MCS-19 (Rev. 9/10)

INSTRUCTIONS FOR THE COMPLETION OF THE REPORT OF POSITIVE ALCOHOL TEST UNDER TRC 644.252

TO THE BREATH ALCOHOL TECHNICIAN (BAT)

1. You must complete parts A & B of this form, including an original signature in Part B.
2. You must attach a copy of the Alcohol Testing form with Steps 1 through 4 completed. If the employee refuses to sign in Step 4, you must note that in the REMARKS section of Step 3. The results of the screening test and the confirmation test must be printed on or affixed to the copy of the Alcohol Testing form attached to the Report of Positive Alcohol Test Under TRC 644.252.
3. If this report is completed on a self-employed driver, deliver or mail this form, along with the supporting documents, to MCS Section Supervisor, Motor Carrier Bureau, Texas Department of Public Safety, 6200 Guadalupe, MSC #0521, Austin, Texas 78752-4019. **Legible copies only may be sent by facsimile to 512/424-5310.**
4. Retain a copy of this form and the completed Alcohol Testing form.
5. Please forward your report to the carrier (or to the department if the carrier is an owner-operator) within **five** days of completing the test results.

TO THE MOTOR CARRIER

1. Obtain documentation from the BAT
 - a. **If the specimen tested positive, or was diluted, adulterated or substituted**, inform the BAT who verified the positive alcohol test result that he/she must complete and sign the "Certification of Breath Alcohol Technician" section, and provide you with either a copy of the Federal Drug Testing Custody and Control form with Step 6 completed, or a report form on the BAT's letterhead and bearing the BAT's signature showing the result of the test. A report on the BAT's letterhead must contain a statement that the BAT complied with 40 CFR Parts 40 and 382 (or other parts applicable to CDL holders).
 - b. **If the donor refused to provide a specimen**, you do not need documentation from the BAT.
2. After receiving the completed "Certification of Breath Alcohol Technician" section and supporting documents, you must complete and sign the "Certificate of Motor Carrier" section.
3. You must attach a legible copy of the completed federal Alcohol Testing form with the screening and confirmation test results included or affixed.
4. Deliver or mail this form and the supporting documentation to: MCS Section Supervisor, Motor Carrier Bureau, Texas Department of Public Safety, 6200 Guadalupe, MSC #0521, Austin, Texas 78752-4019. **Legible copies only may be sent by facsimile to 512/424-5310.**
5. Retain a copy of this form and the completed Alcohol Testing form in the Motor Carrier records as required by 49 CFR Parts 40 and 382 (or other parts applicable to CDL holders).
6. You must forward this report to the department within **ten** days of receiving the completed test results.



REPORT OF VALID POSITIVE RESULT ON DRUG TEST UNDER TRC 644.252



A. ID	NAME OF MOTOR CARRIER			DATE OF DRUG TEST	
	NAME OF INDIVIDUAL TESTED		SOCIAL SECURITY NUMBER	CDL NUMBER & STATE	BIRTHDATE

B. CERTIFICATION OF MEDICAL REVIEW OFFICER

By signing below, I, the Medical Review Officer (MRO) certify the following:

- I am the MRO for the drug testing program or consortium of the motor carrier listed above.
- I am a licensed physician with knowledge of substance abuse disorders.
- This individual is subject to a report of a valid positive result of a drug test under TRC §644.252 because:
 - The individual tested positive for the following substance(s):
 - Marijuana metabolites
 - Amphetamines
 - Cocaine metabolites
 - Phencyclidine (PCP)
 - Opiate metabolites (**TEST RESULT FOR OPIATES ONLY** - GC/MS confirmation does not confirm the presence of 6-monoacetylmorphine) I determined that there is clinical evidence, in addition to the urine test, of unauthorized use of an opium, opiate, or opium derivative or the level is 15,000 or above;

OR

The individual refused to submit to testing by:

- Submitting an adulterated, diluted, or substituted specimen.
- Refusing to submit a specimen
- Refusing to cooperate with the specimen collection process or submit to follow-up testing or evaluation.

4. I followed the drug testing procedures required by 49 CFR Parts 40 and 382 (or other parts applicable to CDL holders) applicable to the MRO. I reviewed the chain of custody of the specimen submitted by the individual tested to ensure that it is complete and sufficient on its face; examined any alternative medical explanations for the positive drug test result; and gave the individual tested an opportunity to discuss the test result prior to making a final decision to verify the positive test result:

- I talked directly with the individual tested before verifying the test as positive; or
- After making all reasonable efforts to contact the individual tested, including contacting a designated management official of the motor carrier, I was unable to communicate directly with the individual within 10 days of the date I received the test result from the laboratory; or
- The individual tested was instructed by the designated management official of the motor carrier to contact me and the individual then failed to contact me within 72 hours; or
- The individual tested expressly declined an opportunity to discuss the test result.

I further certify that I have reviewed my records and that the information contained in this certificate is true and correct to the best of my knowledge.

PRINTED NAME		SIGNATURE X	
ADDRESS	CITY	STATE	ZIP

C. CERTIFICATE OF MOTOR CARRIER

By signing below, I, the authorized representative of the Motor Carrier listed above, certify the following:

- The Motor Carrier listed above:
 - Has an in-house drug and alcohol testing program that meets the federal requirements of 49 CFR Parts 40 and 382 (or other parts applicable to CLD holders); **OR**
 - Is a member of a consortium, as defined in 49 CFR 382.107, that provides drug and alcohol testing that meets the federal requirements of 49 CFR Parts 40 and 382 (or other parts applicable to CDL holders).

NAME OF CONSORTIUM: _____
- The individual tested is subject to drug testing by the Motor Carrier, and was tested for the following reason:
 - Random Reasonable Suspicion Post-Accident Return to Duty Follow-up Pre-employment
 - Other _____; **AND**
 - Tested positive for a prohibited drug under 49 CFR Parts 40 and 382 (or other parts applicable to CDL holders) (**NOTE:** a copy of the federal drug testing custody and control form or the MRO's report of positive controlled substance result must be attached); **OR**
 - Refused to submit to a controlled substance test (**NOTE:** MRO certification is not required)

I further certify that I have reviewed the motor carrier's records and that the information contained in this certificate is true and correct to the best of my knowledge.

PRINTED NAME OF DESIGNATED MOTOR CARRIER REPRESENTATIVE		TELEPHONE NUMBER	
ADDRESS			
SIGNATURE OF DESIGNATED MOTOR CARRIER REPRESENTATIVE X	CITY	STATE	ZIP

DELIVER OR MAIL THIS FORM AND ANY ATTACHMENTS TO THE MCS SUPERVISOR, MOTOR CARRIER BUREAU, TEXAS DEPARTMENT OF PUBLIC SAFETY, 6200 GUADALUPE, MSC #0521, AUSTIN, TX 78752-4019, OR FAX LEGIBLE COPY TO 512/424-5310. MCS-20 9/10)

INSTRUCTIONS FOR THE COMPLETION OF THE REPORT OF POSITIVE DRUG TEST UNDER TRC 644.252

TO THE MEDICAL REVIEW OFFICER (MRO)

1. You must complete parts A & B of this form, including an original signature in Part B.
2. You must attach a copy of the Federal Drug Testing Custody and Control form with Step 6 completed, or a report form on your letterhead and bearing your signature showing the result of the test. A report on your letterhead must contain a statement that you complied with 49 CFR Parts 40 and 382 (or other parts applicable to CDL holders) in verifying the results.
3. If this form is completed on a self-employed driver, deliver or mail this form, along with the supporting documents, to MCS Section Supervisor, Motor Carrier Bureau, Texas Department of Public Safety, 6200 Guadalupe, MSC #0521, Austin, Texas 78752-4019. **Legible copies only may be sent by facsimile to 512/424-5310.**
4. Retain a copy of this form and the Federal Drug Testing, Custody and Control form and/or the MRO's report of positive controlled substance result.
5. Please forward your report to the carrier (or to the department if the carrier is an owner-operator) within **five** days of completing the test results.

TO THE MOTOR CARRIER

1. Obtain documentation from the MRO
 - a. **If the specimen tested positive, or was diluted, adulterated or substituted**, inform the MRO who verified the positive drug test result that he/she must complete and sign the "Certification of Medical Review Officer" section, and provide you with either a copy of the Federal Drug Testing Custody and Control form with Step 6 completed, or a report form on the MRO's letterhead and bearing the MRO's signature showing the result of the test. A report on the MRO's letterhead must contain a statement that the MRO complied with 40 CFR Parts 40 and 382 (or other parts applicable to CDL holders).
 - b. **If the donor refused to provide a specimen**, you do not need documentation from the MRO.
2. After receiving the completed "Certification of Medical Review Officer" section and supporting documents, you must complete and sign the "Certificate of Motor Carrier" section.
3. You must attach a legible copy of the signed MRO's report or the Federal Drug Testing, Custody and Control form or the MRO's signed report of positive controlled substance result.
4. Deliver or mail this form and the supporting documentation to: MCS Section Supervisor, Motor Carrier Bureau, Texas Department of Public Safety, 6200 Guadalupe, MSC #0521, Austin, Texas 78752-4019. **Legible copies only may be sent by facsimile to 512/424-5310.**
5. Retain a copy of this form and the Federal Drug Testing, Custody and Control form and/or the MRO's report of positive controlled substance result in the Motor Carrier records as required by 49 CFR Parts 40 and 382 (or other parts applicable to CDL holders).
6. You must forward this report to the department within **ten** days of receiving the completed test results.



RELEASE OF CDL HOLDER'S REPORTED POSITIVE ALCOHOL OR CONTROLLED SUBSTANCE TEST RESULTS



Use this form to obtain the CDL holder's reported positive alcohol or controlled substance test results information.

This form should ONLY be used if you wish to inquire whether or not a prospective driver (CDL Holder) has had a positive alcohol or controlled substance test result reported to the Texas Department of Public Safety in compliance with state law.

THIS FORM IS NOT REQUIRED FOR REPORTING A POSITIVE ALCOHOL OR CONTROLLED SUBSTANCE TEST.

1. This form must be completed in full and include the driver's original signature.

Texas Department of Public Safety
Motor Carrier Bureau, MSC #0521
6200 Guadalupe, Building P
Austin, Texas 78752-4019

2. Deliver, mail or FAX the completed form to:

Facsimile: 512-424-5310

I, _____, _____
Print Name of CDL Holder

of _____, _____
Print Address of CDL Holder

authorize release of the CDL holder's reported positive alcohol or controlled substance test results reported under state law

to _____, _____
Print Name

of _____, _____
Print Address

Driver License Number _____ State _____ Date of Birth _____

Signature of Driver

Date

X

If you wish to request and receive this information by electronic mail, submit a completed and notarized Electronic Mail Verification Form (MCS-32), available at the following web address: <http://www.txdps.state.tx.us/forms/index.htm>.

MCS-21 (Rev 9/10)



Part 383 - Commercial Driver License

The licensing provisions in Part 383 and Texas Transportation Code Chapter 522 are intended to help reduce accidents by setting standards that:

- ▶ Require commercial drivers to be properly qualified and to hold a single valid CDL; and
- ▶ Disqualify drivers who do not operate CMV safely.

Note: Texas has not explicitly adopted Part 383, and will not enforce violations of Part 383. Its provisions, however, are applicable to interstate trips, and may affect whether an intrastate driver has proper qualifications under Part 391, which Texas has adopted. The Texas CDL provisions in Texas Transportation Code Chapter 522 are similar to Part 383.

Beginning September 1, 2009, when a vehicle is loaded so that the vehicle and the load weight exceeds any weight limit listed in this Chapter, the applicable CDL will be required to operate that vehicle even if the GVWR or GCWR is below the weight limit.

Classes of Commercial Driver's License (TRC §522.041)

Class A CDL

Any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 pounds or more, if the gross vehicle weight rating (GVWR) of the towed vehicle or vehicles exceeds 10,000 pounds.

- ▶ GVWR means the value specified by the manufacturer as the loaded weight of a single vehicle. TEX. TRANSP. CODE §522.003.
- ▶ GCWR means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle or, if the manufacturer has not specified a value, the sum of the gross vehicle weight rating of the power unit and the total weight of the towed unit or units and any load on a towed unit. TEX. TRANSP. CODE §522.003.

Class B CDL

Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, a single vehicle with a gross vehicle weight rating of 26,001 pounds or more towing a vehicle with a gross vehicle weight rating of 10,000 pounds or less, and a vehicle designed to transport 24 passengers or more, including the driver.

Class C CDL

Any single vehicle or combination of vehicles that is not a Class A or Class B if the vehicle is designed to transport 16 - 23 passengers, including the driver; or used in the transportation of hazardous materials that require placards under 49 CFR, Part 172

Endorsements (TRC §522.042, 37 Texas Administrative Code 16.12)

In addition to general knowledge and skills tests, drivers who operate specialized CMVs must pass additional tests and obtain endorsements on their CDLs, as follows:

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

Age Requirements

- Interstate: Minimum age for a CDL is 21 (391.11(b)(1))
- Intrastate: Minimum age for a CDL is 18 (TRC 522.027)

Persons Exempted from Texas CDL Requirements (TRC 522.004)

- Farmer/Rancher or his employee operating a vehicle that would be classified as a CMV and is:
 - Controlled and operated by a farmer or his employee;
 - Used to transport agricultural products, farm machinery or farm supplies to and from a farm
 - Not used in the operation of a contract or common carrier; and
 - Used within 150 air miles of the person's farm or ranch.
- Persons operating firefighting or emergency vehicles necessary for the preservation of life and property.
- Military personnel operating military vehicles.
- Persons operating recreational vehicles for personal use.
- A person operating a vehicle owned, leased or controlled by an air carrier and that is operated exclusively at the premises of an airport.
- A vehicle used exclusively to transport seed cotton modules or cotton burrs.

Texas CDL Restrictions (37 TAC 16.11)

L – vehicles without air brakes. This restriction applies only to vehicles requiring a commercial driver license (CDL). The licensee is restricted to operating a commercial motor vehicle (CMV) which does not have air brakes.

M – CDL intrastate commerce only. The licensee is restricted to operating a CMV in intrastate commerce only and may not drive in interstate commerce.

P – Personal Restrictions. The licensee is restricted to operating a motor vehicle as per the restriction stated on the driver license.

Y – Valid Texas vision or limb waiver required.

Z – Valid Federal vision, limb, or diabetes waiver required.

Texas Vision and Limb Waivers (37 TAC 16.9 and 16.14)

The Department may provide a waiver for a person who is otherwise disqualified under Title 49, Code of Federal Regulations, Part 391.41(b)(1), (b)(2) or (b)(10), FOR INTRASTATE DRIVING ONLY, provided that the intrastate driver meets the vision or limb waiver standards as set by this Department. For further information, you may call the Department's DLD - Enforcement Compliance Section, at 512-424-2600.

The Department MAY NOT provide a waiver under Title 49, Code of Federal Regulations, Part 391.41(b)(1), (b)(2) or (b)(10) for an interstate driver.

Air Brake Restrictions (TRC 522.043(a)(1) & 37 TAC 16.11(b))

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

Notification to Employer and Licensing State (Part 383.31 and TRC 522.061)

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

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

Disqualifying Offenses (Part 383.51 and TRC 522.081 and TRC 522.081)

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

- Driving a CMV while under the influence of alcohol.
- Driving a CMV while under the influence of a disqualifying drug or other controlled substance.
- Leaving the scene of an accident that involves a CMV.
- Using a CMV to commit a felony.
- Two serious traffic violations occurring within a three-year period.
- Violations of law that regulates the operation of a motor vehicle at a railroad grade crossing
- Driving a CMV while the person's alcohol concentration was 0.04% or more.
- Refusing to submit to a test to determine the person's alcohol concentration or the presence in the person's body of a controlled substance.
- Causing the death of another person through the negligent or criminal operation of a CMV.
- Driving a CMV while the person's CDL is revoked, suspended, canceled or disqualified, for an action or conduct that occurred while operating a CMV.

Table 1 to Sec. 383.51

If a driver operates a motor vehicle and is convicted of:	For a first conviction or refusal to be tested while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for	For a first conviction or refusal to be tested while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for	For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials required to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F), a person required to have a CDL and CDL holder must be disqualified from operating a CMV for	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for
(1) Being under the influence of alcohol as prescribed by State law.	1 year.	1 year.	3 years.	Life.	Life.
(2) Being under the influence of a controlled substance.	1 year.	1 year.	3 years.	Life.	Life.
(3) Having an alcohol concentration of 0.04 or greater while operating a CMV.	1 year.	Not applicable.	3 years.	Life.	Not applicable.
(4) Refusing to take an alcohol test as required by a State or jurisdiction under its implied consent laws or regulations as defined in § 383.72 of this part.	1 year.	1 year.	3 years.	Life.	Life.
(5) Leaving the scene of an accident.	1 year.	1 year.	3 years.	Life.	Life.
(6) Using the vehicle to commit a felony, other than a felony described in paragraph (b)(9) of this table.	1 year.	1 year.	3 years.	Life.	Life.

If a driver operates a motor vehicle and is convicted of:	For a first conviction or refusal to be tested while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for	For a first conviction or refusal to be tested while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for	For a first conviction or refusal to be tested while operating a CMV transporting hazardous materials required to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F), a person required to have a CDL and CDL holder must be disqualified from operating a CMV for	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a CMV, a person required to have a CDL and a CDL holder must be disqualified from operating a CMV for	For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this Table while operating a non-CMV, a CDL holder must be disqualified from operating a CMV for
(7) Driving a CMV when, as a result of prior violations committed operating a CMV, the driver's CDL is revoked, suspended, or canceled, or the driver is disqualified from operating a CMV.	1 year.	Not applicable.	3 years.	Life.	Not applicable.
(8) Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.	1 year.	Not applicable.	3 years.	Life.	Not applicable.
(9) Using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance.	Life-not eligible for 10-year reinstatement.	Life-not eligible for 10-year reinstatement.	Life-not eligible for 10-year reinstatement.	Life-not eligible for 10-year reinstatement.	Life-not eligible for 10-year reinstatement.

Commercial Driver License Medical Certification Requirement (37 TAC 16.41)

Beginning March 5, 2012, all commercial drivers are required to complete a self-certification affidavit (CDL-7)

When applying for or renewing a Texas commercial driver license. If you are required to maintain a USDOT medical examiner's certificate, you must also present a copy of the certificate. If you have a medical variance, you must submit that as well.

When filling out the self certification affidavit (CDL-7) you must select the type of commerce in which you operate.

- ▶ Interstate non-excepted: You are an interstate non-excepted driver and must meet the Federal DOT medical card requirements.
- ▶ Interstate excepted: You are an interstate excepted driver and do not have to meet the Federal DOT medical card requirements.
- ▶ Intrastate non-excepted: You are an intrastate non-excepted driver and are required to meet the DOT medical requirements.
- ▶ Intrastate excepted: You are an intrastate excepted driver and do not have to meet the DOT medical requirements.

Failure to keep a current DOT medical examiners certificate (and variance, if applicable) on file with DPS will result in the downgrade of your commercial driver license. Any time you are issued a new medical examiners certificate you are required to send the new certificate and the CDL-7, to the Department within 15 days of the DOT medical certificate issuance date.

Form Submission

If you do not currently need to visit a driver license office to apply for or renew you CDL, you may submit your self-certification affidavit and if applicable, DOT medical examiner's certificate and medical variance, one of the following ways:

By email to: CDLMedCert@dps.texas.gov (must be in PDF form)

By fax to: (512)-424-2002
Texas Department of Public Safety
Enforcement and Compliance Service
Attention: CDL Section

By mail to: Texas Department of Public Safety
Enforcement and Compliance Service
Attention: CDL Section
PO Box 4087
Austin, TX. 78773



Texas Commercial Driver License Self-Certification Affidavit



Federal Regulations along with the State of Texas Administrative Rules require a commercial driver to certify in one of the 4 categories listed below to determine if a medical certificate is required. If you select category one (1) or three (3), you must present a valid medical certificate.

Last Name	First Name	Middle Name	Maiden Name
Driver License Number	Birth Date	Social Security Number	

I certify my commercial transportation is:

- Category 1. Non-excepted Interstate. I operate or expect to operate in interstate commerce, am both subject to and meet the qualification requirements under 49 CFR part 391, and am required to obtain a medical examiner's certificate by § 391.45. **(CDL-4, CDL-10 box 7, medical certificate is required)**
- Category 2. Excepted Interstate. I operate or expect to operate in interstate commerce, but engage exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3 from all or parts of the qualification requirements of 49 CFR part 391. **(CDL-10)**
- Category 3. Non-Excepted Intrastate. I operate or expect to operate in intrastate commerce, and am subject to the physical qualifications of 49 CFR Part 391. **(CDL-5 part b, medical certificate is required)**
- Category 4. Excepted Intrastate. I operate or expect to operate in intrastate commerce, and engage exclusively in transportation or operations that exempt me from meeting the medical standards of 49 CFR Part 391. **(CDL-5 part a, CDL-10 box 10 or box 11)**

I certify that I have read, understand and meet the above checked categories for a commercial driver license.

Signature

Date

Please email, fax, or mail the medical certificate (if applicable) and the Self-Certification affidavit to:

Email (pdf format only): CDLMedCert@dps.texas.gov
Fax: 512-424-2002
Mail: Texas Department of Public Safety
 Enforcement & Compliance Service
 Attention: CDL Section
 P.O. Box 4087
 Austin, Texas 78773

CDL-7 (00-0112)

General Information
A Guide for Commercial Driver's License (CDL) Holders
New Medical Certification Requirements

All CDL holders must provide a Self-Certification affidavit (CDL-7) no later than January 30, 2014 to the Department identifying the type of commercial motor vehicle operation in which they plan to operate. CDL holders operating in non-excepted interstate and non-excepted intrastate will be required to submit a current medical examiner's certificate and any variance they may have to the Department. Drivers who are required to have a medical examiners certificate and fail to maintain a current medical certificate with the Department may lose their CDL.

1) What is changing? Texas will now collect your medical certificate information at the time of your commercial driver license transaction.

2) What is not changing? The driver physical qualification requirements will not change.

3) When does this change start? This change begins March 5, 2012.

4) What are CDL holders required to do?

1. You must determine the type of commerce in which you operate and self-certify to one of the following four categories (see list below).

- **Interstate non-excepted:** You are an Interstate non-excepted driver and must meet the Federal DOT medical card requirements (e.g. – you are “not excepted”).
- **Interstate excepted:** You are an Interstate excepted driver and do not have to meet the Federal DOT medical card requirements.
- **Intrastate non-excepted:** You are an Intrastate non-excepted driver and are required to meet the DOT medical requirements.
- **Intrastate excepted:** You are an Intrastate excepted driver and do not have to meet the DOT medical requirements.

2. If you are subject to the Department of Transportation (DOT) medical card requirements, provide a copy of each new DOT medical card to the Department prior to the expiration of the current DOT medical card.

5) How do you determine the type of commerce in which you plan to operate? Read the information for DOT medical certificate requirements located at <http://www.txdps.state.tx.us/DriverLicense/medCertReq.htm>.

6) How can you comply with the new requirements? If you are applying for a new commercial driver license, or plan on renewing or obtaining a replacement before January 30, 2014, be sure to bring your DOT medical card if you have one, when you come to your local driver license office.

If you are a current commercial driver license holder and do not need to renew or obtain a replacement before January 30, 2014, print and complete a copy of the self-certification form (CDL-7) located on our website, and mail, fax, or email the self-certification form to the contact information below. If you are required to maintain a DOT medical certificate, be sure to send a copy of that and any variance you may have along with the Self-Certification affidavit.

7) What if you have renewed your DOT medical certificate since the last time you sent one in to the Department? To prevent your commercial driver license from being downgraded, you will need to send a copy of the new DOT medical certificate to the Department within 15 days of the DOT medical certificate issuance date.

8) How to submit your medical certificates?

Self-Certification affidavits (CDL-7) and DOT medical certificate information can be submitted to the Department through one of the following:

Mail: Texas Department of Public Safety
Enforcement & Compliance Service
Attention: CDL Section
PO Box 4087
Austin, Texas 78773

Fax: 512-424-2002/Attention: CDL Section

Email: CDLMedCert@dps.texas.gov (Must be in pdf format)

CDL-7 (00-0112)

QUALIFICATIONS OF INTRASTATE DRIVER CERTIFICATION AND EXEMPTION

CDL-5 (Rev. 11/02)

All information on this form except the signature must be TYPEWRITTEN or PRINTED in BLACK INK.
The signature shall be WRITTEN in BLACK INK.

LAST NAME	FIRST NAME	MIDDLE NAME	MAIDEN NAME	
DRIVER LICENSE NUMBER	BIRTH DATE			SOCIAL SECURITY NUMBER
	MO.	DAY	YEAR	AGE NOW

In order to obtain a commercial driver license which authorizes the operation of a commercial motor vehicle in intrastate commerce, you must certify to and meet the following qualifications as taken from 49 Code of Federal Regulations (CFR), Part 391, and the Texas Transportation Code, Chapter 522.

Intrastate commerce is the transportation of property (a commodity) where the point of origin and destination are totally within one state and no state line or international boundary is crossed. The Bill of Lading will be an indicator as to whether a shipment or commodity is interstate or intrastate. If there is no Bill of Lading, the origin and destination of the shipment will be an indicator.

I certify that I:

- a. Am at least 18 years of age
- b. Am not disqualified to drive a motor vehicle.

I further certify that I: (check the appropriate box)

- a. Am a driver who operates a commercial motor vehicle in intrastate commerce, not transporting property requiring a hazardous material placard, and was regularly employed operating a commercial motor vehicle in Texas prior to August 28, 1989 and am not required to meet the medical standards set forth in the Federal Motor Carrier Safety Regulations.

Drivers who claim this exemption and who are seeking to obtain or maintain employment as a school bus driver must undergo and pass an annual physical examination as required by V.C.S. Article 6687b, Section 5(a), recodified as Texas Transportation Code Ann., Section 521.022 (1996).

- b. Meet the physical qualifications of 49 CFR, Part 391, as follows:
1. Have no loss of a foot, a leg, a hand, or an arm, or have been granted a waiver;
 2. Have no impairment of:
 - i. A hand or finger which interferes with prehension or power grasping; or
 - ii. An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or have been granted a waiver.
 3. Have no established medical history or clinical diagnosis of diabetes melitus currently requiring insulin for control;
 4. Have no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.
 5. Have no established medical record history or clinical diagnosis of a respiratory dysfunction likely to interfere with my ability to control and drive a motor vehicle safely;
 6. Have no current clinical diagnosis of high blood pressure likely to interfere with my ability to operate a motor vehicle safely;
 7. Have no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with my ability to control and operate a motor vehicle safely;
 8. Have no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle;
 9. Have no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with my ability to drive a motor vehicle safely;
 10. Have distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber; or have been granted a waiver.

(OVER)

11. First perceive a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, do not have an average hearing loss in the better ear greater than 40 decibels at 55 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.
12. Do not use a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit forming drug; and
13. Have no current clinical diagnosis of alcoholism.

I CERTIFY THAT I HAVE READ, UNDERSTAND AND MEET THE PRECEDING QUALIFICATIONS FOR COMMERCIAL MOTOR VEHICLE DRIVERS IN INTRASTATE COMMERCE. I FURTHER CERTIFY THAT I WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTRASTATE COMMERCE ONLY.

Write Usual Signature

Sworn to and subscribed before me on this _____ day of _____, _____

Notary Public or Authorized Officer

DEPARTMENT USE ONLY

Waiver Presented:

- () LIMB
() VISION

CERTIFICATION OF PHYSICAL EXEMPTION 49 CFR PART 391/390

CDL-10 (Rev. 9/99)

All information on this form except the signature must be TYPEWRITTEN or PRINTED in BLACK INK.
The signature shall be WRITTEN in BLACK INK.

LAST NAME		/FIRST NAME		/MIDDLE NAME		/MAIDEN NAME	
DRIVER LICENSE NUMBER		BIRTH DATE			SOCIAL SECURITY NUMBER		
		MO.	DAY	YEAR	AGE NOW		

INSTRUCTIONS: In order to claim physical exemption from 49 Code of Federal Regulations (CFR) Part 391/390 you must meet and certify to the following qualification requirements.

I certify that I:

- a. Am at least 18 years of age.
- b. Am not disqualified to operate a motor vehicle.

I certify that I am exempt from the physical provisions of 49 CFR, Part 391/390 as I will operate a commercial motor vehicle only in the following capacity. Check the appropriate box(es):

- School bus drivers employed by a private or parochial school and school bus drivers employed by a company that operates school buses under contract with a school are exempt from 49 CFR, Part 391/390, while transporting school children and/or school personnel from home to school and from school to home;
- Transportation performed by the Federal Government, a state, or any political subdivision of a state (this includes school bus drivers employed directly by a school district), or any agency established under a compact between states that has been approved by the Congress of the United States;

Drivers who claim an exemption under either one of the provisions listed above and who are seeking to obtain or maintain employment as a school bus driver must undergo and pass an annual physical examination as required by V.C.S. Art. 6687b, Section 5(a), recodified as Texas Transportation Code Ann., Section 521.022 (1996).

- The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
- The transportation of human corpses or sick and injured persons;
- The private transportation of passengers.
- Persons operating fire trucks and rescue vehicles while involved in emergency and related operations. (These are persons not exempted from CDL because they are not an employee of a political subdivision nor are they volunteer fire fighters.)
- Intracity zone drivers with limited exception from 49 CFR, Part 391/390 who possess a DOT medical examiner's certificate restricted to intracity operation. (Medical certificate must be presented to DPS employee at time of application.)
- The transportation of farm machinery, supplies, or both to or from a farm for custom-harvesting operations on a farm or the transporting of custom-harvested operations to storage or market.
- Drivers operating motor vehicles controlled and operated by a beekeeper engaged in the seasonal transportation of bees.
- The operation of a vehicle operated intrastate and used in oil or water well servicing or oil or water well drilling and which is constructed as a machine consisting, in general, of a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for such purpose. (CDL must be restricted to intrastate.)
- The operation of a mobile crane that is an unladen self-propelled vehicle constructed as a machine used to raise, shift, or lower weights. (CLD must be restricted to intrastate.)

I CERTIFY THAT I HAVE READ, UNDERSTAND AND MEET THE QUALIFICATIONS FOR PHYSICAL EXEMPTION FROM 49 CFR, PART 391/390.

Write Usual Signature

Sworn to and subscribed before me on this _____ day of _____, _____

Notary Public or Authorized Officer

NOTES

**QUALIFICATIONS OF INTERSTATE DRIVER
CERTIFICATION**

CDL-4 (Rev. 9/99)

All information on this form except the signature must be TYPEWRITTEN or PRINTED in BLACK INK.
The signature shall be WRITTEN in BLACK INK.

LAST NAME		/FIRST NAME			/MIDDLE NAME		/MAIDEN NAME	
DRIVER LICENSE NUMBER			BIRTH DATE				SOCIAL SECURITY NUMBER	
			MO.	DAY	YEAR	AGE NOW		

In order to obtain a commercial driver license which authorizes the operation of a commercial motor vehicle in interstate or Foreign commerce, you must certify to and meet the qualifications as taken from Federal Rule 49 C.F.R., Part 391.

Interstate Commerce means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States.

I certify that I:

- a. am at least 21 years of age.,
- b. can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;
- c. am not disqualified to drive a motor vehicle.

I further certify that I:

- 1. Have no loss of a foot, a leg, a hand, or an arm, or have been granted a waiver;
- 2. Have no impairment of:
 - i. A hand or finger which interferes with prehension or power grasping; or
 - ii. An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or have been granted a waiver.
- 3. Have no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;
- 4. Have no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.
- 5. Have no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with my ability to control and drive a motor vehicle safely;
- 6. Have no current clinical diagnosis of high blood pressure likely to interfere with my ability to operate a motor vehicle safely;
- 7. Have no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with my ability to control and operate a motor vehicle safely;
- 8. Have no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle;
- 9. Have no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with my ability to drive a motor vehicle safely;
- 10. Have distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

(OVER)

11. First perceive a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, do not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951.
12. Do not use a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit forming drug; and
13. Have no current clinical diagnosis of alcoholism.

I CERTIFY THAT I HAVE READ, UNDERSTAND AND MEET THE PRECEDING QUALIFICATIONS FOR COMMERCIAL MOTOR VEHICLE DRIVERS IN INTERSTATE OR FOREIGN COMMERCE. I FURTHER CERTIFY THAT I MEET ANY OTHER APPLICABLE PROVISIONS AS REQUIRED BY 49 CFR PART 391.11.

Write Usual Signature

Sworn to and subscribed before me on this _____ day of _____, _____

Notary Public or Authorized Officer

DEPARTMENT USE ONLY () WAIVER PRESENTED



Part 385 - Safety Fitness Standards

(also TEX. TRANSP. CODE § 644.155 and Texas Administrative Code
Title 37, Part 1, Chapter 4, Subchapter B, Rule § 4.15)

Based on the type of investigation a motor carrier may receive a safety rating when a Safety Investigator or a State Trooper conducts an on-site review of the carrier's compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMR). The Safety Investigator reviews records, and evaluates roadside vehicle inspection data and accidents to determine whether a motor carrier meets Section 385.5 Safety Fitness standard.

Safety Fitness Determinations (385.3)

- **Satisfactory:** A motor carrier has in place and functioning adequate safety management controls to meet the safety fitness standard prescribed in Section 385.5. Safety management controls are adequate if they are appropriate for the size and type of operation of the particular motor carrier.
- **Conditional:** A motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in the occurrences listed in Section 385.5(a) through (k).
- **Unsatisfactory:** A motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standards which has resulted in occurrences listed in Section 385.5(a) through (k). Motor carriers receiving an "unsatisfactory safety rating" may be subject to the provisions of Section 385.13.
- **Unrated Carrier:** FMCSA has not assigned a safety rating to the motor carrier
Note: Rulemaking is currently in review with US DOT to change ratings to:
Unfit, Marginal, or Continue Operations.

Interstate Timelines (385.11)

An interstate motor carrier will receive written notice of the safety rating from the Federal Motor Carrier Safety Administration (FMCSA). A motor carrier transporting placardable quantities of hazardous materials, or operating a CMV transporting passengers that has received an "unsatisfactory" safety rating from the FMCSA will have 45 calendar days from the notice of proposed rating to improve the safety rating to "conditional" or "satisfactory." Other motor carriers that have received an "unsatisfactory" safety rating will have 60 days to improve the safety rating to "conditional" or "satisfactory." If this improvement does not occur, the carrier is prohibited from operating commercial motor vehicles. Also, a motor carrier with an "unsatisfactory" safety rating is ineligible to contract or subcontract transportation services with Federal agencies.

Intrastate Timelines (37 TAC 4.15(a)(4)(D))

The Texas Department of Public Safety will assign a safety rating to an intrastate motor carrier. A motor carrier transporting placardable quantities of hazardous materials, or operating a CMV transporting passengers that has received an "unsatisfactory" safety rating from the Department will have 60 calendar days from the notice of proposed rating to improve the safety rating to "conditional" or "satisfactory." Other motor carriers that have received an "unsatisfactory" safety rating will have 75 days to improve the safety rating to "conditional" or "satisfactory." If this improvement does not occur, the carrier is prohibited from operating commercial motor vehicles.

Compliance Review (385.3)

A compliance review is an on-site examination of the motor carrier's records and operations to determine whether the carrier meets the safety fitness standard. The review may include an examination of the following aspects of the motor carrier's operations:

- Driver's hours of service
- Vehicle inspection and maintenance
- Driver qualification
- CDL Requirements
- Financial responsibility
- Accidents
- Hazardous materials
- Driver training
- Alcohol and controlled substance testing
- Other safety and transportation records
- Roadside vehicle out-of-service rate

A compliance review is conducted to investigate potential safety violations, to investigate complaints, or is in response to a carrier's request for a change in safety rating. The results of the compliance review may result in the initiation of an enforcement action.

Safety Fitness Standard (385.5)

The satisfactory safety rating is based on the degree of compliance with the safety fitness standard for motor carriers. To meet the safety fitness standard, the motor carrier shall demonstrate that it has adequate safety management controls in place that function effectively to ensure acceptable compliance with applicable safety requirements to reduce the risk associated with:

- Commercial driver's license standard violations (**Part 383**)
- Inadequate levels of financial responsibility (**Part 387**)
- The use of unqualified drivers (**Part 391**)
- Improper use and driving of motor vehicles (**Part 392**)
- Unsafe vehicles operating on the highways (**Part 393**)
- Failure to maintain accident registers and copies of accident reports (Texas does not require motor carriers to maintain accident reports) (**Part 390**)
- The use of fatigued drivers (**Part 395**)
- Inadequate inspection, repair, and maintenance of vehicles (**Part 396**)
- Transportation of hazardous materials, driving and parking rule violations (**Part 397**)
- Violation of hazardous materials regulations (**Parts 170 through 177**)
- Motor Vehicle Accidents and Hazardous materials incidents (**Part 390 & 171**).
- Driver training requirements (**Part 380**)
- Alcohol and controlled substance testing violations (Part 382)

Final Unsatisfactory Safety Ratings/Order to Cease Transportation (385.13)

A motor carrier issued a Final Unsatisfactory Safety Rating by the FMCSA or the Department will be prohibited from transporting passengers or property under the jurisdiction of that agency. Operations in violation of the Order to Cease Transportation may result in civil or administrative penalties.

Request for a Departmental Review of a Safety Rating; Facts and Procedure (385.15)

A petition for review of a safety rating, where there are factual or procedural disputes, must list all issues in dispute and be accompanied by any information or documents the motor carrier is relying upon as the basis for its petition. The request must be sent to the agency which issued the Safety Rating.

Request for a Change in a Safety Rating; Corrective Action Taken (385.17)

Motor carrier's may request a change in a safety rating when the basis for the change is evidence that corrective actions have been taken, and that operations currently meet the safety fitness standard specified in Sections 385.5 and 385.7. The request must be sent to FMCSA if the motor carrier is registered as an interstate carrier. For "intrastate only" motor carriers, the request must be sent to the Texas Department of Public Safety Motor Carrier Bureau.

New Entrant Background Information (Part 385, Subpart D, Sections 385.301 to 337)

What are the requirements of this rule?

The FMCSA announced that as of January 1, 2003 new entrant **interstate** motor carriers domiciled in the U.S. or Canada must complete an application package consisting of the Motor Carrier Identification Report (MCS-150) and Safety Certification Application for USDOT Number (MCS-150A). Motor carriers may complete this application on-line at the following website: <http://www.usdotnumberregistration.com/>. Once completed, the carrier will be granted new entrant registration (USDOT number).

After being issued a new entrant registration, the motor carrier will be subject to an 18-month safety-monitoring period. During this safety-monitoring period, the motor carrier will receive a safety audit and have their roadside crash and inspection information closely evaluated. The motor carrier will be required to demonstrate it has the necessary systems in place to ensure basic safety management controls. Failure to demonstrate basic safety management controls may result in the motor carrier having their new entrant registration revoked.

Who is subject to this rule?

All new motor carriers (private and for-hire) operating in **interstate** commerce must apply for registration (US DOT Number). Exception: Non Business Private Motor Carriers of Passengers are not subject to the requirement of Part 385.

Intrastate motor carriers are not subject to this program, but must still apply for motor carrier registration with the Texas Department of Transportation (TX DOT) and receive their motor carrier registration number. An intrastate motor carrier will be subject to the New Entrant Program when and if it begins operating interstate, even if it has been in operation for several years.

What happens after the 18-month new entrant registration?

The carrier will be notified in writing that the "new entrant" designation will be removed from their registration at the end of the 18-month safety-monitoring period, if the carrier meets the following requirements:

- The new entrant has passed a safety audit, or has not been deemed "unfit" following a compliance review; and
- The new entrant does not have any outstanding civil penalties.

Note: New entrant passenger carriers operating in interstate commerce will be subject to a comprehensive compliance review which will satisfy safety audit requirements.

Where will these safety audits be conducted?

The safety audits will be conducted on-site at a Texas Department of Public Safety building or an alternate location designated by the safety investigator. However, some safety audits may be conducted at the carrier's principal place of business.

When did this rule go into effect?

The rule became effective January 1, 2003.

When will safety audits be conducted?

New entrant motor carriers can expect to start receiving safety audits 3-6 months after they are granted new entrant registration.

How will the safety audit be conducted?

A State or Federal Auditor will conduct the audit which will consist of a review of the carrier's safety management system including, but are not limited to, the following:

- Driver Qualifications;
- Driver Duty Status;
- Vehicle Maintenance;
- Accident Register; and
- Controlled Substances and Alcohol use and testing requirements.

FMCSA will notify the "interstate carrier" in **writing** of the results of the safety audit within **45 days** from the date it was completed.

CSA Initiative

Beginning in late 2010 FMCSA and DPS began evaluating the safety fitness of carriers using a new methodology in the safety measurement system (SMS). None of the requirements change under CSA, but the existing requirements will all be classified into the following broad categories:

- Unsafe Driving
- Fatigued Driving
- Driver Fitness
- Controlled Substances and Alcohol
- Vehicle Maintenance, (to include cargo securement, December 2012)
- Cargo Related (changes to HM Compliance, December 2012)
- Crash Indicator

Less than satisfactory evaluations in one or more categories can result in comprehensive compliance reviews or a range of less intrusive alternative interventions. This may also result in future changes to the safety rating process. But again, it DOES NOT CHANGE federal safety regulation requirements – only the way your compliance history is reviewed.

Additional information can be found at <http://ai.fmcsa.dot.gov/sms> and <http://csa.fmcsa.dot.gov>.



Part 387 - Financial Responsibility for Motor Carriers

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

Requirement for Financial Responsibility

Motor carriers operating CMVs in interstate, foreign, or intrastate commerce, must have at least the minimum amount of insurance required by law.

- For Interstate Property Carriers, see 387.7 & 387.9
- For Interstate Passenger Carriers, see 387.31 & 387.33
- For Intrastate Carriers, see TXDMV Form #1899, Page 1 of 3

TXDMV (www.txdmv.gov) 1-888-DMVgotx (368-4689)

Who should register?

Transportation Code, Chapter 643, provides that a motor carrier may not operate a CMV as defined by Sec 548.001, or transport household goods in a vehicle regardless of the size for compensation, on a road or highway of this state without first registering their operations with the **Texas Department of Motor Vehicles (TXDMV), Motor Carrier Division**.

All for-hire transporters of household goods are required to register their operations with **Texas Department of Motor Vehicles (TXDMV), Motor Carrier Division**, regardless of the size of equipment such carriers operate. Household goods carriers have different requirements than other types of motor carriers.

What is a motor carrier?

Interstate definition for insurance purposes (387.5) Motor carrier means a for-hire motor carrier or a private motor carrier. The term includes, but is not limited to, a motor carrier's agent, officer, or representative; an employee responsible for hiring, supervising, training, assigning, or dispatching a driver; or an employee concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. NOTE: See federal regulations cited above for insurance and registration requirements.

Texas definition for registration and insurance purposes (TRC 643.001(6)) "Motor carrier" means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more vehicles that transport persons or cargo over a road or highway in this state.

In Texas, a CMV includes:

- any motor vehicle or combination of vehicles with a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds, which is designed or used for the transportation of cargo in furtherance of any commercial enterprise
- all tow trucks (a tow truck is a motor vehicle including a wrecker equipped with a mechanical device, or used in combination with a mechanical device used to tow, winch, or otherwise move another vehicle), regardless of the gross weight rating of the tow truck

- any vehicle, including buses, designed to transport more than 15 passengers, including the driver
- any vehicle used in the transportation of hazardous materials in a quantity requiring placards under the regulations issued under the Federal Hazardous Materials Transportation Act (Title 49, United States Code, App. §§1801-1813); and
- a CMV, as defined by 49 C.F.R. §390.5, that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States.

For motor carrier registration purposes, a CMV **DOES NOT** include:

- a farm vehicle, as defined by 43 TAC, Section 18.2, with a gross weight, registered weight, and gross weight rating of less than 48,000 pounds
- cotton vehicles registered in accordance with Transportation Code, §502.277
- a vehicle registered with the Texas Railroad Commission pursuant to Texas Natural Resources Code, §113.131 and §116.072
- a vehicle transporting liquor under a private carrier permit issued in accordance with the Texas Alcoholic Beverage Code, Chapter 42
- a motor vehicle used to transport passengers operated by an entity whose primary function is not the transportation of passengers, such as a vehicle operated by a hotel, day-care center, public or private school, nursing home, or similar organization
- a motor vehicle operating exclusively in interstate or international commerce and registered under the Unified Carrier Registration (UCR) system
- a vehicle operated by a government entity.
- A tow truck as defined by section 2308.002, Occupations Code.

Proof of Insurance

The motor carrier must have proof of the minimum level of insurance at the company's principal place of business shown by any of the following:

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

The driver of a commercial motor vehicle must have proof of insurance (usually a Cab Card) in the commercial motor vehicle whenever operating the vehicle, and must show it to any law enforcement personnel who asks to see it.

A motor carrier required to register with FMCSA must also provide proof of insurance (if required) using the appropriate MCS-150 form (see attached). A motor carrier required to register with TXDMV must ensure the insurance carrier provides proof of insurance to TXDMV through the MCCs online system. A motor carrier who elects to re-register through FMCSA and UCR rather than through TXDMV must file according to FMCSA guidelines. For more information on registration and operating authority, see Part 392 of this manual.

FMCSA MCS-90

OMB NO: 2126-0008
Expiration Date: 03/31/2013

Public Burden Statement

A Federal Agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information if it does not display a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0008. Public reporting for this collection of information is estimated to average approximately 2 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RSA, Washington, D.C. 20590.



U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

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

Issued to _____ of _____

Dated at _____ this _____ day of _____, 20____

Amending Policy No _____ Effective Date _____

Name of Insurance Company _____

Countersigned by _____

Authorized Company Representative

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

- This insurance is primary and the company shall not be liable for amounts in excess of \$ _____ for each accident.
 This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

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

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

DEFINITIONS AS USED IN THIS ENDORSEMENT

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

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

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

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

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

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

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

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other

endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

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

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

THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE. The limits shown in the schedule are for information purposes only.

Form MCS-90 (page 1 of 2)

SCHEDULE OF LIMITS--PUBLIC LIABILITY

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

FMCSA MCS-90B

OMB NO. 2126-0008
Expiration Date: 03/31/2013

Public Burden Statement

A Federal Agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information if it does not have the approval of the Department of the Treasury Reduction Act unless that collection of information displays a control (OMB Control Number). The OMB Control Number for this information collection is 2126-0008. Public reporting burden for this collection of information is estimated to average 2 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. An response to this collection of information is mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Office, Federal Motor Carrier Safety Administration, MC-IRFA, Washington, D.C. 20590.



U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

ENDORSEMENT FOR MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY UNDER SECTION 18 OF THE BUS REGULATORY REFORM ACT OF 1982

Issued to _____ of _____

Dated at _____ this _____ day of _____, 20____

Amending Policy No _____ Effective Date _____

Name of Insurance Company _____

Countersigned by _____
Authorized Company Representative

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

- This insurance is primary and the company shall not be liable for amounts in excess of \$ _____ for each accident.
- This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

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

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

DEFINITIONS AS USED IN THIS ENDORSEMENT

Accident includes continuous or repeated exposure to conditions which results in Public Liability which the insured neither expected nor intended.

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

Motor Vehicle means a for-hire carrier of passengers by motor vehicle.
Property Damage means damage to or loss of use of tangible property.
Public Liability means liability for bodily injury, property damage.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a for-hire motor carrier of passengers with Section 18 of the Bus Regulatory Reform Act of 1982 and the rules and regulations of the Federal Motor Carrier Safety Administration.

However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment received against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 18 of the Bus Regulatory Reform Act of 1982 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured.

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

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

The Bus Regulatory Reform Act 1982 requires limits of financial responsibility according to vehicle seating capacity; it is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility. THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE. The limits shown in the schedule are for information purposes only.

Form MCS-90B (page 1 of 2)

SCHEDULE OF LIMITS--PUBLIC LIABILITY
For-hire motor carriers of passengers operating in interstate or foreign commerce

Vehicle Seating Capacity	Effective Dates	
	Nov. 19, 1983	Nov. 19, 1985
(1) Any vehicle with a seating capacity of 16 passengers or more.	\$2,500,000	\$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.	\$ 750,000	\$1,500,000



Instructions for Original Texas Motor Carrier Application

Form 1899
(Rev. 04/13)
Instructions

To properly file your Original Texas Motor Carrier Application you must:

- ❶ Complete the application in its entirety by providing the motor carrier:
 - a) Name (and DBA if applicable);
 - b) Street/Physical address (must be provided) and mailing address if different;
 - c) Phone and fax number;
 - d) Type of applicant (social security number required for individual); and
 - e) USDOT number.
 - f) Company owner, partners or corporation officers if applicable, you may attach additional sheet.
- ❷ Indicate if the carrier belongs to a drug testing consortium. If yes, list persons operating the consortium.
- ❸ Indicate type of motor carrier operation and required insurance.
 - File proof of liability insurance, Form E, via online (contact your insurance agent).
 - File proof of cargo insurance, Form H & I. This requirement applies only to household goods carriers.

Contact your insurance company to request the appropriate filings be submitted through the MCCS Online System.
- ❹ Indicate if you are registered under Unified Carrier Registration. Provide USDOT/MC number. If you are registered under Unified Carrier Registration, you will be registered as a UCR/Intrastate carrier. (Your certificate will not include an expiration date. However, it will be your responsibility to maintain financial responsibility on your certificate.)

Your motor carrier certificate of registration will be issued as a UCR/Intrastate certificate. The certificate, including vehicles, will not expire while the motor carrier complies and agrees to the following: (1) Carrier agrees that company is registered under the Unified Carrier Registration (UCR). (2) Carrier agrees that intrastate operations do not consist of Household Goods (HHGs), Charter Bus, Waste Hauler or Recyclable Materials.
- ❺ Include your legal agent and Texas address for service of process.

For the purpose of administrative or civil service, each out-of-state motor carrier shall have and continuously maintain with the department a legal agent domiciled in Texas. A Texas-domiciled motor carrier that has a legal agent in Texas shall provide the name and address. The legal agent may be a Texas resident, a domestic corporation or a foreign corporation whose primary function is to serve as an agent of process in Texas with a Texas address (**P.O. Box may not be used**).
- ❻ Indicate payment method. Make check, cashiers check or money order payable to TxDMV/Motor Carrier Division.
- ❼ Calculate applicable fees.
 - a) Required application filing fee;
 - b) Required liability insurance filing fee;
 - c) Cargo insurance filing fee, if applicable (HHG carriers);
 - d) Total vehicle fees; and
 - e) Total amount of fees required and submitted.
- ❽ Sign the completed application.
- ❾ Print or type name and title.

To properly file your Equipment Report for Original Texas Motor Carrier Application you must:

- ❶ Provide motor carrier name (and DBA if applicable) and street address;
- ❷ Provide vehicle make, unit number, year of vehicle and complete VIN;
- ❸ Check (✓) the type of operation;
- ❹ Check (✓) 1yr/2yr registration period. All vehicles must be for the same year duration. Indicate number of vehicles, calculate fees; and
- ❺ Enter total fees for all vehicles. You will also need to enter this amount on the Original Motor Carrier Application on number 7(d).

Mail application and payment to: P.O. Box 12984 Austin TX 78711-2984. Overnight mail: 4000 Jackson Ave., Austin TX 78731.

NOTE: The Texas Department of Motor Vehicles will notify you of any deficiencies associated with your application.



Original Texas Motor Carrier Application
 Texas Department of Motor Vehicles, Motor Carrier Division
 P.O. Box 12984 Austin, TX 78711-2984
 Phone: 800/299-1700 Fax: 512/465-3521

Form 1899
 (Rev. 04/13)
 Page 1 of 3

1 a) Name of Motor Carrier:		DBA:	
b) Street/Physical Address:		City, State, Zip:	
Mailing Address:		City, State, Zip:	
c) Business Phone:		Fax:	
d) Applicant is a(n): <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Individual		Social Security Number (Required by State law) for individual:	
e) USDOT #:			
f) Company Owner, Partners or Corporation Officers:			
Name and Title:		Name and Title:	
Name and Title:		Name and Title:	
2 Does this carrier belong to a drug-testing consortium? <input type="checkbox"/> Yes <input type="checkbox"/> No		Persons Operating Consortium: 1. 2.	
3 Type of Motor Carrier Operation (More than one cargo type may be checked)		Insurance Requirements (refer to page 4 for required limits)	
1. <input type="checkbox"/> Hazardous Materials (HAZ)		<input type="checkbox"/> \$1 million OR <input type="checkbox"/> \$5 million	
2. <input type="checkbox"/> Commercial School Bus (BUS)		<input type="checkbox"/> \$500,000	
3. <input type="checkbox"/> Passenger Bus (BUS) No. of passengers: _____		<input type="checkbox"/> \$500,000 OR <input type="checkbox"/> \$5 million	
4. <input type="checkbox"/> Foreign Bus (BUS) No. of passengers: _____		<input type="checkbox"/> \$1.5 million OR <input type="checkbox"/> \$5 million	
5. <input type="checkbox"/> Household Goods (HHG)		<input type="checkbox"/> \$500,000 OR <input type="checkbox"/> \$300,000 and <input type="checkbox"/> \$5,000 cargo	
6. <input type="checkbox"/> Foreign Carriers (Domiciled outside of U.S.A.)		<input type="checkbox"/> \$750,000	
7. <input type="checkbox"/> Other than 1 through 6 above (OTHER)		<input type="checkbox"/> \$500,000	
4 Are you registered under Unified Carrier Registration? US DOT # _____			MC # _____
5 Legal Agent's Name:		Phone: _____	
Street Address: _____		City, State, Zip: _____	
6 Payment Method		7 Applicable Fees	
<input type="checkbox"/> E-mail Address: _____		a) \$100 Application Filing Fee \$ 100.00	
<input type="checkbox"/> Check, Cashier's Check or Money Order		b) \$100 Liability Insurance Filing Fee \$ 100.00	
<input type="checkbox"/> MasterCard, Visa, Discover, or American Express (A \$1 fee will be charged)		c) \$100 Cargo Insurance Filing Fee \$	
Credit Card Account Number: _____ Expiration Date: _____			
8 Signature of Owner, Partner, Officer or Authorized Agent:		d) Total Vehicle Fees From page 3, Motor Carrier Equipment Report \$ 0.00	
9 Printed/Typed Name and Title:		e) Total Amount Submitted \$ 200.00	
By signing and submitting this application, I certify that the information provided on this form is true and correct, that I am authorized to execute and file this document on behalf of the motor carrier, and that the motor carrier: (1) is in compliance with the drug testing requirements contained in 49 C.F.R. Part 382; (2) has knowledge of, and will conduct operations in accordance with, applicable federal and state laws and rules relating to motor carrier safety, including Texas Transportation Code, Chapters 541-600, 643, and 644; and (3) has the required insurance as set forth in 43 TAC §218.16.			
THIS IS A GOVERNMENT RECORD. FALSIFYING INFORMATION ON GOVERNMENT RECORDS IS A FELONY.			
The Texas Department of Motor Vehicles maintains the information collected on this form. With a few exceptions, you are entitled upon request to be informed about the information that we collect about you. Under §§552.021, 552.023, and 559.004 of the Texas Government Code, you are entitled to receive and review this information, and to have us correct erroneous information.			
For more information, visit our Web site at www.txdmv.gov .			

Form 1899
(Rev. 04/13)
Page 2 of 3

Equipment Report For Original Texas Motor Carrier Application

INSTRUCTIONS		<ul style="list-style-type: none"> • Type or print legibly in blue or black ink. • Enter required information on all vehicles. 			<ul style="list-style-type: none"> • Do not list trailers. • If additional space is needed, please make a copy of this page. 						
1 Name of Motor Carrier:		Street Address:									
DBA:											
Type of Motor Carrier		HAZ= Hazardous		HHG= Household Goods		BUS= Bus		OTHER= Other Cargo Not Listed			
2	Vehicle Make	Unit Number	Year of Vehicle	COMPLETE Vehicle Identification Number (VIN)				3 Type of Motor Carrier Operation			
								HAZ	HHG	BUS	OTHER
1.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 <input type="checkbox"/> 1 year <input type="checkbox"/> 2 year		Number of vehicles _____ X \$10 (1 year) = \$ 0.00 Number of vehicles _____ X \$20 (2 years) = \$ 0.00 Total \$ 0.00				Vehicle Fees: 1 Year = \$10 per vehicle 2 Years = \$20 per vehicle					
5 TOTAL FEES \$ 0.00						Signature of Owner, Partner, Officer or Authorized Agent _____ Print or Type Name and Title					

Insurance Requirements
ALL INSURANCE FILINGS MUST BE SUBMITTED BY YOUR
INSURANCE COMPANY THROUGH THE MCCS ONLINE SYSTEM

Type of Motor Carrier Operation	Description	Minimum Insurance Requirement
1 - HAZ	Transporters of Hazardous Substances (that require placarding)	
	<p>a. Hazardous substances, as defined in 49 Code of Federal Regulations (CFR) §171.8, transported in cargo tanks, portable tanks or hopper-type vehicles, with capacities in excess of 3,500 water gallons; or any quantity of Division 1.1, 1.2 and 1.3 materials, any quantity of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR §173.403</p> <p>b. Oil listed in 49 CFR §172.101: hazardous waste, hazardous materials and hazardous substances as defined in 49 CFR §171.8 and listed in 49 CFR §172.101, but not mentioned in paragraphs (a) or (b) of this subsection and petroleum products that are lubricants or fuels</p>	<p>\$5,000,000</p> <p>\$1,000,000</p>
2 - BUS	Commercial School Bus Operators	
	For-hire school buses operating within the boundaries of a municipality and transporting preprimary, primary or secondary school students on a route between the students' residence and a public, private or parochial school or day-care facility	\$500,000
3 - BUS	Bus Operators	
	<p>a. Vehicles designed or used to transport more than 15 passengers (including the driver) but less than 26 passengers (not including the driver)</p> <p>b. Vehicles designed or used to transport 26 passengers or more (not including the driver)</p>	<p>\$500,000</p> <p>\$5,000,000</p>
4 - BUS	Foreign Domiciled Bus Operators	
	<p>a. Vehicles designed or used to transport 15 passengers or less (including the driver)</p> <p>b. Vehicles designed or used to transport 16 passengers or more (including the driver)</p>	<p>\$1,500,000</p> <p>\$5,000,000</p>
5 - HHG	Household Goods Movers	
	a. Gross weight, registered weight or gross weight rating of 26,000 pounds or less	\$300,000
	b. Gross weight, registered weight or gross weight rating in excess of 26,000 pounds	\$500,000
c. Cargo insurance must be filed on Form H & I with the following limits	Per Shipment \$5,000 Aggregate \$10,000	
6	Foreign Carriers	
	(Domiciled outside of the U.S.A.) transporting cargo other than cargo listed above	\$750,000
7 - OTHER	All Others	
	Private or for-hire motor carriers with a gross weight, registered weight or gross weight rating in excess of 26,000 pounds	\$500,000



Additional Motor Carrier Equipment Report

Texas Department of Motor Vehicles, Motor Carrier Division
PO BOX 12984, Austin, Texas 78711-2984
800/299-1700 FAX 512/465-3521

CERTIFICATE NUMBER

By signing and submitting this application, I certify that the information provided on this form is true and correct, that I am authorized to execute and file this document on behalf of the motor carrier, and that the motor carrier: (1) is in compliance with the drug testing requirements contained in 49 C.F.R. Part 382; (2) has knowledge of, and will conduct operations in accordance with, applicable federal and state laws and rules relating to motor carrier safety, including Texas Transportation Code, Chapters 541-600, 643, and 644; and (3) has the required insurance as set forth in 43 TAC §218.16.

THIS IS A GOVERNMENT RECORD. FALSIFYING INFORMATION ON GOVERNMENT RECORDS IS A FELONY.

- INSTRUCTIONS**
- Type or print legibly in blue or black ink.
 - List each vehicle you will operate, **but do not list trailers.**
 - Provide all required information on all vehicles.
 - If additional space is needed, please make a copy of this page.
 - This form will be returned if not signed.

Name of Motor Carrier	Business Phone ()
Street Address (Physical address must be provided)	City, State, Zip
Mailing Address (If different from physical address)	City, State, Zip

Type of Motor Carrier Operation "HAZ"= Hazardous "HHG"= Household Goods "BUS"= Bus "OTHER"= Other Cargo Not Listed

Make of Truck	Unit Number	Year of Vehicle	COMPLETE Vehicle Identification Number (VIN)	Type of Motor Carrier Operation			
				HAZ	HHG	BUS	OTHER
1.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Applications may be faxed to 512/465-3521 if paying by credit card or if no fees are due. Please **do not mail original application if faxed.** Allow 3 business days before calling to verify receipt of faxes.

<p>Payment Method (Make payable to the Texas Department of Motor Vehicles)</p> <p>E-Mail Address: _____</p> <p><input type="checkbox"/> Check, Cashier's Check or Money Order</p> <p><input type="checkbox"/> MasterCard, Visa, Discover, or American Express</p> <p><input type="checkbox"/> (A \$1 fee will be charged for all credit card transactions.)</p> <p>Credit Card Account Number: _____ Expiration Date: _____</p>	<p>To Be Completed By Applicant (FEES ARE NON-REFUNDABLE)</p> <p>For 1 Year Registration: Number of Vehicles X \$10 = \$ 0</p> <p>For 2 Year Registration (not applicable to UCR/Intrastate Carriers): Number of Vehicles X \$20 = \$ 0</p> <p>The fee to add vehicles is \$20 per vehicle the first year and \$10 per vehicle the second year.</p> <p>TOTAL VEHICLE FEES \$ 0</p>
<p>Signature of Owner, Partner, Officer or Authorized Agent</p> <p>X _____</p>	<p>Print or Type Name and Title</p> <p>_____</p>

The Texas Department of Motor Vehicles maintains the information collected on this form. With a few exceptions, you are entitled upon request to be informed about the information that we collect about you. Under §§552.021, 552.023, and 559.004 of the Texas Government Code, you are entitled to receive and review this information, and to have us correct erroneous information.

For more information, visit our web site at www.txdmv.gov.



**Instructions for
7- or 90-Day Texas Motor Carrier Application**

Form 1899T
(Rev. 04/13)
Instructions

To properly file your Original Texas Motor Carrier Application you must:

- ❶ Complete the application in its entirety by providing the motor carrier:
 - a) Name (and DBA if applicable);
 - b) Street/physical address (must be provided) and mailing address, if different;
 - c) Phone and fax number;
 - d) Type of applicant (SSN required for individual);
 - e) Owner, partners, or corporation officers, if applicable (you may attach additional sheet if needed);
 - f) USDOT number.

❷ Indicate if the carrier belongs to a drug testing consortium. If yes, list person(s) operating the consortium.

❸ Indicate type of motor carrier operation and required insurance.
File proof of liability insurance, (Form E), contact your insurance agent to post online.

Your insurance company must submit an insurance cancellation, Form K, with an effective date corresponding to the expiration date of the temporary registration.

❹ Include your Legal Agent and Texas address for Service of Process.
For the purpose of administrative or civil service, each out-of-state motor carrier shall have and continuously maintain with the department a legal agent domiciled in Texas. A Texas-domiciled motor carrier that has a legal agent in Texas shall provide the name and address. The legal agent may be a Texas resident, a domestic corporation, or a foreign corporation whose primary function is to serve as an agent of process in Texas with a Texas address (**P.O. Box may not be used**).

❺ Indicate payment method. Make check, cashiers check, or money order payable to TxDMV - Motor Carrier Division.

❻ Calculate applicable fees.

- a) Required application filing fee - indicate 7- or 90-day;
- b) Required liability insurance filing fee;
- c) Total vehicle fees; and
- d) Total amount of fees required and submitted.

❼ Sign the completed application.

❽ Print or type name and title.

To properly file your Equipment Report (page 3 of this application) for 7- or 90-Day Texas Motor Carrier Application you must:

- ❶ Provide motor carrier name (and DBA if applicable) and street address;
- ❷ Provide vehicle make, unit number, year of vehicle, complete VIN;
- ❸ Check (✓) the type of operation;
- ❹ Indicate number of vehicles and calculate fees; and
- ❺ Enter total fees for all vehicles. You will also need to enter this amount on the application on number 6(c). Fax application to 512/465-3521

NOTE: The Texas Department of Motor Vehicles will notify you of any deficiencies associated with your application.



7- or 90-Day Texas Motor Carrier Application
 Texas Department of Motor Vehicles, Motor Carrier Division
 P.O. Box 12984, Austin, TX 78711-2984
 Phone: 800/299-1700, Fax: 512/465-3521

Form 1899T
 (Rev. 10/12)
 Page 1 of 3

1 a) Name of Motor Carrier		DBA	
b) Street/Physical Address		City, State, Zip	
Mailing Address		City, State, Zip	
c) Business Phone () -		Fax () -	
d) Applicant is a(n): <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Individual		Social Security Number (Required by State law) for individual	
e) Company Owner, Partners, or Corporation Officers		f) USDOT	
Name and Title		Name and Title	
Name and Title		Name and Title	
2 Does this carrier belong to a drug-testing consortium? <input type="checkbox"/> Yes <input type="checkbox"/> No		Person(s) Operating Consortium: 1. 2.	
3 Type of Motor Carrier Operation (More than one cargo type may be checked)		Insurance Requirements (refer to page 4 for required limits)	
1. <input type="checkbox"/> Hazardous Materials (HAZ)		<input type="checkbox"/> \$1 million OR <input type="checkbox"/> \$5 million	
2. <input type="checkbox"/> Commercial School Bus (BUS)		<input type="checkbox"/> \$500,000	
3. <input type="checkbox"/> Passenger Bus (BUS) No. of passengers:		<input type="checkbox"/> \$500,000 OR <input type="checkbox"/> \$5 million	
4. <input type="checkbox"/> Foreign Bus (BUS) No. of passengers:		<input type="checkbox"/> \$1.5 million OR <input type="checkbox"/> \$5 million	
5. <input type="checkbox"/> Foreign Carriers (Domiciled outside of U.S.A.)		<input type="checkbox"/> \$750,000	
6. <input type="checkbox"/> Other than 1 through 5 above (OTHER)		<input type="checkbox"/> \$500,000	
4 Legal Agent's Name		Phone () -	
Street Address		City, State, Zip	
5 Payment Method		6 Applicable Fees	
<input type="checkbox"/> E-mail Address:		a)	
<input type="checkbox"/> Check, Cashier's Check, or Money Order		<input type="checkbox"/> \$5 7-day \$	
<input type="checkbox"/> MasterCard, Visa, Discover, or American Express (A \$1 fee will be charged)		<input type="checkbox"/> \$25 90-day \$	
Credit Card Account Number: _____ Expiration Date: _____		b) \$100 Liability Insurance Filing Fee \$ 100.00	
7 Signature of Owner, Partner, Officer or Authorized Agent		c) Total Vehicle Fees From page 3, Motor Carrier Equipment Report \$	
8 Printed/Typed Name and Title		d) Total Amount Submitted \$	
By signing and submitting this application, I certify that the information provided on this form is true and correct, that I am authorized to execute and file this document on behalf of the motor carrier, and that the motor carrier: (1) is in compliance with the drug testing requirements contained in 49 C.F.R. Part 382, (2) has knowledge of, and will conduct operations in accordance with, applicable federal and state laws and rules relating to motor carrier safety, including Texas Transportation Code, Chapters 541-600, 643, and 644; and (3) has the required insurance as set forth in 43 TAC §218.16.			
THIS IS A GOVERNMENT RECORD. FALSIFYING INFORMATION ON GOVERNMENT RECORDS IS A FELONY.			
The Texas Department of Motor Vehicles maintains the information collected on this form. With a few exceptions, you are entitled upon request to be informed about the information that we collect about you. Under §§552.021, 552.023, and 559.004 of the Texas Government Code, you are entitled to receive and review this information, and to have us correct erroneous information.			
For more information, visit our web site at www.txdmv.gov .			



Insurance Requirements
ALL INSURANCE FINDINGS MUST BE SUBMITTED
BY YOUR INSURANCE COMPANY
AND FAXED TO 512/465-3521

Form 1899T
 (Rev. 10/12)
 Page 1 of 3

Type of Motor Carrier Operation	Description	Minimum Insurance Requirement
1 - HAZ	Transporters of Hazardous Substances (that require placarding)	
	a. Hazardous substances, as defined in 49 Code of Federal Regulations (CFR) §171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles, with capacities in excess of 3,500 water gallons; or any quantity of Division 1.1, 1.2, and 1.3 materials, any quantity of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR §173.403.	\$5,000,000
	b. Oil listed in 49 CFR §172.101: hazardous waste, hazardous materials, and hazardous substances as defined in 49 CFR §171.8 and listed in 49 CFR §172.101, but not mentioned in paragraphs (a) or (b) of this subsection and petroleum products that are lubricants or fuels	\$1,000,000
2 - BUS	Commercial School Bus Operators	
	For-hire school buses operating within the boundaries of a municipality and transporting preprimary, primary or secondary school students on a route between the students' residence and a public, private or parochial school or day-care facility.	\$500,000
3 - BUS	Bus Operators	
	a. Vehicles designed or used to transport more than 15 passengers (including the driver) but less than 26 passengers (not including the driver)	\$500,000
	b. Vehicles designed or used to transport 26 passengers or more (not including the driver)	\$5,000,000
4 - BUS	Foreign Domiciled Bus Operators	
	a. Vehicles designed or used to transport 15 passengers or less (including the driver)	\$1,500,000
	b. Vehicles designed or used to transport 16 passengers or more (including the driver)	\$5,000,000
	a. a gross weight, registered weight, or gross weight rating of 26,000 pounds or less	\$300,000
	b. a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds	\$500,000
c. cargo insurance must be filed on Form H & I with the following limits	Per Shipment \$5,000 Aggregate \$10,000	
5	Foreign Carriers	
	(Domiciled outside of the U.S.A.) transporting cargo other than cargo listed above	\$750,000
6 - OTHER	All Others	
	Private or for-hire motor carriers with a gross weight, registered weight, or gross weight rating in excess of 26,000 pounds	\$500,000

TxDMV Form 1901



Texas Department of Motor Vehicles
Form 1901
(Rev. 04/13)
Page 1 of 1

Vehicle Change Form (Deletion, Out of Service, Replacement, or Activate)

Texas Department of Motor Vehicles, Motor Carrier Division
PO BOX 12984, Austin, Texas 78711-2984
800/299-1700
Fax 512/465-3521

**CERTIFICATE
NUMBER**

INSTRUCTIONS

- Type or print legibly in blue or black ink.
 - Mark the appropriate box to indicate the action requested for each vehicle listed.
- Deletion:** A currently registered vehicle that is being replaced by a newly added vehicle or a vehicle removed from your fleet that may not be reactivated or used for credit.
- Out of Service:** A currently registered vehicle that is temporarily inactive and may be reactivated for use or for credit on a newly added vehicle.
- Replacement:** Vehicle is replacing a currently registered vehicle that must be entered in the deletion area.
- Activate:** A currently registered vehicle that identified as "Out of Service" that needs to be activated for use in your fleet.

Name of Motor Carrier	Phone
-----------------------	-------

Street Address	City, State, Zip
----------------	------------------

Type of Motor Carrier Operation	HAZ= Hazardous	HHG= Household Goods	BUS= Bus	Other= Other Cargo Not Listed
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DELETION <input type="checkbox"/>	OUT OF SERVICE <input type="checkbox"/>	REPLACEMENT <input type="checkbox"/>	ACTIVATE <input type="checkbox"/>
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Vehicle Make	Vehicle Make	Type of Motor Carrier Operation (Check appropriate box)			
Unit Number	Unit Number	HAZ	HHG	BUS	OTHER
Year Model	Year Model	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLETE Vehicle ID Number (VIN)	COMPLETE Vehicle ID Number (VIN)
----------------------------------	----------------------------------

DELETION <input type="checkbox"/>	OUT OF SERVICE <input type="checkbox"/>	REPLACEMENT <input type="checkbox"/>	ACTIVATE <input type="checkbox"/>
-----------------------------------	---	--------------------------------------	-----------------------------------

Vehicle Make	Vehicle Make	Type of Motor Carrier Operation (Check appropriate box)			
Unit Number	Unit Number	HAZ	HHG	BUS	OTHER
Year Model	Year Model	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLETE Vehicle ID Number (VIN)	COMPLETE Vehicle ID Number (VIN)
----------------------------------	----------------------------------

DELETION <input type="checkbox"/>	OUT OF SERVICE <input type="checkbox"/>	REPLACEMENT <input type="checkbox"/>	ACTIVATE <input type="checkbox"/>
-----------------------------------	---	--------------------------------------	-----------------------------------

Vehicle Make	Vehicle Make	Type of Motor Carrier Operation (Check appropriate box)			
Unit Number	Unit Number	HAZ	HHG	BUS	OTHER
Year Model	Year Model	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLETE Vehicle ID Number (VIN)	COMPLETE Vehicle ID Number (VIN)
----------------------------------	----------------------------------

DELETION <input type="checkbox"/>	OUT OF SERVICE <input type="checkbox"/>	REPLACEMENT <input type="checkbox"/>	ACTIVATE <input type="checkbox"/>
-----------------------------------	---	--------------------------------------	-----------------------------------

Vehicle Make	Vehicle Make	Type of Motor Carrier Operation (Check appropriate box)			
Unit Number	Unit Number	HAZ	HHG	BUS	OTHER
Year Model	Year Model	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLETE Vehicle ID Number (VIN)	COMPLETE Vehicle ID Number (VIN)
----------------------------------	----------------------------------

I, the undersigned, do hereby certify that the information provided is true and correct and that I am authorized to execute and file this document on behalf of the above motor carrier.

Signature	Print/Type Name and Title
-----------	---------------------------

The Texas Department of Motor Vehicles maintains the information collected on this form. With a few exceptions, you are entitled upon request to be informed about the information that we collect about you. Under §§552.021, 552.023, and 559.004 of the Texas Government Code, you are entitled to receive and review this information, and to have us correct erroneous information.

For more information, visit our web site at www.txdmv.gov.

TxDMV Form 1910



Supplemental Motor Carrier Application

Texas Department of Motor Vehicles, Motor Carrier Division
PO Box 12984, Austin, Texas 78711-2984
Phone: 800/299-1700 Fax: 512/465-3521

CERTIFICATE NUMBER

Name of Motor Carrier		Phone () - () -	Fax () - () -
Street Address (physical address must be provided)		City, State, Zip	USDOT
Mailing Address (if different from physical address)		City, State, Zip	
<input type="checkbox"/> Cancel Certificate of Registration (no charge/original fees are non-refundable)		<input type="checkbox"/> PIN Request	
<input type="checkbox"/> Convert to UCR/Intrastate US DOT # _____ MC # _____		Your motor carrier certificate of registration will be converted to a UCR/Intrastate certificate. The certificate, including vehicles, will not expire while the motor carrier complies and agrees to the following: (1) Carrier agrees that company is registered under the Unified Carrier Registration (UCR). (2) Carrier agrees that intrastate operations do not consist of Household Goods (HHGs), Charter Bus, Waste Hauler or Recyclable Materials.	
<input type="checkbox"/> Name Change (no change in ownership)	Name of Motor Carrier - Proof of insurance reflecting the new name must be provided.		
<input type="checkbox"/> Corporate Conversion	Motor Carrier and/or Company Name - Proof of insurance reflecting the new organizational name must be provided. All conversions MUST be approved by the Texas Secretary of State prior to submitting this application.		
<input type="checkbox"/> Address Change	Street Address		City, State, Zip
	Mailing Address (If different)		City, State, Zip
<input type="checkbox"/> Change Corporate Officers/Titles	Name (attach additional sheet if necessary)	Title	
<input type="checkbox"/> Change Legal Agent - (must have a Texas physical address)	Name		Phone Number () -
	Street Address		City, State, Zip
<input type="checkbox"/> Change Type of Motor Carrier Operation	Type of Motor Carrier Operation (check all that apply)		Insurance Requirements (must be checked)
	1. <input type="checkbox"/> Hazardous Materials (HAZ)		<input type="checkbox"/> \$1 million OR <input type="checkbox"/> \$5 million
	2. <input type="checkbox"/> Commercial School Bus (BUS)		<input type="checkbox"/> \$500,000
	3. <input type="checkbox"/> Passenger (BUS) <input type="checkbox"/> No. of passengers: _____		<input type="checkbox"/> \$500,000 OR <input type="checkbox"/> \$5 million
	4. <input type="checkbox"/> Foreign (BUS) <input type="checkbox"/> No. of passengers: _____		<input type="checkbox"/> \$1.5 million OR <input type="checkbox"/> \$5 million
	5. <input type="checkbox"/> Household Goods (HHG)		<input type="checkbox"/> \$300,000 OR <input type="checkbox"/> \$500,000 AND <input type="checkbox"/> \$5,000 cargo
	6. <input type="checkbox"/> Foreign Carriers (Domiciled outside the USA)		<input type="checkbox"/> \$750,000
	7. <input type="checkbox"/> Other than 1 through 6 above (OTHER)		<input type="checkbox"/> \$500,000
<input type="checkbox"/> Change Drug Testing Information	Does this carrier belong to a drug-testing consortium? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" is checked, please list all names of persons operating the consortium (attach additional sheet if necessary). Persons Operating Consortium: _____		
<input type="checkbox"/> Re-register Motor Carrier	A vehicle listing and fees must be submitted with this form to re-register. Insurance filing(s) must be submitted online by your insurance company to complete the re-registration. Must provide US DOT number.		
Payment Method (Make check payable to the Texas Department of Motor Vehicles)		Re-registration Fees (fees are nonrefundable)	
<input type="checkbox"/> E-mail Address: _____		\$100	Liability Insurance Filing Fee \$
<input type="checkbox"/> Check, Cashier's Check or Money Order		\$100	Cargo Insurance Filing Fee (HHG carriers) \$
<input type="checkbox"/> MasterCard, Visa, Discover or American Express (\$1 fee will be charged) Credit Card Account Number: _____ Expiration Date: _____			
Signature of Owner, Partner, Officer or Authorized Agent X _____		Social Security # - -	
Print/Type Name and Title		Total Vehicle Fees From attached Motor Carrier Equip. Report \$	
		Total Amount Remitted \$	
By signing and submitting this application, I certify that the information provided on this form is true and correct, that I am authorized to execute and file this document on behalf of the motor carrier, and that the motor carrier: (1) is in compliance with the drug testing requirements contained in 49 C.F.R. Part 382; (2) has knowledge of, and will conduct operations in accordance with, applicable federal and state laws and rules relating to motor carrier safety, including Texas Transportation Code, Chapters 541-600, 643, and 644; and (3) has the required insurance as set forth in 43 TAC §218.16.			
THIS IS A GOVERNMENT RECORD. FALSIFYING INFORMATION ON GOVERNMENT RECORDS IS A FELONY.			
The Texas Department of Motor Vehicles maintains the information collected on this form. With a few exceptions, you are entitled upon request to be informed about the information that we collect about you. Under §§552.021, 552.023 and 559.004 of the Texas Government Code, you are entitled to receive and review this information, and to have us correct erroneous information.			

For more information, visit our web site at www.txdmv.gov.



**Agent Listing for Household Goods Carrier
Alternative Registration**

Texas Department of Motor Vehicles, Motor Carrier Division, P.O. Box 12984, Austin Texas 78711-2984
800/299-1700 Fax: 512/465-3521 (Do not send original if faxed)

Certificate Number _____

Name of Motor Carrier

Street Address

City, County, State, and Zip

Please provide agent's certificate and name below:

The department must have 30 days notice to appoint or terminate any agreement

Agent's Certificate Number	Agent's Name	Date Appointed	Date Terminated
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

If additional space is needed, please make a copy of this page.

Contact/Help

Signature

Printed/typed name

Title

The Texas Department of Motor Vehicles maintains the information collected through this form. With few exceptions, you are entitled upon request to be informed about the information that we collect about you. Under §§552.021, 552.023 and 559.004 of the Texas Government Code, you are entitled to receive and review the information, and to have us correct erroneous information.

For more information, visit our web site at www.txdmv.gov. For questions or complaints concerning Household Goods Carriers, call 800/299-1700 or write to: TxDMV-MCD, 4000 Jackson Ave., Texas 78731

TxDMV Form UCR-2013



UNIFIED CARRIER REGISTRATION FORM - Year 2013

To register online go to WWW.UCR.IN.GOV
(See Page 2 for Instructions)

SECTION 1. GENERAL INFORMATION

USDOT Number	MC or MX Number	FF Number	Telephone Number	Fax Number
Legal Name			E-Mail Address	
Doing Business Under The Following Name (D/B/A)				
Principal Place-Of Business Street Address (See Instructions)				
Principal Business City		Principal Business State		Zip Code
Mailing Street Address				
Mailing City		Mailing State		Mailing Zip Code

SECTION 2. CLASSIFICATION - Check All That Apply

Motor Carrier
 Motor Private Carrier
 Broker
 Leasing Company
 Freight Forwarder

SECTION 3. FEES DUE-BROKERS, FREIGHT FORWARDERS AND LEASING COMPANIES ONLY

Note: If your company is also a motor carrier or motor private carrier, skip this section and go to section 4.

Brokers, freight forwarders and leasing companies (not a motor carrier combination), please submit the amount due of \$76.00 in the form of a credit card, Check or Money Order payable to Texas Department of Motor Vehicles and go to Section 7.

SECTION 4. NO. OF MOTOR VEHICLES - MOTOR CARRIER & MOTOR PRIVATE CARRIER

Check only one box:

The number of vehicles shown below has been taken from section 26 of your last reported MCS-150 form.
 The number of vehicles shown below is the total number owned and operated for the 12-month period ending June 30, 2012.

LINE NO.	NUMBER OF STRAIGHT TRUCKS AND TRACTORS (COLUMN A)	(COLUMN B)	NUMBER OF MOTOR COACHES, SCHOOL BUSES, MINI-BUSES, VANS AND LIMOUSINES (COLUMN C)	TOTAL (COLUMN D)
1.				
2.	Subtract: • The number of vehicles on Line 1 in Column C above that has a vehicle capacity of 10 or less passengers, including the driver. • (Optional) The number of vehicles on Line 1 in Column A above that is used only in intrastate commerce. <input type="checkbox"/> *See Section 4, Line 2 of Instruction Sheet*			
3.	(Optional) Add a number of vehicles not shown on Line 1 above that are: • Commercial motor vehicles operating solely in intrastate commerce. (See instructions for definition of commercial motor vehicle.) • Used in commerce to transport passengers or property for compensation and have a GVWR or GVW of 10,000 lbs or less, or a passenger capacity of 10 or less, including the driver.			
4.	Total Number of Vehicles (Line 1 minus Line 2 plus Line 3)			

SECTION 5. FEE TABLE - MOTOR CARRIER & MOTOR PRIVATE CARRIER

Number of Vehicles	Amount Due	Number of Vehicles	Amount Due	Number of Vehicles	Amount Due
0-2	\$76	6-20	\$452	101-1000	\$7,511
3-5	\$227	21-100	\$1,576	1001 or more	\$73,346

SECTION 6. FEES DUE - MOTOR CARRIER & MOTOR PRIVATE CARRIER

Using the number of vehicles in Section 4 Line 4 above, enter the Amount Due from the table above.

Note: Payment can be made in the form of Credit Card (MasterCard, Visa, American Express, or Discover), Check, or Money Order.

MAKE CHECKS PAYABLE TO: **Texas Department of Motor Vehicles**

Credit Card No. _____ Exp. date: _____ A \$1.00 fee will be charged for credit card transactions.

SECTION 7. CERTIFICATION

I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration state.)

Name of Owner or Authorized Representative (Printed)	Date
Signature: _____	Title: _____

TxDMV Form UCR-2013 Instruction Sheet

Form UCR-2013 (Rev. 01/13)
Page 2 of 7

Instruction Sheet for 2013 UCR-TEXAS Carrier Registration

My Base State for UCR?

- If your principal place of business is TEXAS, **you must use the UCR-TEXAS Application Form for 2013**. Follow the instructions below to complete the UCR-TEXAS Application Form for 2013.□
- If your principal place of business is in Florida or a State in Mexico you may select Texas as your base State.□

Section 1. - General Information

- Enter all identifying information for your company. The owner and DBA name should be identical to what is on file for your USDOT number (See <http://safer.fmcsa.dot.gov/CompanySnapshot.aspx>). Enter the address for the principal place of business that serves as your headquarters and where your operational records are maintained or can be made available.□

□ □

Section 2. - Classification

Use the Definitions below and select all that apply.

- **"Motor carrier"** means a person providing motor vehicle transportation for compensation.□
- **"Motor private carrier"** means a person who provides interstate transportation of property in order to support its primary line of business.□
- **"Broker"** means a person, other than a motor carrier, who sells or arranges for transportation by a motor carrier for compensation. □
- **"Leasing company"** means a person or company engaged in the business of leasing or renting for compensation motor vehicles they own without drivers to a motor carrier, motor private carrier, or freight forwarder.□
- **"Freight forwarder"** means a person that arranges for truck transportation of cargo belonging to others, utilizing for-hire carriers to provide the actual truck transportation, and also performs or provides for assembling, consolidating, break-bulk and distribution of shipments and assumes responsibility for transportation from place of receipt to destination.□

Section 3. - Fees Due - Brokers, Freight Forwarders and Leasing Companies Only

- Brokers, freight forwarders and leasing companies pay the lowest fee tier. If your company is also a private or for-hire motor carrier you will skip this section of the application.□

□ □

Section 4. - Number of Motor Vehicles - Motor Carrier & Motor Private Carrier

- Check the appropriate box indicating where you obtained the vehicle count for the numbers you entered into the table in this section.□
- **Line 1.** In the table, enter the number of commercial motor vehicles you reported on your last MCS-150 form or the total number of commercial motor vehicles owned and operated for the 12-month period ending June 30 of the year immediately prior to the year for which the UCR registration is made. This table includes owned and leased vehicles (term of lease for more than 30 days).□
- **Line 2. Subtract the number of** vehicles designed to transport 10 passengers or less, including the driver, that are included in Column C of Line 1. **(Optional).** You may also subtract the number of property carrying vehicle used solely in intrastate commerce (never used to carry interstate freight) that you included in Section 4, Column A. Vehicles counted in this section must be included/identified on your UCR converted TxDMV Certificate. You may not enter on this line the number of passenger carrying vehicles included in Column C that were used solely in intrastate commerce. □
- **Line 3. (Optional)** You may add the number of owned commercial motor vehicles (straight trucks, tractors, motor coaches, school buses, mini-buses, vans or limousines) that were used only in intrastate commerce if they were not included in Columns A or C above. You may also include on this line the number of other self propelled vehicles used in interstate or intrastate commerce to transport passengers or property for compensation that are not defined as a commercial motor vehicle that have a gross vehicle weight rating or gross vehicle weight of 10,000 lbs or less or a passenger capacity of 10 or less, including the driver.□
- **Line 4. Total Number of Vehicles.** Total the number of vehicles shown in Column D. Use this total and go to the fee table in Section 5. Pay the amount due for your total number of vehicles.□
- Definition – **"Commercial motor vehicle"** (as defined under 49 USC Section 31101) means a self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle: (1) Has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater; (2) Is designed to transport more than 10 passengers including the driver; or (3) Is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103."□

□ □

Section 5. - Fee Table - Motor Carrier & Motor Private Carrier

- This table is the approved UCR fees you will pay depending upon the number of vehicles reported in Section 4. This fee may change from year to year. Contact your base state if you do not have the fee table for the correct registration period.□

□ □

Section 6. - Fee Due - Motor Carrier & Motor Private Carrier

- Enter the amount due for the total number of vehicles calculated in Section 4 in the box provided. If paying by check or money order, make payable to: Texas Department of Motor Vehicles.□
- If paying with a credit card, enter credit card information, including credit card number and expiration date. *Note: A \$1.00 fee will be charged for credit card transactions.*□

□ □

Section 7. - Certification

- The owner or an individual who has a power of attorney to sign on behalf of the owner or owners must sign this form. This certification indicates that the information is correct under penalty of perjury.

The Texas Department of Motor Vehicles maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under Sections 552.021 and 552.023 of the Government Code, you also are entitled to receive and review this information. Under Section 559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect.

NOTES

PROOF OF HEAVY VEHICLE USE TAX (HVUT) PAYMENT



TxDMV requires proof of HVUT payment to the Internal Revenue Service (IRS) when licensing vehicles with a gross weight or combined gross weight of 55,000 pounds or more. For specifics regarding this requirement, call 512-374-5271.

HVUT is filed with the IRS on IRS Form 2290. To file Form 2290, you must have an Employer Identification Number (EIN).

Questions regarding HVUT Form 2290 or to obtain an EIN, tax forms and instructions, contact the IRS at 1-866-699-4096 or visit www.irs.gov.

HAZARDOUS MATERIALS TRANSPORT AND HAZARDOUS WASTE PERMITS



Motor carriers hauling hazardous materials must obtain operating authority from TxDMV (see MOTOR CARRIER REGISTRATION section).

The Texas Commission on Environmental Quality (TCEQ) requires registration for transportation of certain hazardous waste. Contact TCEQ-Registration and Reporting at 512-239-6413; by email: wasteval@tceq.texas.gov; or visit www.tceq.texas.gov (search "Waste Registration").

The federal Pipeline and Hazardous Materials Safety Administration requires registration for transporting certain hazardous materials. For information call 1-800-467-4922 or visit their website at: <http://phmsa.dot.gov/hazmat/registration>.

To obtain information on hazardous cargo routing, visit the Federal Motor Carrier Safety Administration website at: www.fmcsa.dot.gov

(search "HM Route") or TxDOT's website at www.txdot.gov (search "NRHM Route").

For general (non-routing) questions regarding hazardous materials, contact DPS Commercial Vehicle Enforcement Service at 512-424-2051.

STATE FUEL USE TAX (IFTA)

All interstate motor carriers are required to pay state fuel use tax and have the option to obtain an International Fuel Tax Agreement (IFTA) license that provides for the consolidated reporting of fuel taxes. For details, contact:



Texas Comptroller of Public Accounts
111 East 17th Street
Austin, TX 78774
Toll-free: 1-800-252-1383
Website: www.cpa.state.tx.us



Texas Department of Motor Vehicles

HELPING TEXANS GO. HELPING TEXAS GROW.

TxDMV • Motor Carrier Division
4000 Jackson Ave. • Austin, Texas 78731

For motor carrier registration, oversize/overweight load permits or temporary registration, drivers license information or motor carrier safety regulations, dial **1-800-299-1700** and press the menu option for the desired topic.

For vehicle registration, including IRP, dial **1-888-368-4689** and press the menu option for the desired topic.

TEXAS DEPARTMENT OF MOTOR VEHICLES

TRUCK TIPS

A Guide for Operating Commercial Trucks in Texas



March 2013

Prepared by the
TxDMV Motor Carrier Division

Commercial Truck Operation in Texas

MOTOR CARRIER RESPONSIBILITIES

Motor carriers traveling in Texas must comply with federal and state operating requirements. A number of agencies are involved in the motor carrier program and regulations. The Texas Department of Motor Vehicles (TxDMV) provides this brochure as a guide.

MOTOR CARRIER SAFETY

Motor carriers are required to follow specific safety regulations. A Texas Motor Carrier's Guide to Highway Safety is available on the Texas Department of Public Safety (DPS) website at:

<http://www.txdps.state.tx.us/cve/publications.htm>
(Commercial Vehicle Enforcement, Publications).
DPS is responsible for safety enforcement in Texas.
For federal safety information and enforcement, visit the Federal Motor Carrier Safety Administration website at www.fmcsa.dot.gov.



COMMERCIAL DRIVERS LICENSE

Most commercial vehicle operators are required to have a Commercial Driver License (CDL). To determine if a driver is required to have a CDL, contact DPS, Commercial Vehicle Enforcement Service, at 1-800-299-1700 (option 6) or visit the DPS website at: www.txdps.state.tx.us.

For copies of The Texas Commercial Motor Vehicle Drivers Handbook, medical exam forms, or drug and alcohol reporting forms, visit the TxDPS website at and select DPS Forms in the "Top DPS Links" section.



Texas Department of Motor Vehicles

MOTOR CARRIER REGISTRATION

Operators of commercial vehicles and those transporting household goods for-hire must register with the Texas Department of Motor Vehicles (TxDMV) for operating authority. Vehicles exceeding 26,000 pounds and all household goods carriers/movers must file proof of insurance when registering. To register online or for additional information on Motor Carrier Registration, visit www.txdmv.gov or call 1-800-299-1700 (option 7).

All motor carriers, brokers, freight forwarders and leasing companies who operate in interstate or international commerce are required to comply with the Unified Carrier Registration (UCR) Program. For UCR information, visit www.txdmv.gov (search "interstate motor carrier").

VEHICLE REGISTRATION (LICENSE PLATES)

All commercial vehicles must be registered. When registering for interstate movement (traveling only in Texas), visit your county tax office to obtain Combination license plates.

Interstate operators (traveling across state lines) may participate in the International Registration Plan (IRP) and apply for Apportioned registration. Apply online at www.txdmv.gov (search "Apportioned") or visit one of the 16 regional offices of the TxDMV.

For additional vehicle registration information or regional office location information, contact TxDMV at 1-888-368-4689 or visit www.txdmv.gov.

TEMPORARY VEHICLE REGISTRATION

Vehicles not authorized to operate on Texas highways due to lack of registration or registration reciprocity, may be issued 72-hour or 144-hour temporary

registrations. Contact your county tax assessor collector or call the TxDMV Motor Carrier Division at 1-800-299-1700 (option 1). For additional information, visit www.txdmv.gov (search "temporary registration").

OVERSIZE/OVERWEIGHT LOAD PERMITS

Motor carriers transporting a vehicle and/or load exceeding Texas legal size and weight limits must obtain an oversize/overweight permit from the TxDMV. Texas legal size limits are 8 feet 6 inches wide, 14 feet high, and 65 feet in length. * Texas legal gross weight is 80,000 pounds and includes specific limits on axle group weights (single axle - 20,000 pounds, tandem - 34,000 pounds, triple - 42,000 pounds, etc.).

For additional information on permit requirements, to download forms, or to submit an online permit application, visit www.txdmv.gov (search "Oversize") or call TxDMV at 1-800-299-1700 (option 1).

*Legal lengths:

- Truck and trailer combination - 65 feet
- Truck-tractor - unlimited
- Truck-tractor combination - overall length unlimited but trailer is limited to 59 feet
- Semi-trailer (single unit) - 59 feet
- (double trl) - 28 1/2 feet

TOW TRUCK & VEHICLE

STORAGE FACILITY

REGISTRATION

For tow truck or vehicle

storage facilities registration and information, contact the Texas Department of Licensing and Regulation (TDLR) at 1-800-803-9202 or 512-463-6599; by email: CStowing@tdlr.state.tx.us; or visit the TDLR website at: www.tdlr.state.tx.us.



NOTES



Part 390 - Federal Motor Carrier Safety Regulations (General Rules applicable to All Motor Carriers)

The FMCSRs apply to all employers, employees, and CMVs transporting property or passengers in interstate/intrastate commerce.

Relief From Regulations During Emergencies (390.23)

Relief from Parts 390-399 of the FMCSRs may be granted during declared emergencies to any motor carrier who provides emergency assistance. Relief from certain FMCSRs may be declared by a Federal or State government official having authority to declare an emergency. PLEASE READ EMERGENCY DECLARATIONS CLOSELY, because normally they provide relief from some but not all regulations.

Interstate CMV (390.5): Any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- Has a GVWR or GCWR, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; 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 passengers for compensation; or
- Is used in transporting a quantity of hazardous material requiring placarding.

Intrastate CMV (TRC 548.001): Texas regulations shall be applicable to:

- Vehicles with an actual gross weight, a registered gross weight or a gross weight rating in excess of 26,000 pounds except that the regulations will be applicable to farm vehicles with an actual gross weight, a registered gross weight or a gross weight rating of 48,000 pounds or more;
- Vehicles transporting hazardous material requiring placards;
- Vehicles transporting 15 or more passengers, including the driver

In intrastate commerce such regulations shall not apply to 37 TAC 4.12(a)(1):

- A vehicle used in oil or water well servicing or drilling which is constructed as a machine consisting in general of a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for such purposes.
- A mobile crane which is an unladen, self-propelled vehicle constructed as a machine used to raise, shift or lower weights.
- A vehicle transporting a seed cotton module; or
- Concrete pumps.

Exceptions to General Applicability (390.3)

Unless otherwise specifically provided, the FMCSRs do not apply to:

- All school bus operations as defined in Section 390.5
- Transportation performed by the Federal government, a State, or any political subdivision of a State, or agency established under a compact between States that has been approved by the Congress of the United States;
- The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
- The transportation of human corpses or sick and injured persons;
- The operation of a fire truck and rescue vehicles while involved in emergency and related operations
- Delivery of propane heating fuel or pipeline repair responding to a weather emergency.
- There are specific rules about certain vehicles designed to transport 9-15 passengers (including the driver). Please refer to 390.3(f)(6) for details.

Accident Register (390.5)

Accident: An occurrence involving a CMV operating on a public road which 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
- An occurrence involving only loading or alighting from a stationary vehicle, or only the loading or unloading of cargo is not included in the term “accident.” (390.15)

For a period of **three** years after an accident occurs (for accidents prior to April 29, 2003, this was only required for one year), motor carriers shall maintain an accident register containing 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.

Motor carriers are also required to maintain copies of all accident reports required by State (Texas does not require motor carriers to maintain accident reports) or other governmental entities or insurers for a period of **three years** after an accident occurs (for accidents prior to April 29, 2003, this was only required for one year).

Commercial Vehicle Markings - (390.21)

Every commercial vehicle operated in interstate or intrastate commerce must be marked on both sides of the vehicle with the following information:

- Motor Carrier’s legal name or trade name
- Motor Carrier’s identification number, preceded by “US DOT” if applicable.
- The MC/MX number, TXDMV number and other state ID numbers are now optional in Texas.

International Fuel Tax Agreement (IFTA)

IFTA is a single fuel tax license issued by the base (home) state authorizing travel in all IFTA jurisdictions, which is designed to significantly reduce your compliance burdens for fuel tax reporting. If you are a Texas based carrier and operate one or more qualified motor vehicles in at least one or more member jurisdictions, (all 48 contiguous states of the United States) you may file an IFTA license application or you must purchase trip permits to travel through member jurisdictions (See 34 TAC 3.437).

For further information about IFTA, contact the Texas Comptroller of Public Accounts at 1-800-252-1383, or at <http://www.window.state.tx.us/taxinfo/fuels/ifta.html>.

IFTA Qualified Motor Vehicle (International Fuel Tax Agreement Article R245):

- Has two axles and a gross vehicle weight or registered gross weight exceeding 26,000 pounds;
or
- Has three or more axles regardless of weight; or
- Is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

For further information on IFTA, please contact the Texas Comptroller's Office at 1-800-252-1383 or <http://window.state.tx.us/taxinfo/fuels/ifta.html> or contact on the International Fuel Tax Association, Inc. at 480-839-4382 (Fax: 480-839-8821) or at www.iftach.org. A copy of the International Fuel Tax Agreement is available at the IFTA Inc. website.



Part 391 - Qualification of Drivers

Relief From Regulations During Emergencies

Relief from Parts 390-399 of the FMCSRs may be granted during declared emergencies to any motor carrier who provides emergency assistance under 390.23. However, motor carriers must still ensure that all drivers of CMVs meet the minimum qualifications specified in Part 391.

Driver Requirements - Interstate (391.11)

- (a) A person shall not drive a commercial motor vehicle unless he/she is qualified to drive a commercial motor vehicle. Except as provided in §391.63, a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive a commercial motor vehicle.
- (b) Except as provided in Subpart G of this part, a person is qualified to drive a motor vehicle if he/she —
 - (b)(1) Is at least 21 years old;
 - (b)(2) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;
 - (b)(3) Can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he/she drives;
 - (b)(4) Is physically qualified to drive a commercial motor vehicle in accordance with Subpart E — Physical Qualifications and Examinations of this part;
 - (b)(5) Has a currently valid commercial motor vehicle operator's license issued only by one State or jurisdiction;
 - (b)(6) Has prepared and furnished the motor carrier that employs him/her with the list of violations or the certificate as required by §391.27;
 - (b)(7) Is not disqualified to drive a commercial motor vehicle under the rules in §391.15; and
 - (b)(8) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with §391.31, or has presented an operator's license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test in accordance with §391.33.

Driver Requirements - Intrastate (37 TAC 4.12)

Drivers must meet the same requirements for interstate drivers except the driver must be at least 18 years of age, and may possess an intrastate-only medical waiver endorsement on a commercial driver's license. Drivers qualified intrastate but not interstate may obtain a Texas CDL with intrastate only (M) restrictions.

General Requirements for Driver Qualification Files (391.51)

- (a) Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his/her personnel file.
- (b) The qualification file for a driver must include:
 - (1) The driver's application for employment completed in accordance with §31.21;
 - (2) A copy of the motor vehicle record received from each State record pursuant to §391.23(a)(1);
 - (3) The certificate of driver's road test issued to the driver pursuant to §391.31(e), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to §391.33;

- (4) The motor vehicle record received from each State driver licensing agency to the annual driver record inquiry required by §391.25(a);
- (5) A note relating to the annual review of the driver's driving record as required by §391.25(c)(2);
- (6) A list or certificate relating to violation of motor vehicle laws and ordinances required by §391.27;
- (7)(i) The medical examiner's certificate as required by §391.43(g) or a legible copy of the certificate.

Driver Investigation History File (391.53)

- (a) After October 29, 2004, each motor carrier must maintain records relating to the investigation into the safety performance history of a new or prospective driver pursuant to paragraphs (d) and (e) of §391.23. This file must be maintained in a secure location with controlled access.
 - (a)(1) The motor carrier must ensure that access to this data is limited to those who are involved in the hiring decision or who control access to the data. In addition, the motor carrier's insurer may have access to the data, except the alcohol and controlled substances data.
 - (a)(2) This data must only be used for the hiring decision.
- (b) The file must include:
 - (b)(1) A copy of the driver's written authorization for the motor carrier to seek information about a driver's alcohol and controlled substances history as required under §391.23(d).
 - (b)(2) A copy of the response(s) received for investigations required by paragraphs (d) and (e) of §391.23 from each previous employer, or documentation of good faith efforts to contact them. The record must include the previous employer's name and address, the date the previous employer was contacted, and the information received about the driver from the previous employer. Failures to contact a previous employer, or of them to provide the required safety performance history information, must be documented.
- (c) The safety performance histories received from previous employers for a driver who is hired must be retained for as long as the driver is employed by that motor carrier and for three years thereafter.
- (d) A motor carrier must make all records and information in this file available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative, or an authorized third party, upon request or as part of any inquiry within the time period specified by the requesting representative.

Physical Qualifications for Drivers (391.41)

- (a)(1)(i) A person subject to this part must not operate a commercial motor vehicle unless he or she is medically certified as physically qualified to do so, and, except as provided in paragraph (a)(2) of this section, when on-duty has on his or her person the original, or a copy, of a current medical examiner's certificate that he or she is physically qualified to drive a commercial motor vehicle. NOTE: Effective December 29, 1991, the FMCSA Administrator determined that the new Licencia Federal de Conductor issued by the United Mexican States is recognized as proof of medical fitness to drive a CMV. The United States and Canada entered into a Reciprocity Agreement effective March 30, 1999, recognizing that a Canadian commercial driver's license is proof of medical fitness to drive a CMV. Therefore, Canadian and Mexican CMV drivers are not required to have in their possession a medical examiner's certificate if the driver has been issued, and possesses, a valid commercial driver license issued by the United Mexican States, or a Canadian Province or Territory and whose license and medical status, including any waiver or exemption, can be electronically verified. Drivers from any of the countries who have received a medical authorization that deviates from the mutually accepted compatible medical standards of the resident country are not qualified to drive a CMV in the other countries. For example, Canadian drivers who do not meet the medical fitness provisions of the Canadian National Safety Code for Motor Carriers, but are issued a waiver by one of the Canadian Provinces or Territories, are not qualified to drive a CMV in the United States. In addition, U.S. drivers who received a medical variance from MFCSA are not qualified to drive a CMV in Canada.
- (ii) A person who qualifies for the medical examiner's certificate by virtue of having obtained a medical variance from FMCSA, in the form of an exemption letter or a skill performance evaluation certificate, must have on his or her person a copy of the variance documentation when on-duty.

Medical Exemptions

There are exemptions to a disqualification for certain physical defects if the individual is otherwise qualified to drive. Contact FMCSA for information about waivers or Skills Performance Evaluations.

Texas Vision and Limb Waivers (37 TAC 16.9 and 16.14)

The Department may provide a waiver for a person who is otherwise disqualified under Title 49, Code of Federal Regulations, Part 391.41(b)(1), (b)(2) or (b)(10), FOR INTRASTATE DRIVING ONLY, provided that the intrastate driver meets the vision or limb waiver standards as set by this Department. For further information, you may call the Department's DLD - Enforcement Compliance Section, at . (512) 424-2600.

The Department MAY NOT provide a waiver under Title 49, Code of Federal Regulations, Part 391.41(b)(1), (b)(2) or (b)(10) for an interstate driver.

- **TEXAS MEDICAL EXAMINATIONS** Texas drivers who are not transporting placardable amounts of hazardous material and were regularly employed in Texas as commercial vehicle drivers prior to August 28, 1989 are not required to meet the medical standards set out in the federal regulations.
- Drivers in intrastate commerce who are not transporting placardable hazardous materials and were regularly employed in Texas as commercial vehicle drivers prior to August 28, 1989, are not required to meet the medical standards contained in the federal regulations.
- For the purpose of enforcement of this regulation, those drivers who reached their 18th birthday on or after August 28, 1989, shall be required to meet all medical standards.
- The exceptions contained in this paragraph shall not be deemed as an exemption from drug and alcohol testing requirements contained in Title 49, Code of Federal Regulations, Parts 40 and 382.

Limited Record Keeping Exemptions (391.61 to 391.69)

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

Drivers Regularly Employed Before January 1, 1971 (391.61)

The provisions of §391.21 (relating to applications for employment), §391.23 (relating to investigations and inquiries), and §391.33 (relating to road tests) do not apply to a driver who has been a single-employer driver (as defined in §390.5 of this subchapter) of a motor carrier for a continuous period which began before January 1, 1971, as long as he/she continues to be a single-employer driver of that motor carrier.

Multiple Employer Drivers (391.63)

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

Drivers furnished by other motor carriers - A motor carrier using a driver regularly employed by another motor carrier must have on file a signed written certificate that includes the driver's name and signature, certification of the driver's full qualifications, and expiration date of the driver's medical examiner's certificate. There is a specific format for this certification. See 391.65.

Disqualifying Offenses (391.15)

A driver is disqualified from operating a commercial motor vehicle on public highways, for the following offenses:

- Revocation, suspension, or withdrawal of an operator's license
- Conviction or forfeiture of bond for the following criminal offenses while driving a CMV:

- Driving a CMV while under the influence of alcohol.
- Driving a CMV while under the influence of a disqualifying drug or other controlled substance.
- Leaving the scene of an accident that involves a CMV.
- Using a CMV to commit a felony.
- Using a CMV to violate an Out-of-Service Order.

Penalties (See Tables Under Part 383)

- A first offender is disqualified for one year following conviction or forfeiture.
- For a second offense within three years, a driver is disqualified for three years.

Driver Qualification File Checklist

Driver Qualification (DQ) File Checklist

At a minimum, the following items must be maintained on each driver. 49 C.F.R. 391.51. You may put a copy of this checklist in each driver file to remind you to obtain each item.

Name of Driver _____ SSN: _____

CDL State: _____ Number: _____ Class: _____ Indorsements: _____

Date of Birth: _____ Hire Date: _____ Termination Date: _____

<u>Added</u>	<u>Description</u>	<u>Required by</u>
<input type="checkbox"/>	Driver's Application for Employment	49 C.F.R. 391.21
<input type="checkbox"/>	Initial Inquiry to State Agencies - 3 Year Driving History	49 C.F.R. 391.23(a)(1) & (b)
<input type="checkbox"/>	Driver's Road Test Certificate Or Equivalent	49 C.F.R. 391.31
<input type="checkbox"/>	Annual Inquiries to State Agencies*	49 C.F.R. 391.25(a)
<input type="checkbox"/>	Annual Review of Driving Record*	49 C.F.R. 391.25(c)(2)
<input type="checkbox"/>	Medical Examiner's Certificate*	49 C.F.R. 391.43
<input type="checkbox"/>	Medical Waiver - If Applicable*	49 C.F.R. 391.49
<input type="checkbox"/>	Annual Driver's Certification of Violations*	49 C.F.R. 391.27
<input type="checkbox"/>	Other _____	_____
<input type="checkbox"/>	Other _____	_____

* These items may be removed three years after the date of execution of the document. 49 C.F.R. 391.51(d)

Additional items required by other parts or sections

<u>Added</u>	<u>Description</u>	<u>Required by</u>
<input type="checkbox"/>	Driver Investigation History File (Must be kept in a secure location)	49 C.F.R. 391.53
<input type="checkbox"/>	Driver's Written Authorization to Investigate	49 C.F.R. 391.53(b)(1)
<input type="checkbox"/>	Responses to Inquires / or failure to obtain response	49 C.F.R. 391.53(b)(2)
<input type="checkbox"/>	Safety Performance History	49 C.F.R. 391.53(c)
<input type="checkbox"/>	Negative Pre-Employment Drug Test	49 C.F.R. 382.301
<input type="checkbox"/>	Entry Level Driver Training - If Applicable	49 C.F.R. 380.513
<input type="checkbox"/>	Hazardous Materials Training	49 C.F.R. 172.704
<input type="checkbox"/>	Other _____	_____
<input type="checkbox"/>	Other _____	_____

Note: This form is provided as a suggested format for ensuring your DQ files are complete. A motor carrier does not need to have any form at all, but all required items must be in the DQ file.

Multiple-Employer Driver Qualification File Checklist

Multiple-Employer Drivers 49 C.F.R. 391.63

If a motor carrier employs a person as a multiple-employer driver (as defined in 49 CFR 390.5), the motor carrier shall comply with all required parts of 391, except the carrier need not -

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

However, the interpretation to 49 CFR 391.63 (Question #2 and answer) indicates that the first or primary employer of a multiple-employer driver must obtain a complete DQ file. Only subsequent employers may claim this exemption.

This checklist may be helpful to ensure that required documents are obtained for a Multiple-Employer Driver who has been qualified by another motor carrier.

Driver Qualification (DQ) File Checklist Multiple-Employer Driver

Name of Driver _____ SSN: _____

CDL State: ____ Number: _____ Class: ____ Indorsements: _____

Date of Birth: _____ Hire Date: _____ Termination Date: _____

<u>Added</u>	<u>Description</u>	<u>Required by</u>
<input type="checkbox"/>	DRIVER'S ROAD TEST CERTIFICATE OR EQUIVALENT	49 C.F.R. 391.31
<input type="checkbox"/>	MEDICAL EXAMINER'S CERTIFICATE*	49 C.F.R. 391.43
<input type="checkbox"/>	MEDICAL WAIVER - IF APPLICABLE*	49 C.F.R. 391.49
<input type="checkbox"/>	NEGATIVE PRE-EMPLOYMENT DRUG TEST	49 C.F.R. 382.301
<input type="checkbox"/>	ENTRY LEVEL DRIVER TRAINING - IF APPLICABLE	49 C.F.R. 380.513
<input type="checkbox"/>	HAZARDOUS MATERIALS TRAINING	49 C.F.R. 172.704

* These items may be removed three years after the date of execution of the document. 49 C.F.R. 391.51(d)

Note: This form is provided as a suggested format for ensuring your DQ files are complete. A motor carrier does not need to have any form at all, as long as required items are in the DQ file.

Note also: Even though 49 C.F.R. 391.64 allows the carrier limited exemptions from the listed requirements, the carrier may still require all items necessary for a complete DQ file.

Sample Employment Application Form

APPLICATION FOR EMPLOYMENT

COMPANY _____ STREET ADDRESS _____

CITY, STATE AND ZIP CODE _____

NAME _____
(First) (Middle) (Maiden, if any) (Last)

DATE OF BIRTH _____ SOCIAL SEC. NO. _____

TELEPHONE NUMBERS _____

EACH ADDRESS FOR THE LAST THREE YEARS (ATTACH SHEET IF MORE SPACE IS NEEDED):

ADDRESS _____ HOW LONG? _____
(Street) (City) (State) (Zip Code)

ADDRESS _____ HOW LONG? _____
(Street) (City) (State) (Zip Code)

ADDRESS _____ HOW LONG? _____
(Street) (City) (State) (Zip Code)

EXPERIENCE AND QUALIFICATIONS (ATTACH SHEET IF MORE SPACE IS NEEDED):

DRIVER LICENSES	STATE	LICENSE NUMBER	CLASS	ENDORSEMENTS	EXPIRATION DATE

DRIVING	CLASS OF EQUIPMENT	TYPE OF EQUIPMENT (VAN, TANK, FLAT, ETC)	DATES		APPROXIMATE NUMBER OF MILES (TOTAL)
			FROM	TO	
	STRAIGHT TRUCK				
	TRACTOR AND SEMI-TRAILER				
	TRACTOR-MULTIPLE TRAILERS				
OTHER					

ACCIDENTS	DATES (LAST THREE YEARS) (LIST MOST RECENT FIRST)	NATURE OF ACCIDENT (HEAD-ON, REAR END, UPSET, ETC)	FATALITIES	INJURIES

TRAFFIC CONVICTIONS AND FORFEITURES	LOCATION	DATE	CHARGE	PENALTY

Note: This form is provided as a suggested format for a commercial motor vehicle driver's application for employment. A motor carrier may use any format for an application for employment which complies with 391.21.

Sample Employment Application Form – Page 2

Application for Employment (Reverse side, or page 2)

ADVERSE LICENSING ACTIONS:

- A. Have you ever been denied a license, permit, or privilege to operate a motor vehicle? Y/N ____
B. Has any license, permit, or privilege to operate a motor vehicle been suspended or revoked? Y/N ____

Explain below(or attach separate sheet if more space is needed):

EMPLOYMENT RECORD (ATTACH SHEET IF MORE SPACE IS NEEDED):

NOTE: USDOT Requires that you list your employment history for at least the last 3 years and your Commercial Driving Experience for the Past 10 years:

LAST EMPLOYER

NAME: _____ FROM: _____
ADDRESS: _____ TO: _____
POSITION HELD: _____ SALARY \$ _____ per _____
SUBJECT TO FMCSRs? _____ SUBJECT TO DOT ALCOHOL AND DRUG TESTING? _____
REASON FOR LEAVING: _____

SECOND LAST EMPLOYER

NAME: _____ FROM: _____
ADDRESS: _____ TO: _____
POSITION HELD: _____ SALARY \$ _____ per _____
SUBJECT TO FMCSRs? _____ SUBJECT TO DOT ALCOHOL AND DRUG TESTING? _____
REASON FOR LEAVING: _____

THIRD LAST EMPLOYER

NAME: _____ FROM: _____
ADDRESS: _____ TO: _____
POSITION HELD: _____ SALARY \$ _____ per _____
SUBJECT TO FMCSRs? _____ SUBJECT TO DOT ALCOHOL AND DRUG TESTING? _____
REASON FOR LEAVING: _____

**APPLICANT MUST COMPLETE OR REVIEW THE ABOVE
APPLICANT'S ORIGINAL SIGNATURE MUST APPEAR BELOW**

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

(Date)

(Applicant's signature)

Safety Performance History Records Request – Page 1

SAFETY PERFORMANCE HISTORY RECORDS REQUEST

PART 1:	TO BE COMPLETED BY PROSPECTIVE EMPLOYEE
<p>I, (Print Name) _____</p> <p style="margin-left: 100px;">First M.I. Last Social Security Number</p> <p>Hereby authorize: _____</p> <p style="margin-left: 650px;">Date of Birth _____</p> <p>Previous Employer: _____ Email: _____</p> <p>Street: _____ Telephone: _____</p> <p>City, State, Zip: _____ Fax No.: _____</p> <p>To release and forward the information requested by section 3 of this document concerning my Alcohol and Controlled Substances Testing records within the previous 3 years from _____.</p> <p style="text-align: center;">(employment application date)</p> <p>To: Prospective Employer: _____</p> <p style="margin-left: 100px;">Attention: _____ Telephone: _____</p> <p style="margin-left: 100px;">Street: _____</p> <p style="margin-left: 100px;">City, State, Zip: _____</p> <p>In compliance with §40.25(g) and 391.23(h), release of this information must be made in a written form that ensures confidentiality, such as fax, email, or letter.</p> <p>Prospective employer's fax number: _____</p> <p>Prospective employer's email address: _____</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Applicant's Signature Date</p> <p>This information is being requested in compliance with §40.25(g) and 391.23.</p>	

PART 2:	TO BE COMPLETED BY PREVIOUS EMPLOYER																								
<p>ACCIDENT HISTORY</p> <p>The applicant named above was employed by us. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Employed as _____ from (m/y) _____ to (m/y) _____</p> <p>1. Did he/she drive motor vehicle for you? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what type? Straight Truck <input type="checkbox"/> Tractor-Semitrailer <input type="checkbox"/> Bus <input type="checkbox"/> Cargo Tank <input type="checkbox"/> Doubles/Triples <input type="checkbox"/> Other (Specify) _____</p> <p>2. Reason for leaving your employ: Discharged <input type="checkbox"/> Resignation <input type="checkbox"/> Lay Off <input type="checkbox"/> Military Duty <input type="checkbox"/></p> <p>If there is no safety performance history to report, check here <input type="checkbox"/>, sign below and return.</p> <p>ACCIDENTS: Complete the following for any accidents included on your accident register (§390.15(b)) that involved the applicant in the 3 years prior to the application date shown above, or check <input type="checkbox"/> here if there is no accident register data for this driver.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 15%;">Date</th> <th style="width: 20%;">Location</th> <th style="width: 15%;"># Injuries</th> <th style="width: 15%;"># Fatalities</th> <th style="width: 20%;">Hazmat Spill</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>2.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>3.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p>Please provide information concerning any other accidents involving the applicant that were reported to government agencies or insurers or retained under internal company policies: _____</p> <p>_____</p> <p>Any other remarks: _____</p> <p>_____</p> <p style="text-align: center;">Signature: _____</p> <p style="text-align: center;">Title: _____ Date: _____</p>			Date	Location	# Injuries	# Fatalities	Hazmat Spill	1.	_____	_____	_____	_____	_____	2.	_____	_____	_____	_____	_____	3.	_____	_____	_____	_____	_____
	Date	Location	# Injuries	# Fatalities	Hazmat Spill																				
1.	_____	_____	_____	_____	_____																				
2.	_____	_____	_____	_____	_____																				
3.	_____	_____	_____	_____	_____																				

Safety Performance History Records Request – Page 2

PREVIOUS EMPLOYER – COMPLETE PAGE 2 PART 3

PART 3:	TO BE COMPLETED BY PREVIOUS EMPLOYER
DRUG AND ALCOHOL HISTORY	
<p>If driver was not subject to Department of Transportation testing requirements while employed by this employer, please check here <input type="checkbox"/>, fill in the dates of employment from _____ to _____, complete bottom of Part 3, sign, and return.</p> <p>Driver was subject to Department of Transportation testing requirements from _____ to _____.</p>	
<ol style="list-style-type: none"> 1. Has this person had an alcohol test with the result of 0.04 or higher alcohol concentration? YES <input type="checkbox"/> NO <input type="checkbox"/> 2. Has this person tested positive or adulterated or substituted a test specimen for controlled substances? YES <input type="checkbox"/> NO <input type="checkbox"/> 3. Has this person refused to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test? YES <input type="checkbox"/> NO <input type="checkbox"/> 4. Has this person committed other violations of Subpart B of Part 382, or Part 40? YES <input type="checkbox"/> NO <input type="checkbox"/> 5. If this person has violated a DOT drug and alcohol regulation, did this person complete a SAP-prescribed rehabilitation program in your employ, including return-to-duty and follow-up tests? If yes, please send documentation back with this form. YES <input type="checkbox"/> NO <input type="checkbox"/> 6. For a driver who successfully completed a SAP's rehabilitation referral and remained in your employ, did this driver subsequently have an alcohol test result of 0.04 or greater, a verified positive drug test, or refuse to be tested? YES <input type="checkbox"/> NO <input type="checkbox"/> 	
<p>In answering these questions, include any required DOT drug or alcohol testing information obtained from prior previous employers in the previous 3 years prior to the application date shown on page 1.</p>	
Name: _____	
Company: _____	
Street: _____	
City, State, Zip: _____ Telephone: _____	
Part 3 Completed by (Signature): _____ Date: _____	

PART 4a:	TO BE COMPLETED BY PROSPECTIVE EMPLOYER
This form was (check one) <input type="checkbox"/> Faxed to previous employer <input type="checkbox"/> Mailed <input type="checkbox"/> Emailed <input type="checkbox"/> Other _____	
By: _____ Date: _____	

PART 4b:	TO BE COMPLETED BY PROSPECTIVE EMPLOYER
Complete below when information is obtained.	
Information received from: _____	
Recorded by: _____ Method: <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Telephone	
Date: _____ <input type="checkbox"/> Other _____	

INSTRUCTIONS TO COMPLETE THE SAFETY PERFORMANCE HISTORY RECORDS REQUEST

<p>PAGE 1 PART 1: Prospective Employee</p> <ul style="list-style-type: none"> Complete the information required in this section Sign and date Submit to the Prospective Employer <p>PAGE 2 PART 4a: Prospective Employer</p> <ul style="list-style-type: none"> Complete the information Send to Previous Employer <p>PAGE 1 PART 2: Previous Employer</p> <ul style="list-style-type: none"> Complete the information required in this section Sign and date Turn form over to complete SIDE 2 SECTION 3 	<p>PAGE 2 PART 3: Previous Employer</p> <ul style="list-style-type: none"> Complete the information required in this section Sign and date Return to Prospective Employer <p>PAGE 2 PART 4b: Prospective Employer</p> <ul style="list-style-type: none"> Record receipt of the information Retain the form
--	---

Texas DPS Application for Copy of Driving Record

DR-1 (Rev. 5/12)

TEXAS DPS APPLICATION FOR COPY OF DRIVER RECORD



MAIL TO: Texas Department of Public Safety, Box 149008, Austin, TX 78714-9008

DO NOT MAIL CASH. Mail check or money order payable to: Texas Department of Public Safety

Any questions regarding the information on this form should be directed to the Contact Center at 512-424-2600. Allow 2-3 weeks for delivery.

Check Type of Record Desired

FEE

<input type="checkbox"/> 1. Name – DOB – License Status – Latest Address.	\$ 4.00
<input type="checkbox"/> 2. Name – DOB – License Status – 3 Year Record only lists Crashes/Moving Violations.	\$ 6.00
<input type="checkbox"/> 2A. CERTIFIED version of #2. This Record is Not acceptable for a Defensive Driving Course (DDC).	\$ 10.00
<input type="checkbox"/> 3. Name – DOB – License Status – Record of ALL Crashes/Violations. Furnished to Licensee Only.	\$ 7.00
<input type="checkbox"/> 3A. CERTIFIED version of #3. Furnished to Licensee Only and is Acceptable for DDC.	\$ 10.00
<input type="checkbox"/> Other: (Original Application, DWLI, etc.) _____	\$ _____ (If Required)

Mail Driver Record To: (Please Print or Type)

Requestor's Last Name _____ Requestor's First Name _____
 Street Address _____ Texas Driver License Number _____
 City _____ State _____ Zip Code _____ Daytime Telephone Number (include area code) _____

If requesting on behalf of a business, organization, or other entity, please include the following:

 Name of business, organization, entity, etc.

 Your Title or Affiliation with above

 Type of business, organization, etc. (i.e., insurance provider, towing company, private investigation, firm, etc.)

Information Requested On:

Texas Driver License Number _____ Date of Birth MM/DD/YY Suffix (SR., JR., etc.) _____
 Last Name _____
 First Name _____
 Middle Name/Maiden Name _____

Individual's Written Consent For ONE TIME Release to Above Requestor

(Requestor, if you do not meet one of the exceptions listed on the back of this form, please be advised that without the written consent of the driver license/ID card holder, the record you receive will not include personal information.)

I, _____, hereby certify that I granted access on this one occasion to my Driver License/ID Card record, inclusive of the personal information (name, address, driver identification number, etc.) to _____.

Signature of License /ID Card Holder or Parent /Legal Guardian _____

Date _____

State and Federal Law Requires Requestors to Agree to the Following:

In requesting and using this information, I acknowledge that this disclosure is subject to the federal Driver's Privacy Protection Act (18 U.S.C. Section 2721 et seq.) and Texas Transportation Code Chapter 730. False statements or representations to obtain personal information pertaining to any individual from the DPS could result in the denial to release any driver record information to myself and the entity for which I made the request. Further, I understand that if I receive personal information as a result of this request, it may only be used for the stated purpose and I may only resell or redisclose the information pursuant to Texas Transportation Code §730.013. Violations of that section may result in a criminal charge with the possibility of a \$25,000 fine.

I certify that I have read and agree with the above conditions and that the information provided by me in this request is true and correct. If I am requesting this driver record on behalf of an entity, I also certify that I am authorized by that entity to make this request on their behalf. I also acknowledge that failure to abide by the provisions of this agreement and any state and federal privacy law can subject me to both criminal and civil penalties.

Signature of Requestor _____

Date _____

If you are not requesting a copy of your own record or do not have the written consent of DL/ID holder, you must provide the information requested on the reverse.

Texas Department
of Public Safety

Save Time – Request Your Driver Record Online
www.texas.gov

Important Instructions – Read Carefully

The Texas Department of Public Safety may disclose personal information to a requestor without written consent of the DL/ID holder, on proof of their identity and a certification by the requestor that the use of the personal information is authorized under state and federal law and that the information will be used only for the purpose stated and in complete compliance with state and federal law.

You must meet one or more of the following exceptions if you do not have written consent of the DL/ID holder to be entitled to receive personal information on the above named individual. Please *initial* each category that applies to the requested driver record.

- _____ 1. For use in connection with any matter of (a) motor vehicle or motor vehicle operator safety; (b) motor vehicle theft; (c) motor vehicle emissions; (d) motor vehicle product alterations, recalls, or advisories; (e) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer; or (f) removal of nonowner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of the Automobile Information Disclosure Act, the Anti Car Theft Act of 1992, the Clean Air Act, and any other statute or regulation enacted or adopted under or in relation to a law included in the above.
- _____ 2. For use by a government agency in carrying out its functions or a private entity acting on behalf of a government agency in carrying out its functions.
- _____ 3. For use in connection with a matter of (a) motor vehicle or motor vehicle operator safety; (b) motor vehicle theft; (c) motor vehicle product alterations, recalls, or advisories; (d) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers; (e) motor vehicle market research activities, including survey research; or (f) removal of nonowner records from the original owner records of motor vehicle manufacturers.
- _____ 4. For use in the normal course of business by a legitimate business or an authorized agent of the business, but only to verify the accuracy of personal information submitted by the individual to the business or the authorized agent of the business and to obtain correct information if the submitted information is incorrect to prevent fraud by pursuing a legal remedy against, or recovering on a debt or security interest against the individual.
- _____ 5. For use in conjunction with a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgement or order, or under an order of any court.
- _____ 6. For use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual.
- _____ 7. For use by an insurer or insurance support organization, or by a self insured entity, or an authorized agent of the entity, in connection with claims investigation activities, antifraud activities, rating or underwriting.
- _____ 8. For use in providing notice to an owner of a towed or impounded vehicle.
- _____ 9. For use by a licensed private investigator agency or licensed security service for a purpose permitted as stated on this page.
- _____ 10. For use by an employer or an authorized agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.
- _____ 11. For use in connection with the operating of a private toll transportation facility.
- _____ 12. For use by a consumer-reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.) for a purpose permitted under the Act.
- _____ 13. For any other purpose specifically authorized by law that relates to the operation of a motor vehicle or to public safety.
Please state specific statutory authority _____
- _____ 14. For use in the preventing, detecting, or protecting against identity theft or other acts of fraud. The Department prior to release of personal information may require additional information.

Below is an example of how numbers and letters should be written on front of this form:



1 2 3 4 5 6 7 8 9 0

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Request for Driving Record (and Release) - other than Texas

(Driver's Name)

(Driver's Operators License Number)

(Driver's Social Security Number)

Dear _____:

The above named individual has made application with us for employment as a driver. Applicant has indicated that the above numbered operator's license or permit has been issued by your state to applicant, and that it is in good standing.

In accordance with 49 C.F.R. 391.23(a)(1) of the Federal Motor Carrier Safety Regulations, we are required to make an inquiry into the applicant's driving record during the preceding 3 years of every state in which the applicant has held a motor vehicle operator's license or permit during those 3 years.

Therefore, please certify to us what the individual's driving record is for the preceding 3 years, or certify that no such record exists if that be the case.

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

Respectfully yours,

Signature of individual making this inquiry

Printed name of person making this inquiry

Title of person making this inquiry

Name of Motor Carrier

Phone Number

FAX Number

Mailing Address

City

State

Zip Code

Note: This form is provided as a suggested format for requesting a driving record from a jurisdiction other than Texas. No format is prescribed, and each jurisdiction may have its own form.

Road Test Examination Form

DRIVER'S ROAD TEST EXAMINATION

Driver's Name _____ Phone Number _____

Driver's Address _____

City _____ State _____ Zip Code _____

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

Rating of
Performance _____ Task (as required by 49 C.F.R. 391.31)

_____ The pre-trip inspection (as required by 49 C.F.R. 392.7)

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

_____ Placing the commercial motor vehicle in operation

_____ Use of the commercial motor vehicle's controls and emergency equipment

_____ Operating the commercial motor vehicle in traffic and while passing other vehicles

_____ Turning the commercial motor vehicle

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

_____ Backing and parking the commercial motor vehicle

_____ Other, please explain: _____

Type of equipment used in giving the road test: _____

Date _____ Examiner's Signature _____

Examiner's Title _____ Examiner's Printed Name _____

If the road test is successfully completed, the person who gave it shall complete a certificate of driver's road test.

Examiner's Remarks: _____

Note: This form is provided as a suggested format for recording a driver's road test. A motor carrier may use any format for documenting road tests which complies with 391.31.

Certification of Road Test

Instructions: If a road test is successfully completed (see previous form), the person who gave it shall complete a certificate of driver's road test. The original or a copy must be retained in the employing motor carrier's driver qualification file for the person examined. A copy should be given to the person who was examined.

CERTIFICATION OF ROAD TEST UNDER 49 C.F.R. 391.31

Driver's name _____

Social Security No. _____

Operator's or Chauffeur's License No. _____ State _____

Type of power unit _____

Type of trailer(s) _____

If passenger carrier, type of bus _____

This is to certify that the above-named driver was given a road test under my supervision on _____, 20__, consisting of approximately _____ miles of driving.

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

(Signature of examiner)

(Title)

(Organization and address of examiner)

Note: This form is provided as a suggested format for certifying a driver's road test. A motor carrier may use any format for certifying road tests which complies with 391.31.

Annual Review of Driving Record

ANNUAL REVIEW OF DRIVING RECORD Under 49 C.F.R. 391.25

Driver's Name (Last, First, M.I.)

Social Security Number

On the dates indicated below, I/we have reviewed the driving record of the above named driver in accordance with 49 C.F.R. 391.25 of the Federal Motor Carrier Safety Regulations. I/we considered any evidence that the driver has violated any applicable Federal Motor Carrier Safety Regulations in this subchapter or Hazardous Materials Regulations (49 CFR chapter I, subchapter C). I also considered the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles. I/we gave great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicates that the driver has exhibited a disregard for the safety of the public. Having done the above I find that:

First annual review

- the driver meets the minimum requirements for safe driving, or
 the driver is disqualified to drive a commercial motor vehicle pursuant to 49 C.F.R. 391.15.

Reviewer's Signature

Date of Review

Reviewer's printed name and title

Motor Carrier's Name

Second annual review

- the driver meets the minimum requirements for safe driving, or
 the driver is disqualified to drive a commercial motor vehicle pursuant to 49 C.F.R. 391.15.

Reviewer's Signature

Date of Review

Reviewer's printed name and title

Motor Carrier's Name

Third annual review

- the driver meets the minimum requirements for safe driving, or
 the driver is disqualified to drive a commercial motor vehicle pursuant to 49 C.F.R. 391.15.

Reviewer's Signature

Date of Review

Reviewer's printed name and title

Motor Carrier's Name

Note: This form is provided as a suggested format for documenting the annual review of a driver's driving record. A motor carrier may use any format for documenting the annual review which complies with 391.25.

Medical Examiner's Certificate

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined _____ In accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified; and, if applicable, only when:

- | | |
|--|--|
| <input type="checkbox"/> wearing corrective lenses
<input type="checkbox"/> wearing hearing aid
<input type="checkbox"/> accompanied by a _____ waiver exemption | <input type="checkbox"/> driving within an exempt intracity zone (49 CFR 391.62)
<input type="checkbox"/> accompanied by a Skill Performance Evaluation Certificate (SPE)
<input type="checkbox"/> Qualified by operation of 49 CFR 391.64 |
|--|--|

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

SIGNATURE OF MEDICAL EXAMINER	TELEPHONE	DATE
MEDICAL EXAMINER'S NAME (PRINT)	<input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> Chiropractor <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Advanced Practice Nurse	
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE		
SIGNATURE OF DRIVER	DRIVER'S LICENSE NO.	STATE
ADDRESS OF DRIVER		
MEDICAL CERTIFICATE EXPIRATION DATE		

**Medical Examination Report
FOR COMMERCIAL DRIVER FITNESS DETERMINATION**

649-F (6045)

1. DRIVER'S INFORMATION		Driver completes this section	
Driver's Name (Last, First, Middle)	Social Security No.	Age	Sex <input type="checkbox"/> M <input type="checkbox"/> F
Address	City, State, Zip Code	Work Tel: ()	Date of Exam
		Home Tel: ()	
		Driver License No.	License Class <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> Other
			New Certification Recertification <input type="checkbox"/> Follow-up <input type="checkbox"/>

2. HEALTH HISTORY		Driver completes this section, but medical examiner is encouraged to discuss with driver.																																																																																																																																			
<table border="0" style="width:100%;"> <tr> <td>Yes</td> <td>No</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Any illness or injury in the last 5 years?</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Head/Brain injuries, disorders or illnesses</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Seizures, epilepsy</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>_____ medication</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Eye disorders or impaired vision (except corrective lenses)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Ear disorders, loss of hearing or balance</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Heart disease or heart attack; other cardiovascular condition</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>_____ medication</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Heart surgery (valve replacement/bypass, angioplasty, pacemaker)</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>High blood pressure _____ medication</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Muscular disease</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Shortness of breath</td> <td></td> </tr> </table>	Yes	No			<input type="checkbox"/>	<input type="checkbox"/>	Any illness or injury in the last 5 years?		<input type="checkbox"/>	<input type="checkbox"/>	Head/Brain injuries, disorders or illnesses		<input type="checkbox"/>	<input type="checkbox"/>	Seizures, epilepsy		<input type="checkbox"/>	<input type="checkbox"/>	_____ medication		<input type="checkbox"/>	<input type="checkbox"/>	Eye disorders or impaired vision (except corrective lenses)		<input type="checkbox"/>	<input type="checkbox"/>	Ear disorders, loss of hearing or balance		<input type="checkbox"/>	<input type="checkbox"/>	Heart disease or heart attack; 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For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.

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

Driver's Signature _____ Date _____

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

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

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

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

Numerical readings must be provided.

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/	20/	Right Eye <input type="radio"/>
Left Eye	20/	20/	Left Eye <input type="radio"/>
Both Eyes	20/	20/	

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

Applicant meets visual acuity requirement only when wearing: Corrective Lenses

Monocular Vision: Yes No

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

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

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

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

Numerical readings must be recorded.

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

b) If audiometer is used, record hearing loss in decibels. (acc. to ANSI Z24.5-1951)

Right Ear		Left Ear	
500 Hz	1000 Hz	2000 Hz	500 Hz
Average:		1000 Hz	2000 Hz
		Average:	

5. BLOOD PRESSURE/PULSE RATE Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Blood Pressure	Systolic	Diastolic
Driver qualified if ≤140/90.		
Pulse Rate: <input type="checkbox"/> Regular <input type="checkbox"/> Irregular		
Record Pulse Rate: _____		

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

6. LABORATORY AND OTHER TEST FINDINGS Numerical readings must be recorded.

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem. Other Testing (Describe and record)

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR
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7. **PHYSICAL EXAMINATION** Height: _____ (in.) Weight: _____ (lbs.)

Name: Last, _____ First, _____ Middle, _____

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

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

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

*COMMENTS:

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

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

Temporarily disqualified due to (condition or medication): _____
 Return to medical examiner's office for follow up on _____

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

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

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

49 CFR 391.41 Physical Qualifications for Drivers

THE DRIVER'S ROLE

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

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

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

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

\$391.45 PHYSICAL QUALIFICATIONS FOR DRIVERS

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

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

- (1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a Skill Performance Evaluation (SPE) Certificate (formerly Limb Waiver Program) pursuant to §391.49.
- (2) Has no impairment of: (i) A hand or finger which interferes with prehension or power grasping; or (ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a SPE Certificate pursuant to §391.49.
- (3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;
- (4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.
- (5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a commercial motor vehicle safely.
- (6) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a commercial motor vehicle safely.

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

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

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

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

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

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

(13) Has no current clinical diagnosis of alcoholism.

INSTRUCTIONS TO THE MEDICAL EXAMINER

General Information

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

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

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

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

Interpretation of Medical Standards

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

**Federal Motor Carrier Safety Regulations
-Advisory Criteria-**

**Loss of Limb:
§391.41(b)(1)**

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

**Limb Impairment:
§391.41(b)(2)**

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

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

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

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

**Diabetes
§391.41(b)(3)**

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

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

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

Hypoglycemic drugs, taken orally, are sometimes prescribed for diabetic individuals to help stimulate natural body production of insulin. If the condition can be controlled by the use of oral medication and diet, then an individual may be qualified under the present rule. CMV drivers who do not meet the Federal diabetes standard may call (202) 366-1790 for an application for a diabetes exemption.

(See Conference Report on Diabetic Disorders and Commercial Drivers and Insulin-Using Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

**Cardiovascular Condition
§391.41(b)(4)**

A person is physically qualified to drive a commercial motor vehicle if that person:

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

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

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

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

Coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not unqualifying. Implantable cardioverter defibrillators are disqualifying due to risk of syncope. Coumadin is a medical treatment which can improve the health and safety of the driver and should not, by its use, medically disqualify the commercial driver. The emphasis should be on the underlying medical condition(s) which require treatment and the general health of the driver. The FMCSA should be contacted at (202) 366-1790 for additional recommendations regarding the physical qualification of drivers on coumadin.

(See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Respiratory Dysfunction

\$391.41(b)(5)
A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with ability to control and drive a commercial motor vehicle safely.
Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

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

(See Conference on Pulmonary/Respiratory Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Hypertension

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

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

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

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

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

Annual recertification is recommended if the medical examiner does not know the severity of hypertension prior to treatment.
An elevated blood pressure finding should be confirmed by at least two subsequent measurements on different days.

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

Secondary hypertension is based on the above stages. Evaluation is warranted if patient is persistently hypertensive

on maximal or near-maximal doses of 2-3 pharmacologic agents. Some causes of secondary hypertension may be amenable to surgical intervention or specific pharmacologic disease. (See Cardiovascular Advisory Panel Guidelines for the Medical Examination of Commercial Motor Vehicle Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular or Vascular Disease §391.41(b)(7)
A person is physically qualified to drive a commercial motor vehicle if that person:

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

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

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

Epilepsy
\$391.41(b)(8)

A person is physically qualified to drive a commercial motor vehicle if that person:
Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle.

Epilepsy is a chronic functional disease characterized by seizures or episodes that occur without warning, resulting in loss of voluntary control which may lead to loss of consciousness and/or seizures. Therefore, the following drivers cannot be qualified: (1) a driver who has a medical history of epilepsy; (2) a driver who has a current clinical diagnosis of epilepsy; or (3) a driver who is taking antiseizure medication.
If an individual has had a sudden episode of a nonepileptic seizure or loss of consciousness of unknown cause which did not require antiseizure medication, the decision as to whether that person's condition will likely cause loss of consciousness or loss of ability to control a motor vehicle is made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6 month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and antiseizure medication is not required, then the driver may be qualified.
In those individual cases where a driver has a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition and has no existing residual complications, and not taking antiseizure medication.

Drivers with a history of epilepsy/seizures off antiseizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off antiseizure medication for a 5-year period or more.

(See Conference on Neurological Disorders and Commercial Drivers at:
<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Mental Disorders
\$391.41(b)(9)

A person is physically qualified to drive a commercial motor vehicle if that person:
Has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with ability to drive a motor vehicle safely.

Emotional or adjustment problems contribute directly to an individual's level of memory, reasoning, attention, and judgment. These problems often underlie physical disorders. A variety of functional disorders can cause drowsiness, dizziness, confusion, weakness or paralysis that may lead to incoordination, inattention, loss of functional control and susceptibility to accidents while driving. Physical fatigue, headache, impaired coordination, recurring physical ailments and chronic "hagging" pain may be present to such a degree that certification for commercial driving is inadvisable. Somatic and psychosomatic complaints should be thoroughly examined when determining an individual's overall fitness to drive. Disorders of a periodically incapacitating nature, even in the early stages of development, may warrant disqualification. Many bus and truck drivers have documented that "nervous trouble" related to neurotic, personality, or emotional or adjustment problems is responsible for a significant fraction of their preventable accidents. The degree to which an individual is able to appreciate, evaluate and adequately respond to environmental strain and emotional stress is critical when assessing an individual's mental alertness and flexibility to cope with the stresses of commercial motor vehicle driving.

When examining the driver, it should be kept in mind that individuals who live under chronic emotional upsets may have deeply ingrained maladaptive or erratic behavior patterns. Excessively antagonistic, instinctive, impulsive, openly aggressive, paranoid or severely depressed behavior greatly interfere with the driver's ability to drive safely. Those individuals who are highly susceptible to frequent states of emotional instability (schizophrenia, affective psychoses, paranoia, anxiety or depressive neuroses) may warrant disqualification. Careful consideration should be given to the side effects and interactions of medications in the overall qualification determination. See Psychiatric Conference Report for specific recommendations on the use of medications and potential hazards for driving.

(See Conference on Psychiatric Disorders and Commercial Drivers at:
<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Vision
\$391.41(b)(10)

A person is physically qualified to drive a commercial motor vehicle if that person:
Has distant visual acuity of at least 20/40 (Snellen) in each eye with or without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

The term "ability to recognize the colors of" is interpreted to mean if a person can recognize and distinguish among traffic control signals and devices showing standard red, green and amber, he or she meets the minimum standard, even though he or she may have some type of color perception deficiency. If certain color perception tests are administered, (such as Ishihara, Pseudoisochromatic, Yarn) and doubtful findings are discovered, a controlled test using signal red, green and amber may be employed to determine the driver's ability to recognize these colors.

Contact lenses are permissible if there is sufficient evidence to indicate that the driver has good tolerance and is well adapted to their use. Use of a contact lens in one eye for distance visual acuity and another lens in the other eye for near vision is not acceptable, nor telescopic lenses acceptable for the driving of commercial motor vehicles.

If an individual meets the criteria by the use of glasses or contact lenses, the following statement shall appear on the Medical Examiner's Certificate: "Qualified only if wearing corrective lenses."

CMV drivers who do not meet the Federal vision standard may call (202) 366-1790 for an application for a vision exemption.

(See Visual Disorders and Commercial Drivers at:
<http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Hearing
\$391.41(b)(11)

A person is physically qualified to drive a commercial motor vehicle if that person:

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

Since the prescribed standard under the FMCSRs is the American Standards Association (ANSI), it may be necessary to convert the audiometric results from the ISO standard to the ANSI standard. Instructions are included on the Medical Examination report form.

If an individual meets the criteria by using a hearing aid, the driver must wear that hearing aid and have it in operation at all times while driving. Also, the driver must be in possession of a spare power source for the hearing aid.

For the whispered voice test, the individual should be stationed at least 5 feet from the examiner with the ear being tested turned toward the examiner. The other ear is covered. Using the breath which remains after a normal expiration, the examiner whispers words or random numbers such as 66, 18,

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

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

Drug Use

§391.41(b)(12)

A person is physically qualified to drive a commercial motor vehicle if that person:

Does not use a controlled substance identified in 21 CFR 1308.11

Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. Exception: A driver may use such a substance or drug, if the substance or drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties; and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

This exception does not apply to methadone. The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses a Schedule I drug or other substance, an amphetamine, a narcotic, or any other habit-forming drug, it may be cause for the driver to be found medically unqualified.

Motor carriers are encouraged to obtain a practitioner's written statement about the effects on transportation safety of the use of a particular drug.

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

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

The driver is medically unqualified for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use. Recertification may involve a substance abuse evaluation, the successful completion of a drug rehabilitation program, and a negative drug test result. Additionally, given that the certification period is normally two years, the examiner has the option to certify for a period of less than 2 years if this examiner determines more frequent monitoring is required.

(See Conference on Neurological Disorders and Commercial Drivers and Conference on Psychiatric Disorders and Commercial Drivers at: <http://www.fmcsa.dot.gov/rulesregs/medreports.htm>)

Alcoholism

§391.41(b)(13)

A person is physically qualified to drive a commercial motor vehicle if that person:

Has no current clinical diagnosis of alcoholism.

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

NOTES



Part 392 - Driving of Motor Vehicles

Illness or Fatigue (392.3)

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

Drugs (392.4)

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

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

Alcohol (392.5)

A driver is forbidden to consume or be under the influence of alcohol within four hours of going on duty, while on duty, or while driving. A driver is forbidden to possess an alcoholic beverage while on duty, unless it is a manifested part of the shipment. A driver is forbidden to have any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of a commercial motor vehicle.

Safe Loading (392.9)

No one may drive or require anyone to drive a CMV unless the cargo is properly loaded and secured.

Railroad Crossing/Stopping (392.10 & 392.11)

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

Seat Belts (392.16)

A CMV which has a seat belt assembly installed at the driver's seat shall not be driven unless the driver has properly restrained himself/herself with the seat belt assembly.

Emergency Signals For Stopped Vehicles (392.22)

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

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

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

Radar Detectors (392.71)

The possession or use of radar detectors is prohibited.

Registration and Operating Authority (392.9a)

Three concepts are easily and frequently confused:

- Vehicle Registration
- Motor Carrier Registration
- Motor Carrier Operating Authority

Vehicle Registration

In order to be operated on public highways, all motor vehicles, including trailers, must be registered annually and pay the applicable road usage taxes. Generally, the owner must register the vehicle in the jurisdiction where the owner resides or has its principal place of business, or in the jurisdiction where the vehicle is primarily used (TRC 502.002 and 502.0079). This registration involves issuance of license plates and title certificates. Recently, the state and federal government have begun requiring that registering commercial motor vehicles will require obtaining and furnishing a USDOT Number (see Motor Carrier Registration).

Motor Carrier Registration – Interstate

Motor carriers and others must register with the United States Department of Transportation, Federal Motor Carrier Safety Administration, and obtain a USDOT number under many circumstances. It has now become necessary to obtain this even if you are not a motor carrier but you own a commercial motor vehicle or an intermodal container that is transported by others. It has also become necessary in many states, including Texas, to obtain a USDOT number before operating intrastate. A USDOT Number can be obtained for free with an online or paper application. Possessing one does not, by itself, show that you have authority to operate a commercial motor vehicle – but is the first step on obtaining operating authority if you need it.

Motor Carrier Operating Authority – Interstate

It is easier to understand the rule than to find it. Under a series of federal statutes, for-hire motor carriers are required to obtain operating authority before operating in interstate commerce. The evidence that a motor carrier has authority is that USDOT will issue an MC or an MX number, and that number will be reflected as “active” in federal databases.

Motor Carrier Registration – Intrastate

Any person or entity who directs the operation of certain types of commercial motor vehicles intrastate in Texas must register and obtain a state number. Until October 2009, this registration was with the Texas Department of Transportation (TXDOT) and the state number was called a TXDOT number. After that, the registration is with the Texas Department of Motor Vehicles (TXDMV), and the state number is called a TXDMV number.

The following types of operations are exempt under TRC 643.002 from intrastate motor carrier registration

- (1) motor carrier operations exempt from registration by the Unified Carrier Registration Act of 2005 (49 U.S.C. Section 14504a) or a motor vehicle registered under the single state registration system established under 49 U.S.C. Section 14504(c) when operating exclusively in interstate or international commerce;
- (2) a motor vehicle registered as a cotton vehicle under Section 504.505;

- (3) a motor vehicle the department by rule exempts because the vehicle is subject to comparable registration and a comparable safety program administered by another governmental entity;
- (4) a motor vehicle used to transport passengers operated by an entity whose primary function is not the transportation of passengers, such as a vehicle operated by a hotel, day-care center, public or private school, nursing home, or similar organization;
- (5) a vehicle operating under a private carrier permit issued under Chapter 42, Alcoholic Beverage Code;
- (6) a vehicle operated by a governmental entity; or
- (7) a tow truck, as defined by Section 2308.002, Occupations Code.

Motor Carrier Operating Authority – Intrastate

In addition to registering with TXDMV, certain types of commercial motor vehicle operations must obtain operating authority. The motor carrier must pay registration fees and provide TXDMV with proof of insurance (normally the insurance company will contact TXDMV directly with proof of insurance).

Under federal law, you may be exempted from renewing your intrastate operating authority if you participate in the Uniform Carrier Registration program (UCR, see below), but this does not exempt you from the initial registration. If you do not participate in UCR, you must renew your intrastate operating authority periodically.

Beginning in September 2009, state law required a USDOT number to apply for, renew or reinstate intrastate operating authority. If you are not conducting any interstate commerce, you should apply as “intrastate only.” in order to be classified and have your compliance history evaluated properly.

Unified Carrier Registration

Interstate motor carriers, whether for-hire or private, are now required to obtain Unified Carrier Registration in order to have authority to operate interstate. Interstate motor carriers who also conduct intrastate motor carrier operations in Texas will be required to comply with the initial TXDMV registration and operating authority requirements. However, if they maintain good standing with USDOT and UCR, they no longer need to renew TXDMV registration and operating authority – UCR will in those circumstances automatically grant intrastate operating authority in Texas.

Intrastate Operating Authority Out-of-Service Review (37 TAC 4.18)

A motor carrier may request a review of the out-of-service order within 10 days of the issuance of the out-of-service order. A request for a review does not stay the out-of-service order.

A request for an out-of service review **must be made in writing and forwarded to the manager of the Department’s Motor Carrier Bureau.** A request for review must contain a concise statement of the issues to be contested at the review. If requested, a review will be scheduled and conducted by the manager of the Motor Carrier Bureau or the director's designee within 10 days of the issuance of the out-of-service order. A request for review should be addressed to the Texas Department of Public Safety, Motor Carrier Bureau, P.O. Box 4087, Austin, Texas 78773-0521 or may be sent by facsimile transmission to 512/424-5712 or via electronic mail at: MotorCarrierBureau@txdps.state.tx.us. The Department may conduct the review by telephone conference call.

Administrative Action by TXDMV (37 TAC 4.19)

The director or the director's designee will determine whether the Department will request that TXDMV revoke a registration it has issued based upon the Department's compliance review or safety audit. The director or the director's designee will determine whether the Department will request that TXDMV take administrative action against a carrier required to register with TXDMV under Chapter 643 of the Texas Transportation Code.

This determination may be based upon the following:

- an unsatisfactory safety rating under Title 49, Code of Federal Regulations, Part 385;
- multiple violations of Texas Transportation Code, Chapter 644, a rule adopted under Texas Transportation Code, Chapter 644, or Texas Transportation Code, Subtitle C (Relating to Rules of the Road), and/or
- failure to properly register as a motor carrier with TXDMV as required in Texas Transportation Code §643.

Once the determination has been made the director or the director's designee will forward a letter to the executive director of TXDMV requesting administrative action against the motor carrier.

Any administrative action initiated by TXDMV pursuant to this section shall be administered in the manner specified by TXDMV rules.

New Entrant Background Information (Part 385, Subpart D, Sections 385.301 to 337)

Although this does deal with authority to operate a commercial motor vehicle, the rules are located in Part 385. Therefore, please refer to that Part for more information about this program.



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.

Lights (Part 393, Subpart B, Sections 393.9 – 393.26)

All lamps and reflectors for CMVs manufactured after December 25, 1968 must meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No.108 (49 CFR 571.108) in effect on the date of manufacture. Certain trailers manufactured on or after December 1, 1993, must have retro-reflective sheeting or additional reflex reflectors to make them more visible to other motorists at nighttime and under other conditions of reduced visibility. Trailers manufactured before December 1, 1993 must be retrofitted with retro-reflective sheeting or additional reflectors by June 1, 2001.

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

Must be Operable, Unobstructed (393.9)

All required lamps must light on request at an inspection and must light when required during regular operation of the vehicle. Auxiliary lamps that are not required need not be operable.

Lamps and reflective materials must not be obscured by the tailboard, or by any part of the load, or its covering by dirt, or other added vehicle or work equipment, or otherwise. Except conspicuity treatments (reflective material used for making you conspicuous or obviously visible to other motorists) at the front end of a vehicle may be obscured by part of a load being transported.

Lamp Mounting (393.25)

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

Stop Lamps (393.25)

All stop lamps on a CMV must activate when the service brakes are applied.

Brakes (Part 393, Subpart C, Sections 393.40 – 393.55)

Required Brake Systems (393.40)

Each commercial motor vehicle must have brakes adequate to stop and hold the vehicle or combination of motor vehicles. Each commercial motor vehicle must meet the applicable service, parking, and emergency brake system requirements provided in this section.

CMVs must be equipped with the following brake systems:

- A *service brake system* that meets the requirements of Section 393.52.
- A *parking brake system* that meets the requirements of Section 393.41.

- An *emergency brake system* that conforms to the requirements of Section 393.52 and consists of either (1) emergency features of the service brake system or (2) a system separate from the service brake system.

NOTE: Older vehicles need to meet additional requirements. See the regulation for details.

Brakes On All Wheels 393.42 (Federal)

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.
- Vehicles being towed in a drive-away/tow-away operation. (However, the towed vehicle must have brakes in operation if the brakes on the towing vehicle are not capable of stopping the combination vehicle under the conditions covered by Section 393.52.),
- Any full trailer, semi-trailer, or pole trailer having a gross weight of 3,000 pounds or less, provided the trailer weight does not exceed 40 percent of weight of the towing vehicle.
- Brakes are not required on the steering axle of a three-axle dolly steered by a co-driver.
- Loaded house moving dollies, specialized trailers and dollies used to transport industrial furnaces, reactors and similar motor vehicles are not required to be equipped with brakes, provided they travel at 20mph or less, and can stop within 40 feet at the speed they are actually traveling.

Texas Exception: (TAC Title 37, Part 1, Chapter 4, Subchapter B, Rule §4.12(b)(6)).

- Texas Transportation Code, §547.401 and §547.404, concerning brakes on trailers weighing 15,000 pounds gross weight or less take precedence over the brake requirements in the federal regulations for trailers of this gross weight specification unless the vehicle is required to meet the requirements of Federal Motor Vehicle Safety Standard No. 121 (Title 49, Code of Federal Regulations 571.121) applicable to the vehicle at the time it was manufactured.

Brakes on Trailers - Transportation Code, Sec. 547.401.

- Except as provided by Subsection (b), a motor vehicle, trailer, semitrailer, pole trailer, or combination of those vehicles shall be equipped with brakes that comply with this chapter.
- A trailer, semitrailer, or pole trailer is not required to have brakes if:
 - ◆ its gross weight is 4,500 pounds or less; or
 - ◆ its gross weight is heavier than 4,500 pounds but not heavier than 15,000 pounds, and it is drawn at a speed of not more than 30 miles per hour. (V.A.C.S. Art. 6701d, Secs. 132 (part), Subsec. (c), Subdiv. 1, Paras. a, b.) History Leg. H. Stats. 1995 74th Leg. Sess. Ch. 165, effective September 1, 1995.

Breakaway and Emergency Braking (393.43)

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

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

*These requirements do not apply to vehicles in drive-away/tow-away operations.

Brake Tubing and Hose (393.45)

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

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

Brake Warning Devices (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 Brakes Adjusters (393.53)

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

Anti-lock Brakes (393.55)

Certain CMVs must be equipped with anti lock braking systems that meet the requirements of FMVSS No.105 (49 CFR 571.105) concerning hydraulic brake systems, and FMVSS No.121 (49 CFR 571.121) concerning air brake systems. The rules apply to:

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

Windshield Condition (Part 393, Subpart D, Sections 393.60 - 393.63)

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

Fuel Systems (Part 393, Subpart E, Sections 393.65 – 393.69)

Each fuel system must be located so that:

- No part of the system extends beyond the widest part of the vehicle.
- No part of a fuel tank is forward of the front axle or a power unit.
- Fuel lines do not extend between a towed vehicle and the towing unit while the combination is in motion.
- No part of the fuel system of a bus manufactured on or after January 1, 1973, is located within or above the passenger compartment.

Coupling Devices (Part 393, Subpart F, Sections 393.70 and 393.71)

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

Cargo Securement (Sections 393.100-393.136)

Cargo must be loaded and secured so that it will not shift or fall off the vehicle. The cargo securement regulations include minimum strength requirements for securement devices and requirements for protection against longitudinal and lateral movement of the cargo.

Tires (393.75)

- No motor vehicle shall be operated on any tire that (1) has body ply or belt material exposed through the tread or sidewall, (2) has any tread or sidewall separation, (3) is flat or has an audible leak, or (4) has a cut to the extent that the ply or belt material is exposed.
- Any tire on the front wheels of a bus, truck, or truck tractor shall have a tread groove pattern depth of at least $\frac{4}{32}$ of an inch when measured at any point on a major tread groove. The measurements shall not be made where tie bars, humps, or fillets are located.
- Any tire other than the tire on the front wheels of a bus, truck, or truck tractor shall have a tread groove pattern depth of at least $\frac{2}{32}$ of an inch when measured at any point on a major tread groove. The measurement shall not be made where tie bars, humps or fillets are located.
- No bus shall be operated with regrooved, recapped or retreaded tires on the front wheels.
- A regrooved tire with a load-carrying capacity equal to or greater than 2,232 kg (4,920 pounds) shall not be used on the front wheels of any truck or truck tractor.
- Tire loading restrictions (except on manufactured homes). No motor vehicle shall be operated with tires that carry a weight greater than that marked on the side-wall of the tire or, in the absence of such a marking, a weight greater than that specified for the tires in any of the publications of any of the organizations listed in Federal Motor Vehicle Safety Standard No. 119 (49 CFR 571.119, S5.1(b)) unless:
 - ◆ The vehicle is being operated under the terms of a special permit issued by the State; and
 - ◆ The vehicle is being operated at a reduced speed to compensate for the tire loading in excess of the manufacturer's rated capacity for the tire. In no case shall the speed exceed 80 km/hr (50 mph).
- Tire loading restrictions for manufactured homes built before January 1, 2002. Manufactured homes that are labeled pursuant to 24 CFR 3282.362(c)(2)(i) before January 1, 2002, must not be transported on tires that are loaded more than 18 percent over the load rating marked on the sidewall of the tire or, in the absence of such a marking, more than 18 percent over the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b)). Manufactured homes labeled before January 1, 2002, transported on tires overloaded by 9 percent or more must not be operated at speeds exceeding 80 km/hr (50 mph).
- Tire loading restrictions for manufactured homes built on or after January 1, 2002. Manufactured homes that are labeled pursuant to 24 CFR 3282.362 (c)(i) on or after January 1, 2002 must not

be transported on tires loaded beyond the load rating marked on the sidewall of the tire or, in the absence of such a marking, the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1 (b)).

- Tire inflation pressure. No motor vehicle shall be operated on a tire which has a cold inflation pressure less than that specified for the load being carried.
- If the inflation pressure of the tire has been increased by heat because of the recent operation of the vehicle, the cold inflation pressure shall be estimated by subtracting the inflation buildup factor shown in Table 1 from the measured inflation pressure.

Table 1 – inflation Pressure Measurement Correction for Heat

	Minimum Inflation Pressure Buildup	
Average speed of vehicle in the previous hour	Tires with 1.814 kg (4,000 lbs.) maximum load rating or less	Tires with over 1.814 kg (4,000 lbs.) load rating
66-88.5 km/hr (41-55 mph)	34.5 kPa (5 psi)	103.4 kPa (15 psi)

Sleeper berths (393.76)

- Dimensions – (1) Size. A sleeper berth must be at least the following size:

Date of installation on motor vehicle	Length measured on centerline of longitudinal axis (inches)	Width measured on centerline of transverse axis (inches)	Height measured from highest point of top of mattress (inches) ¹
Before January 1, 1953	72	18	18
After December 31, 1952 and before October 1, 1975	75	21	21
After September 30, 1975	75	24	24

¹In the case of a sleeper berth which utilizes an adjustable mechanical suspension system, the required clearance can be measured when the suspension system is adjusted to the height to which it would settle when occupied by a driver.

- Shape. A sleeper berth installed on a motor vehicle on or after January 1, 1953 must be of generally rectangular shape, except that the horizontal corners and the roof corners may be rounded to radii not exceeding 10-1/2 inches.
- Access. A sleeper berth must be so constructed so that an occupant's ready entrance to, and exit from the sleeper berth is not unduly hindered.
- Location. A sleeper berth must not be installed in or on a semitrailer or full trailer other than a house trailer.
- A sleeper berth located within the cargo space of a motor vehicle must be securely compartmentalized from the remainder of the cargo space. A sleeper berth installed on or after January 1, 1953 must be located in the cab or immediately adjacent to the cab and must be securely fixed with relation to the cab.
- Exit from the berth. A sleeper berth installed after January 1, 1953 must have a direct and ready means of exit from the sleeper berth into the driver's seat or compartment. If the sleeper berth was installed on or after January 1, 1963, the exit must be a doorway or opening at least 18 inches high and 36 inches wide. If the sleeper berth was installed before January 1, 1963, the exit must have sufficient area to contain an ellipse having a major axis of 24 inches and a minor axis of 16 inches.

- A sleeper berth installed before January 1, 1953 must either comply with the above paragraph relating to a sleeper berth installed after January 1, 1953 or have at least two exits, each of which is at least 18 inches high and 21 inches wide, located at opposite ends of the vehicle and usable by the occupant without the assistance of any other person.
- Communication with the driver. A sleeper berth which is not located within the driver's compartment and has no direct entrance into the driver's compartment must be equipped with a means of communication between the occupant and the driver. The means of communication may consist of a telephone, speaker tube, buzzer, pull cord, or other mechanical or electrical device.
- Equipment. A sleeper berth must be properly equipped for sleeping. Its equipment must include:
 - ◆ Adequate bedclothing and blankets; and
 - ◆ Either:
 - ◆ Springs and a mattress; or
 - ◆ An innerspring mattress; or
 - ◆ A cellular rubber or flexible foam mattress at least four (4) inches thick; or
 - ◆ A mattress filled with a fluid and of sufficient thickness when filled to prevent "bottoming-out" when occupied while the vehicle is in motion.
- Ventilation. A sleeper berth must have louvers or other means of providing adequate ventilation. A sleeper berth must be reasonably tight against dust and rain.
- Protection against exhaust and fuel leaks and exhaust heat. A sleeper berth must be located so that leaks in the vehicle's exhaust system or fuel system do not permit fuel system gases, or exhaust gases to enter the sleeper berth. A sleeper berth must be located so that it will not be overheated or damaged by reason of its proximity to the vehicle's exhaust system.
- Occupant restraint. A motor vehicle manufactured on or after July 1, 1971, and equipped with a sleeper berth must be equipped with a means of preventing ejection of the occupant of the sleeper berth during deceleration of the vehicle. The restraint system must be designed, installed, and maintained to withstand a minimum total force of 6,000 pounds applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

Exhaust Systems (393.83)

Exhaust systems must meet the following requirements:

- The exhaust system and discharge must be located where it is not likely to burn or damage the electrical wiring, the fuel supply, nor any combustible part of the vehicle.
- The discharge from the exhaust system must not be located immediately below the fuel tank or the fuel tank filler pipe.
- The exhaust system may not be temporarily repaired with patch or wrap material.
- The exhaust pipe and mufflers must be securely fastened to the vehicle.
- The exhaust system may not leak or discharge at any point forward of or directly below the driver or sleeper compartment.

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

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

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

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

Rear End Protection (393.86)

Every CMV must be equipped with either bumpers or other devices that prevent the under ride of another vehicle. Tractors, pole trailers, and drive-away/tow-away vehicles are exempt. Certain trailers manufactured on or after January 26, 1998 must have rear impact guards that meet FMVSS Nos. 223 & 224. See Texas Exception -Adm. Rule 4.12 (b) (1).

Seat Belts (393.93)

CMVs must be equipped with seats, seat belt assemblies, and seat belt anchorages as specified in the FMVSS.

Emergency Equipment (393.95)

CMVs must carry the following emergency equipment:

- Fire extinguisher (not required for drive-away/tow-away operations)
- Spare fuses
- Warning devices for stopped vehicles

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

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

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

Suspension Systems (393.207)

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

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

Steering Systems (393.209)

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

NOTES



Part 395 - Hours of Service of Drivers

GENERAL RULE - Property Carriers - Interstate (395.3)

The following regulations only apply to **property carriers** and drivers operating in **interstate commerce**.

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

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

Rest Breaks (395.3(a)(3)(ii))

30 minute rest period. A driver traveling in interstate commerce will not be permitted to drive 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.

14 Hour Rule (395.3(a)(2))

A motor carrier cannot permit or require a driver to drive beyond the 14th hour after coming on duty, except when a property-carrying driver complies with the provisions of 395.1(o) or 395.1(e)(2).

- The 14-hour duty period may not be extended with off-duty time for meal stops, fuel stops, and the like.
- For 395.1(o), see 16 Hour Exception below.
- For 395.1(e)(2) see Non-CDL Driver Exception below.

60 and 70 Hour Rules (395.3(b))

A motor carrier must not permit or require a driver to drive after having been on duty

- 60 total duty hours in any period of seven consecutive days if the carrier does not operate every day of the week, or
- 70 total duty hours in any period of consecutive eight days if the carrier does operate every day of the week.
- A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off-duty.

34 Hour Restart (395.3(c)(2))

Any period of 8 consecutive days may end with the beginning of an off-duty period of 34 or more consecutive hours that includes two periods from 1 a.m. to 5 a.m.

(395.3(d))

When a driver takes more than one off-duty period of 34 or more consecutive hours within a period of 168 consecutive hours, he or she must indicate in the Remarks section of the record of duty status which off duty period is being used to restart the calculation of 60 hours in 7 consecutive days or 70 hours in 8 consecutive days.

16 Hour Exception to the 14 hour rule (395.1(o))

Drivers may extend the 14 hour on-duty period by 2 additional hours if they:

- Are released from duty at the normal work reporting location for the previous 5 tours the driver has worked,
- Return to the normal work reporting location and are released from duty within 16 hours after coming on duty following 10 consecutive hours of rest, and
- Have not used this exception in the previous 6 consecutive days, except following a 34 -hour restart of a 7/8 day period.

Non-CDL Driver Exception 395.1(e)(2)

Drivers who drive commercial motor vehicles which do not require a Commercial Driver's License may be exempted from §395.3 and §395.8 and ineligible to use the provisions of §395.1(e)(1), (g) and (o) if:

- (e)(2)(i) The driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under part 383 of this subchapter;
- (e)(2)(ii) The driver operates within a 150 air-mile radius of the location where the driver reports to and is released from work, i.e., the normal work reporting location;
- (e)(2)(iii) The driver returns to the normal work reporting location at the end of each duty tour;
- (e)(2)(iv) The driver has at least 10 consecutive hours off duty separating each on-duty period;
- (e)(2)(v) The driver does not drive more than 11 hours following at least 10 consecutive hours off duty;
- (e)(2)(vi) The driver does not drive:
 - (e)(2)(vi)(A) After the 14th hour after coming on duty on 5 days of any period of 7 consecutive days; and
 - (e)(2)(vi)(B) After the 16th hour after coming on duty on 2 days of any period of 7 consecutive days;
- (e)(2)(vii) The driver does not drive:
 - (e)(2)(vii)(A) After having been on duty for 60 hours in 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week;
 - (e)(2)(vii)(B) After having been on duty for 70 hours in 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week;
- (e)(2)(viii) Any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.
- (e)(2)(ix) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - (e)(2)(ix)(A) The time the driver reports for duty each day;
 - (e)(2)(ix)(B) The total number of hours the driver is on duty each day;
 - (e)(2)(ix)(C) The time the driver is released from duty each day;
 - (e)(2)(ix)(D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently. The driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under part 383 of this subchapter;

Sleeper Berth Exception (395.1(g))

Drivers may split on-duty time by using a sleeper berth period, but must comply with the hours-of-service rules. These drivers may accumulate the equivalent of 10 consecutive hours off-duty by taking two periods of rest, provided:

- (g)(1)(i)(A) Must, before driving, accumulate
 - (1) At least 10 consecutive hours off duty;
 - (2) At least 10 consecutive hours of sleeper-berth time;
 - (3) A combination of consecutive sleeper-berth and off-duty time amounting to at least 10 hours; or
 - (4) The equivalent of at least 10 consecutive hours off duty if the driver does not comply with paragraph (g)(1)(i)(A)(1), (2), or (3) of this section;
- (g)(1)(i)(B) May not drive more than 11 hours following one of the 10-hour off-duty periods specified in paragraph (g)(1)(i)(A)(1)-(4) of this section; and
- (g)(1)(i)(C) May not drive after the 14th hour after coming on duty following one of the 10-hour off-duty periods specified in paragraph (g)(1)(i)(A)(1)-(4) of this section; and

(g)(1)(i)(D) Must exclude from the calculation of the 14-hour limit any sleeper berth period of at least 8 but less than 10 consecutive hours.

(g)(1)(ii) Specific requirements. – The following rules apply in determining compliance with paragraph (g)(1)(i) of this section:

(g)(1)(ii)(A) The term “equivalent of at least 10 consecutive hours off duty” means a period of

(1) At least 8 but less than 10 consecutive hours in a sleeper berth, and

(2) A separate period of at least 2 but less than 10 consecutive hours either in the sleeper berth or off duty, or any combination thereof.

(g)(1)(ii)(B) Calculation of the 11-hour driving limit includes all driving time; compliance must be re-calculated from the end of the first of the two periods used to comply with paragraph (g)(1)(ii)(A) of this section.

(g)(1)(ii)(C) Calculation of the 14-hour limit includes all time except any sleeper-berth period of at least 8 but less than 10 consecutive hours; compliance must be re-calculated from the end of the first of the two periods used to comply with the requirements of paragraph (g)(1)(ii)(A) of this section.

Industry Exceptions [395.1(l), (m), (n), (p) and (r) and 49 U.S.C. 31136 Notes - Exemptions From Requirements Relating to Commercial Motor Vehicles and Their Operators]

The regulation and the note to the federal statute list various industries which are exempt from some or all of the hours of service regulations. Please consult with the FMCSA if one of the following applies to you:

- Transportation of agricultural commodities and farm supplies.
- Transportation and operation of ground water well drilling rigs
- Transportation of construction materials and equipment
- Snow and ice removal
- Operators providing transportation to movie production sites
- Railroad signal employees
- Utility Service Vehicles
- Transportation to and from a motion picture production site

GENERAL RULE - Passenger Carriers - Interstate (395.5)

The following regulations only apply to **passenger carriers** and drivers operating in **interstate commerce**.

10 Hour Rule

Drivers are allowed to drive for 10 hours following 8 consecutive hours off duty.

15 Hour Rule

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

60 and 70 Hour Rules

A motor carrier must not permit or require a driver to drive after having been on duty

- 60 total duty hours in seven days
- 70 total duty hours in eight days

GENERAL RULE - All Carriers - Intrastate In Texas (37 TAC 4.12)

12 Hour Rule (37 TAC 4.12(a)(2))

Drivers are allowed to drive for 12 hours following 8 consecutive hours off duty.

15 Hour Rule (37 TAC 4.12(a)(2))

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

NOTE: Drivers in intrastate commerce violating the 12 or 15 hour limits shall be placed out-of-service for eight consecutive hours.

70 Hour Rule (37 TAC 4.12(b)(2))

A motor carrier must not permit or require a driver to drive after having been on duty

- 70 total duty hours in seven days
- A driver may restart a 7 consecutive day period after taking 34 or more consecutive hours off-duty.

Note: 395.3(a)(3)(ii), 395.3(c)(2) and 395.3(d) does not apply to drivers engaged in intrastate transportation.

Hours of Service Documentation

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 the 150 air-mile radius exemption.

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

Submitting/Retaining Duty Status Log (395.8(i))

The driver must submit the original log sheet to the employing carrier within 13 days after completion. When a motor carrier uses a driver initially or intermittently, that carrier must obtain from him/her a signed statement giving the total time on duty for the preceding 7 days and the time at which he/she was last relieved of duty. Records of duty status must be maintained for a minimum of 6 months at the carrier's principal place of business, with all supporting documents.

Automatic On-Board Recording Devices (395.15)

Alternatively, motor carriers may require a driver to use an automatic on-board recording device to record duty status. The driver must still have in his/her possession records of duty status in automated or written form, for the previous 7 consecutive days. The driver must sign all hard copies of the driver's record of duty status.

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

100 Air-mile Radius Exemption - Interstate (395.1(e)(1))

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

- (e)(1)(i) The driver operates within a 100 air-mile radius of the normal work reporting location;
- (e)(1)(ii) The driver, except a driver-salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;
- (e)(1)(iii)(A) A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
- (e)(1)(iii)(B) A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty;
- (e)(1)(iv)(A) A property-carrying commercial motor vehicle driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; or
- (e)(1)(iv)(B) A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and
- (e)(1)(v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - (e)(1)(v)(A) The time the driver reports for duty each day;
 - (e)(1)(v)(B) The total number of hours the driver is on duty each day;
 - (e)(1)(v)(C) The time the driver is released from duty each day; and
 - (e)(1)(v)(D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.

150 Air-mile Radius Exception - Intrastate Texas (37 TAC 4.12(a)(4) & (b)(3))

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

- The driver operates within a 150 air-mile radius of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within 12 consecutive hours.
- Each 12 hours on duty are separated by at least 8 consecutive hours off duty.
- The driver does not exceed a maximum of 12 hours driving time following 8 consecutive hours off duty.
- The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records that show:
 - The total number of hours the driver is on duty each day.
 - The time the driver reports for duty each day.
 - The time the driver is released from duty each day.
 - The total time for the preceding seven days for first-time or intermittent drivers.

SUMMARY OF 2011 HOS FINAL RULE PROVISIONS
Changes Compared to Current Rule

PROVISION	CURRENT RULE	FINAL RULE COMPLIANCE DATE JULY 1, 2013
Limitations on minimum "34-hour restarts"	None.	(1) Must include two periods between 1 a.m. – 5 a.m. home terminal time. (2) May only be used once per week.
Rest breaks	None except as limited by other rule provisions.	May drive only if 8 hours or less have passed since end of driver's last off-duty period of at least 30 minutes. [HM 397.5 mandatory "in attendance" time may be included in break if no other duties performed]
PROVISION	CURRENT RULE	FINAL RULE COMPLIANCE DATE FEBRUARY 27, 2012
On-duty time	Includes any time in CMV except sleeper-berth.	Does not include any time resting in a parked vehicle (also applies to passenger-carrying drivers). In a moving property-carrying CMV, does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth.
Penalties	"Egregious" hours of service violations not specifically defined.	Driving (or allowing a driver to drive) 3 or more hours beyond the driving-time limit may be considered an egregious violation and subject to the maximum civil penalties. Also applies to passenger-carrying drivers.
Oilfield exemption	"Waiting time" for certain drivers at oilfields (which is off-duty but does extend 14-hour duty period) must be recorded and available to FMCSA, but no method or details are specified for the recordkeeping.	"Waiting time" for certain drivers at oilfields must be shown on logbook or electronic equivalent as off duty and identified by annotations in "remarks" or a separate line added to "grid."

NOTES

Hours of Service Record for First Time or Intermittent Drivers

Hours of Service Record for First Time or Intermittent Drivers

Instructions: When using a driver for the first time, or intermittently, a signed statement must be obtained, giving the total time on duty (driving, and on-duty not driving) during the immediate preceding seven days, and that time at which the driver was last relieved from the previous employer prior to beginning work

Name (Print) _____		
First	Middle	Last
DAY	TIME ON DUTY	
1	_____	
2	_____	
3	_____	
4	_____	
5	_____	
6	_____	
7	_____	
TOTAL	_____	

I hereby certify that the information contained herein is true and correct to the best of my knowledge and belief, and that the time I was last released from being on duty was at _____ on _____.

Signature: _____ Date: _____

Note: This form is provided as a suggested format for a documenting the new or intermittent driver's on-duty time for the previous 7 days, as required by 49 C.F.R. 395.8(j)(2). Use of this form is not required, but obtaining documentation and the signature of the driver is required.

Record of Duty Status (RODS)

Record of Duty Status (Driver's Daily Log) Under 49 CFR 395.8

<p>(MVAID) _____ (Day) _____ (Week) _____ (Total Miles Driven Today by Driver) _____ (Name of Motor Carrier) _____</p> <p>(Driver's Name - Printed) _____ (Motor Carrier's Home Terminal Address) _____</p> <p>(Name of Co-Driver, if Any) _____ (Driver's Home Terminal Address) _____</p>	<p>(Shipping Number or Commodity) _____ (Starting Point or Place) _____ (Destination or Home-Base Point of Origin)</p> <p>(Driver's Signature: 49 CFR 395.8(i)) _____</p> <p>The RODS must show the shipping document number(s), or name of shipper and commodity (49 CFR 395.8(d)(1)). Add this information to the Remarks section below if not fully described here.</p> <p>By signing here, I certify the entries on this Record of Duty Status (RODS) are true and correct.</p>	<p>60.00 70.00 70.00</p> <p>Completion of this section is optional, but will assist the Motor Carrier in complying with 49 CFR 395.5, 395.5(e), or 37 TMC 4.12(b)(2).</p> <p>Hours Available for Driving (Motor 20/40/60 Miles E)</p>	<p>50 Hours 70 Hours</p> <p>in 7 days in 8 days in 14 days</p> <p>(Hours Available for Driving) (Hours Available for Driving) (Hours Available for Driving)</p>																																																																														
<p>General Information (Required)</p> <p>(Driver's Signature: 49 CFR 395.8(i)) _____</p> <p>The original must be forwarded to the Motor Carrier within 13 days following the completion of the form. (49 CFR 395.8(j))</p>		<p>Graph Grid (Required)</p> <p>Time on this Record of Duty Status starts at midnight (49 CFR 395.8(g)(6)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>1</th><th>2</th><th>3</th><th>4</th><th>5</th><th>6</th><th>7</th><th>8</th><th>9</th><th>10</th><th>11</th><th>12</th> </tr> </thead> <tbody> <tr> <td>Off Duty (1)</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>Sleeper Berth (2)</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>Driving (3)</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>On-Duty Not Driving (4)</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td>Remarks Section (Required)</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </tbody> </table>			1	2	3	4	5	6	7	8	9	10	11	12	Off Duty (1)													Sleeper Berth (2)													Driving (3)													On-Duty Not Driving (4)													Remarks Section (Required)												
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<p>Review Section</p> <p>Completion of this block is optional, but will assist the Motor Carrier in complying with 49 CFR 395.8(e) and (f). The Motor Carrier must follow the Record of Duty Status (RODS) to ensure it is complete and accurate. (49 CFR 395.8(g))</p> <p>Date Forwarded to Motor Carrier: _____ (Date Received by Motor Carrier) _____</p> <p>Signature of Reviewing Official: _____ (Printed Name of Reviewing Official) _____</p>		<p>OTHER INFO</p> <p>This Record of Duty Status must be completed in duplicate, or copies original to employer, copy to driver (49 CFR 395.8(i)).</p> <p>If a driver has multiple employers, each employer should make a copy. Also, the records should be maintained by the Motor Carrier for each employer (49 CFR 395.8(j)).</p> <p>Entries (except pre-trip information, driver's signature and carrier name and address) must be completed by the driver, legible, and in the driver's own handwriting (49 CFR 395.8(k)).</p>																																																																															

Note: This form is provided as a suggested format for completing a Record of Duty Status (or Driver's Daily Log). A driver may use any format for recording duty status that complies with 49 CFR 395.8.

Monthly Summary of Hours Worked and Hours Available

SUMMARY OF HOURS WORKED AND HOURS AVAILABLE

This summary page may be used either alone or in conjunction with the "Weekly Recap" or "Redi Recap" section on the face of many Record of Duty Status (RODS) forms to assist the driver in computing his or her time. Entries should be made each day, even if the driver does not work on that particular day. The record of "Total On Duty Hours" under the heading "PREVIOUS MONTH'S REFERENCE" may be used to assist in computing the hours available at the beginning of the month, and is a reminder that the last several days of the prior month do affect the hours available for the first several days of this month.

PREVIOUS MONTH'S REFERENCE			Day (4)	Date (5)	Hours Worked Today (6)	Total Hours Last 6 Days (7)	Total Hours Last 7 Days (8)	Hours Eligible to Work/Drive Tomorrow (9)
Date (1)	Ref. # (2)	Hours Worked (3)						
			1					
			2					
			3					
			4					
			5					
			6					
			7					
Total			8					
Instructions:			9					
- Columns 1 & 5 - enter appropriate date.			10					
- Column 2 - if necessary, a number to			11					
located time record for the relevant date.			12					
- Column 3 & 6 - add together all Driving			13					
Time (status 3 on a RODS) and On-Duty			14					
Not Driving Time (Status 4 On a RODS)			15					
for each day.			16					
- Column 7 OR 8 - Add up the Time			17					
Worked (Columns 3 & 6) for the			18					
appropriate number of days:			19					
= Use column (7) if you are under the			20					
following rules:			21					
+ 60 hours in 7 days under			22					
49 C.F.R. 395.3(b)(1) or			23					
49 C.F.R. 395.5(b)(1).			24					
+ 70 hours in 7 days under 37 TEX.			25					
ADMIN. CODE § 4.12(b)(2)			26					
= Use column (8) if you are under the			27					
following rules:			28					
+ 70 hours in 8 days under			29					
49 C.F.R. 395.3(b)(2) or			30					
49 C.F.R. 395.5(b)(2).			31					
- Column 9 - Subtract Column 6 and								
Column 7 or 8 from either 60 or 70								
hours, as appropriate, and enter here.								
This is the amount of time available for								
work/driving on the following day.								

On the day before a driver completes a proper 34 hour restart under 49 C.F.R. 395.3(c) or under 37 TEX. ADMIN. CODE § 4.12(b)(3), the driver may line through the blocks and write "34 hour restart." After a proper restart, the driver's hours available will revert to 60 or 70 hours, as appropriate.

Note: This form is provided as a suggested format for ensuring a driver complies with the appropriate "weekly" rule. A driver or a motor carrier is not required to use any format, but is required to comply with the applicable rule cited in the "Instructions:" block above.

Driver's Time Record (100 or 150 mile exemption)

DRIVER'S TIME RECORD

Driver's Name _____ Employee No. _____ Month _____ Year _____

CRITERIA: DRIVERS MAY PREPARE THIS REPORT INSTEAD OF THE "RECORD OF DUTY STATUS" (RODS) OR "DRIVER'S DAILY LOG" IF THE FOLLOWING APPLIES:		
Interstate Property - Operates within the 100 air-mile radius of headquarters - Returns to headquarters and is released from work within 12 consecutive hours - At least 10 consecutive hours off duty separates each 12 hours of duty. - Drives no more than 10 hours after each 8 hours off duty.	Interstate Passenger - Operates within the 100 air-mile radius of headquarters - Returns to headquarters and is released from work within 12 consecutive hours - At least 8 consecutive hours off duty separates each 12 hours of duty. - Drives no more than 11 hours after each 10 hours off duty.	Intrastate (Texas) - Operates within the 150 air-mile radius of headquarters - Returns to headquarters and is released from work within 12 consecutive hours - At least 8 consecutive hours off duty separates each 12 hours of duty.

INTERMITTENT DRIVERS

Shall complete this form for 7 days preceding any day driving is performed. If driving is performed in the first seven days of this month, the appropriate number of days from the previous month shall also be recorded.

Date	Start Time "All Duty"	End Time "All Duty"	Total Hours Worked	Total Hours Driving	Truck/Unit Number	Headquarters Location
1						
2						
3						
4						
5						
6						
7						
8						
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11						
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Check this box if the driver performed no driving duties during this month or the first seven days of the following month.

This form must be prepared monthly by each DOT certified driver unless time records are exclusively kept on a RODS. Indicate "days off."

Note: This form is provided as a suggested format for a driver's time record under 49 C.F.R. 395.1(e) and 37 TEX. ADMIN. CODE § 4.12(a)(4) and (b)(3). Use of this or a similar form is not required. Any day in which a driver does not meet the "CRITERIA" listed above, the driver must record time on a Record of Duty Status/Driver's Daily Log form.

NOTES



Part 396 - Inspection, Repair, and Maintenance

General Requirements (396.3(a))

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

Record Keeping Requirements (396.3(b))

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

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

Retention Requirements (396.3(c))

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

Roadside Inspection Reports (396.9(d)(1) and (d)(2))

Any driver who receives a roadside inspection report must deliver it to the motor carrier. Motor Carriers must review the report and correct violations noted. You can receive an e-mail whenever one of your trucks is inspected by completing an MCS-32 form.

Certification of Roadside Inspection Reports (396.9(d)(3))

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

Post-Trip Inspection Report (396.11)

Every carrier must require its drivers to prepare a daily written post-trip inspection report at the end of each driving day. Every driver is responsible for preparing such a report for each vehicle driven. This report must cover at least the following parts and accessories:

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

The report must list any condition that the driver either found or had reported to him/her that would affect safety of operation or cause a breakdown. If no defect or deficiency is reported or found, the report should state this. The driver must sign the report in all cases. Before dispatching the vehicle again, a carrier shall ensure that a certification has been made as to any defect or deficiency, that they have been corrected, or state those deficiencies do not require immediate correction. Carriers must keep the original post-trip inspection report and the certification of repairs for at least three months from the date of preparation.

Before starting out on the next trip, the driver must be satisfied that the motor vehicle is in safe operating condition. If the last vehicle inspection report notes any deficiencies, the driver must review and sign to acknowledge that necessary repairs have been completed.

Exceptions (396.11(d))

The rules in this section shall not apply to:

- a private motor carrier of passengers (non-business),
- a drive-away-towaway operation, or
- any motor carrier operating only one commercial motor vehicle.

Periodic Inspection (396.17)

Every CMV, including each segment of a combination vehicle requires periodic inspection that must be performed at least once every 12 months. At a minimum, inspections must include all items enumerated in the Minimum Periodic Inspection Standards of the FMCSR except if the motor carrier is subject to a mandatory state inspection.

Note: The term commercial motor vehicle includes each vehicle in a combination vehicle. For example, for a tractor semitrailer, full trailer combination, the tractor, semitrailer, and the full trailer (including the converter dolly if so equipped) shall each be inspected.

Documentation (report, sticker, or decal) of the most recent periodic inspection must be kept on the vehicle (396.17(c)).

Periodic Inspection Recordkeeping Requirements (396.21)

(a) The qualified inspector performing the inspection shall prepare a report which:

(a)(1) Identifies the individual performing the inspection;

(a)(2) Identifies the motor carrier operating the vehicle;

(a)(3) Identifies the date of the inspection;

(a)(4) Identifies the vehicle inspected;

(a)(5) Identifies the vehicle components inspected and describes the results of the inspection, including the identification of those components not meeting the minimum standards set forth in Appendix G to this subchapter; and

(a)(6) Certifies the accuracy and completeness of the inspection as complying with all the requirements of this section.

(b)(1) The original or a copy of the inspection report shall be retained by the motor carrier or other entity who is responsible for the inspection for a period of fourteen months from the date of the inspection report. The original or a copy of the inspection report shall be retained where the vehicle is either housed or maintained.

(b)(2) The original or a copy of the inspection report shall be available for inspection upon demand of an authorized Federal, State or local official.

(b)(3) **Exception.** Where the motor carrier operating the commercial motor vehicles did not perform the commercial motor vehicle's last annual inspection, the motor carrier shall be responsible for obtaining the original or a copy of the last annual inspection report upon demand of an authorized Federal, State, or local official.

Inspector Qualification (396.19)

Motor carriers must ensure that persons performing annual inspections are qualified as follows:

- understand the inspection standards of Part 393 and Appendix G of the FMCSR
- be able to identify defective components
- have knowledge and proficiency in methods, procedures, and tools.

Inspectors may have gained experience or training by:

- completing a State or Federal training program, or earning a State or Canadian Province qualifying certificate in commercial motor vehicle safety inspections
- a combination of other training or experience totaling at least a year.

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

Equivalent to Periodic Inspection (396.17 - 396.23)

A commercial motor vehicle (CMV) registered in Texas (having a Texas license plate) must meet periodic inspection requirements through the Texas, or another approved state, CMV inspection program. The following equivalents listed in the federal regulations only apply to carriers in states without a mandatory inspection program:

- Self-inspection by qualified employee; or
- Third party inspection by qualified individual

Brake Inspector Qualification (396.25)

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

The brake inspector must:

- understand and be able to perform the brake service and inspection.
- know the methods, procedures, tools and equipment needed; and
- be qualified to perform brake service or inspection by training and/or experience.

Qualifying brake training or experience includes successful completion of:

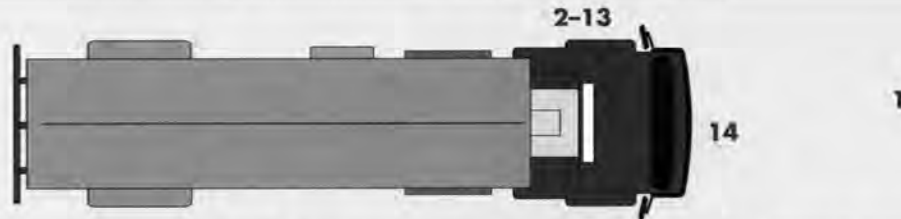
- a State, Canadian Province, Federal agency, or union training program,
- a State-approved training program,
- training that led to attainment of a State or Canadian Province qualifying certificate to perform assigned brake service or inspection tasks, including passage of CDL air brake tests in the case of a brake inspection, or
- one year of brake-related training, experience, or combination of both.

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

North American Standard Level I Inspection Procedure



For Levels II, III, IV, and V, omit steps that do not apply.
For more detailed information, see the written procedures contained in the CVSA Operations Manual.



- STEP 1** Choose the Inspection Site
 - Select a safe location, paved, level, away from traffic, visible to traffic, and able to support the weight of the vehicle.
 - Avoid hills, curves, soft shoulders and construction sites.
 - You must be visible to oncoming traffic.
- STEP 2** Approach the Vehicle
 - Observe the driver.
 - Adhere to officer/inspector safety policies.
 - Be alert for leaks, unsecured cargo.
- STEP 3** Greet and Prepare Driver
 - Identify yourself.
 - Ensure that the driver is capable of communicating sufficiently to understand and respond to official inquiries and directions.
 - Place chock blocks on the driver's side.
 - Explain this inspection procedure.
 - Ensure engine is off.
 - Check seat belt usage and condition.
 - Observe the driver's overall condition for illness, fatigue or other signs of impairment.
 - Check for illegal presence of alcohol, drugs, weapons or other contraband.
- STEP 4** Interview Driver
 - Ask for the following from the driver: starting location, final destination, load description, time traveled, most recent stop, fueling location(s).
 - Talk to the driver about the trip.
- STEP 5** Collect the Driver's Documents
 - Medical Examiner's Certificate (if applicable).
 - Skill Performance Evaluation (SPE) Certificate (if applicable).
 - Driver's license, CDL, record of duty status.
 - Shipping papers.
 - Periodic inspection certificates, CVIP.
 - Supporting documents: bills of lading, receipts, other documents used to verify record of duty status.
- STEP 6** Check for the Presence of Hazardous Materials/Transportation of Dangerous Goods
 - Check shipping papers, placards, any leaks or spills, unsecured cargo, markings and labels.
- STEP 7** Identify the Carrier
 - Identify carrier using the following: vehicle identification, vehicle registration, insurance, operating authority, driver interview.
- STEP 8** Examine Driver's License

• Expiration date	• Class
• Endorsements	• Restrictions
• Status	
- STEP 9** Check Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate (If Applicable)
 - Check certificate date (may be valid for up to 24 months).
 - Check corrective lens requirement.
 - Check hearing aid requirement.
 - Check physical limitations.

Note: In Canada and Mexico proper class indicates adequate medical.
- STEP 10** Check Record of Duty Status
 - Hours of Service verification.
 - If driver claims to be exempt, check that driver meets all criteria for said exemption(s).
 - Check accuracy of record.
- STEP 11** Review Driver's Daily Vehicle Inspection Report (If Applicable)
 - Review the required vehicle inspection report to verify that listed safety defects have been certified as corrected.
 - Check for driver signature on previous inspection reports.
- STEP 12** Review Periodic Inspection Report(s)
 - Ensure vehicle has passed the required inspection and has the required documents and decals.
- STEP 13** Prepare Driver for Vehicle Inspection
 - Explain the vehicle inspection procedure.
 - Advise the driver in the use of hand signals.
 - Check chock blocks.
 - Prepare the vehicle, vehicle transmission in neutral. Engine off, key must be in the "on" position, and release all brakes.
 - Instruct driver to remain at the controls.
- STEP 14** Inspect Front of Tractor
 - Check headlamps, turn signals (do not use four way flashers to check turn signals) and all other required lamps for improper color, operation, mounting, and visibility.
 - Check windshield wipers for improper operation (two wipers are required unless one can clean the driver's field of vision).



Commercial Vehicle Safety Alliance

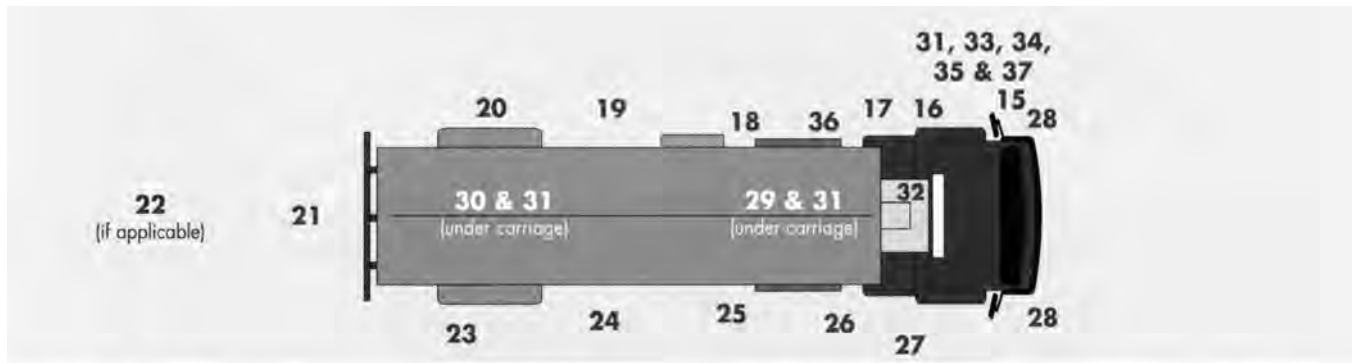
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Promoting Commercial Motor Vehicle Safety and Security

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- STEP 15** Inspect Left Front Side of Tractor
 - Check front wheel, rim, hub, and tire.
- STEP 16** Inspect Left Saddle Tank Area
 - Check fuel tank area.
 - Check exhaust system.
- STEP 17** Inspect Trailer Front
 - Check air and electrical lines.
- STEP 18** Check Left Rear Tractor Area
 - Check wheels, rims, hubs, and tires.
 - Check lower fifth wheel.
 - Check upper fifth wheel.
 - Check sliding fifth wheel.
 - Check all required lamps.
- Caution:** Never place yourself in between tires of tandem axles.
- STEP 19** Inspect Left Side of Trailer
 - Check frame and body.
 - Check condition of hoses.
 - Check van and open-top trailer bodies.
 - Check cargo securement.
- STEP 20** Inspect Left Rear Trailer Wheels
 - Check wheels, rims, hubs, and tires.
 - Check sliding tandem.
- STEP 21** Inspect Rear of Trailer
 - Check tail, stop, turn signals, all other required lights and lamps/flags on projecting loads.
 - Check external ABS malfunction lamp.
 - Check cargo securement.
- STEP 22** Inspect Double, Triple and Full Trailers
 - Check safety devices on full trailers/converter dollies.
 - Check the safety devices (chains/wire rope) for sufficient number, missing components, improper repairs, and devices that are incapable of secure attachments. Inspect pintle hook, eye and drawbar for cracks, excessive movement, and improper repairs.

- STEP 23** Inspect Right Rear Trailer Wheels
 - Check as in step 20.
- STEP 24** Inspect Right Side of Trailer
 - Check as in step 19.
- STEP 25** Inspect Right Rear Tractor Area
 - Check as in step 18.
- STEP 26** Inspect Right Saddle Tank Area
 - Check as in step 16.
- STEP 27** Inspect Right Front Side of Tractor
 - Check as in step 15.
- STEP 28** Inspect Steering Axle(s)
 - Check steering system (both sides).
 - Check front suspension (both sides).
 - Check front axle.
 - Check frame and frame assembly.
 - Check front brake components (both sides).
 - Mark pushrods (both sides).
- Note:** Inform the driver that you are going under the vehicle. Enter the under carriage in view of the driver. (At front of power unit, rear of power unit, and in front of trailer axle(s).
- STEP 29** Inspect Axles 2 and/or 3
 - Check suspension (both sides).
 - Check frame and frame assembly.
 - Check brake components (both sides).
 - Mark pushrods (both sides).
 - Exit under carriage in view of driver.
- STEP 30** Inspect Axles 4 and/or 5
 - Same as step 29.
- STEP 31** Check Brake Adjustment
 - Ensure air pressure is 90–100 psi.
 - Have driver fully apply brakes and hold.
 - Measure and record all pushrod travel.
 - Identify size and type of brake chambers.
 - Ensure brake lining to drum contact.
 - Listen for air leaks.

- STEP 32** Inspect Tractor Protection System (This procedure tests both the tractor protection system and the emergency brakes.)
 - Have driver release brakes and disconnect both brake lines.
 - Full brake application.
 - Listen for air leaks.
- STEP 33** Inspect Required Brake System Warning Devices
 - Observe the dash panel area when the key is turned "on" for the function test of the ABS malfunction lamp(s) (if applicable).
 - Observe dash gauges while ignition is "on" and the driver is pumping the foot valve to approximately 55 psi for the function test of a low air pressure warning device.
- STEP 34** Test Air Loss Rate
 - Apply brakes while the engine is idling, the governor has cut in, and pressure is 80-90 psi.
- STEP 35** Check Steering Wheel Lash
 - Measure steering wheel lash while wheels are straight and the engine is running.
- STEP 36** Check Fifth Wheel Movement
 - Prepare the driver and vehicle.
 - Check for excessive movement.
- Caution:** If conducted improperly, this method of checking for fifth-wheel movement can result in serious damage to the vehicle. Use caution and instruct the driver carefully.
- STEP 37** Complete the Inspection
 - Complete documentation.
 - Conclude with driver.
 - Follow correct and current OOS procedures (if applicable).
 - Issue CVSA decal(s) (if applicable).

Rev. June 2010

NOTES

Driver's Vehicle Inspection Report

Driver's Vehicle Inspection Report Under 49 C.F.R. 396.11

Driver's Inspection - Check any defective item and give details under "Remarks."

Date: _____ Truck/Tractor No. _____

- | | | |
|--|--|--|
| <input type="checkbox"/> Air Compressor
<input type="checkbox"/> Air Lines
<input type="checkbox"/> Battery
<input type="checkbox"/> Brake Accessories
<input type="checkbox"/> Brakes
<input type="checkbox"/> Carburetor
<input type="checkbox"/> Clutch
<input type="checkbox"/> Defroster
<input type="checkbox"/> Drive Line
<input type="checkbox"/> Engine
<input type="checkbox"/> Fifth Wheel
<input type="checkbox"/> Front Axle
<input type="checkbox"/> Fuel Tanks
<input type="checkbox"/> Heater
<input type="checkbox"/> Horn | <input type="checkbox"/> Lights
Head - Stop
Tail - Dash
Turn Indicators
<input type="checkbox"/> Mirrors
<input type="checkbox"/> Muffler
<input type="checkbox"/> Oil Pressure
<input type="checkbox"/> On-board Recorder
<input type="checkbox"/> Radiator
<input type="checkbox"/> Rear End
<input type="checkbox"/> Reflectors | <input type="checkbox"/> Safety Equipment
Fire Extinguisher
Flags-Flares-Fuses
Spare Bulbs & Fuses
Spare Seal Beam
<input type="checkbox"/> Springs
<input type="checkbox"/> Starter
<input type="checkbox"/> Steering
<input type="checkbox"/> Tachograph
<input type="checkbox"/> Tires
<input type="checkbox"/> Transmission
<input type="checkbox"/> Wheels
<input type="checkbox"/> Windows
<input type="checkbox"/> Windshield Wipers
<input type="checkbox"/> Other |
|--|--|--|

- | | | |
|-------------------|---|---|
| Trailer No. _____ | <input type="checkbox"/> Doors
<input type="checkbox"/> Hitch
<input type="checkbox"/> Landing Gear
<input type="checkbox"/> Lights - All
<input type="checkbox"/> Roof | <input type="checkbox"/> Springs
<input type="checkbox"/> Tarpaulin
<input type="checkbox"/> Tires
<input type="checkbox"/> Wheels
<input type="checkbox"/> Other |
|-------------------|---|---|

- | | | |
|-------------------|---|---|
| Trailer No. _____ | <input type="checkbox"/> Doors
<input type="checkbox"/> Hitch
<input type="checkbox"/> Landing Gear
<input type="checkbox"/> Lights - All
<input type="checkbox"/> Roof | <input type="checkbox"/> Springs
<input type="checkbox"/> Tarpaulin
<input type="checkbox"/> Tires
<input type="checkbox"/> Wheels
<input type="checkbox"/> Other |
|-------------------|---|---|

Remarks: _____

The Condition of the above vehicle(s) is/are Satisfactory

Driver's Printed Name: _____ Driver's Signature: _____

Mechanics Certification (Not Required if Condition of Vehicle(s) was/were Satisfactory):

Above defects were corrected. Above defects need not be corrected for safe operation of the vehicle(s)

Mechanic's Signature: _____ Date: _____

Next Driver's Review (Not Required if Condition of Vehicle(s) was/were Satisfactory):

Driver's Signature: _____ Date: _____

Note: This form is provided as a suggested format for performing and documenting a driver's vehicle inspection. A motor carrier may use any format for reporting a driver's vehicle inspection which complies with 396.11.

Vehicle Service Due Status Report

VEHICLE SERVICE DUE STATUS REPORT Under 49 C.F.R. 396.3

VEHICLE IDENTIFICATION

Make

Serial Number

Year

Tire Size

Company Number/Other ID

Owner (if leased)

Date of Inspection	Type of Inspection	Mileage at Time of Inspection	Date Next Inspection Due	Mileage Type of Inspection Due	Inspection Due

Note: This form is provided as a suggested format for performing and documenting a vehicle's inspection schedule. A motor carrier may use any format for tracking a vehicle's inspections which complies with 396.3.

Inspection, Repair & Maintenance Record

INSPECTION, REPAIR & MAINTENANCE RECORD Under 49 C.F.R. 396.3

VEHICLE IDENTIFICATION

Make	Serial Number
Year	Tire Size
Company Number/Other ID	Owner (if leased)

Date	Operation Performed: Inspection, Maintenance, Repair

Note: This form is provided as a suggested format for documenting a vehicle's inspection, maintenance and repairs. A motor carrier may use any format for tracking a vehicle's inspections which complies with 396.3.

Annual Vehicle Inspection Report

ANNUAL VEHICLE INSPECTION REPORT Under 49 C.F.R. 396.17 through 396.21

Unit #:	VIN:	Make:	Model:	License #:
Motor Carrier:		Inspection Location:		
Address:		Date of Inspection:	Odometer Reading:	

COMPONENTS INSPECTED	If an inspection certificate was issued, certificate #				
ITEM	Pass	Defect	Item	Pass	Defect
1. BRAKE SYSTEM			d. Clearance lights	<input type="checkbox"/>	<input type="checkbox"/>
a. Service Brakes	<input type="checkbox"/>	<input type="checkbox"/>	e. Stop & tail lights & lenses	<input type="checkbox"/>	<input type="checkbox"/>
b. Parking brake system			f. Reflectors	<input type="checkbox"/>	<input type="checkbox"/>
i. Push rod travel	<input type="checkbox"/>	<input type="checkbox"/>	6. SAFE LOADING		
ii. Lining thickness	<input type="checkbox"/>	<input type="checkbox"/>	a. Parts of vehicle or condition of loading area such that the spare tire or any part of the load or equipment can fall into the roadway	<input type="checkbox"/>	<input type="checkbox"/>
c. Brake drum or rotors	<input type="checkbox"/>	<input type="checkbox"/>	b. Protection against shifting cargo	<input type="checkbox"/>	<input type="checkbox"/>
d. Brake hoses	<input type="checkbox"/>	<input type="checkbox"/>	7. STEERING MECHANISM		
e. Brake tubing	<input type="checkbox"/>	<input type="checkbox"/>	a. Steering wheel free play	<input type="checkbox"/>	<input type="checkbox"/>
f. Low pressure warning device	<input type="checkbox"/>	<input type="checkbox"/>	b. Steering column	<input type="checkbox"/>	<input type="checkbox"/>
g. Tractor Protection Valve	<input type="checkbox"/>	<input type="checkbox"/>	c. Front axle beam and all steering components other than the steering column	<input type="checkbox"/>	<input type="checkbox"/>
h. Air compressor	<input type="checkbox"/>	<input type="checkbox"/>	d. Steering gear box	<input type="checkbox"/>	<input type="checkbox"/>
i. Electric brakes	<input type="checkbox"/>	<input type="checkbox"/>	e. Pitman arm	<input type="checkbox"/>	<input type="checkbox"/>
j. Hydraulic brakes	<input type="checkbox"/>	<input type="checkbox"/>	f. Power steering	<input type="checkbox"/>	<input type="checkbox"/>
k. Vacuum Systems	<input type="checkbox"/>	<input type="checkbox"/>	g. Ball and socket joints	<input type="checkbox"/>	<input type="checkbox"/>
2. COUPLING DEVICES			h. Tie rods and drag links	<input type="checkbox"/>	<input type="checkbox"/>
a. Fifth Wheel	<input type="checkbox"/>	<input type="checkbox"/>	i. Nuts	<input type="checkbox"/>	<input type="checkbox"/>
b. Pintle hook	<input type="checkbox"/>	<input type="checkbox"/>	j. Steering System	<input type="checkbox"/>	<input type="checkbox"/>
c. Drawbar/towbar eye	<input type="checkbox"/>	<input type="checkbox"/>	8. SUSPENSION		
d. Drawbar/towbar tongue	<input type="checkbox"/>	<input type="checkbox"/>	a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose, or missing resulting in shifting of an axle from its normal position	<input type="checkbox"/>	<input type="checkbox"/>
e. Safety Devices	<input type="checkbox"/>	<input type="checkbox"/>	b. Spring assemblies	<input type="checkbox"/>	<input type="checkbox"/>
f. Saddle mounts	<input type="checkbox"/>	<input type="checkbox"/>	c. Torque, radius or tracking components	<input type="checkbox"/>	<input type="checkbox"/>
3. EXHAUST SYSTEM			9. FRAME		
a. Any exhaust system determined to be leaking at a point forward of or directly below the sleeper/driver compartment	<input type="checkbox"/>	<input type="checkbox"/>	a. Frame members	<input type="checkbox"/>	<input type="checkbox"/>
b. A bus exhaust system leaking or discharging to the atmosphere too far forward	<input type="checkbox"/>	<input type="checkbox"/>	b. Tire and wheel clearance	<input type="checkbox"/>	<input type="checkbox"/>
c. No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle	<input type="checkbox"/>	<input type="checkbox"/>	10. TIRES		
4. FUEL SYSTEM AND LINES			a. Cuts and blemishes	<input type="checkbox"/>	<input type="checkbox"/>
a. No visible Leaks	<input type="checkbox"/>	<input type="checkbox"/>	b. Tread Depth (4/32" steering - 2/32" other axles)	<input type="checkbox"/>	<input type="checkbox"/>
b. Fuel tank filler caps present	<input type="checkbox"/>	<input type="checkbox"/>	11. WHEELS AND RIMS		
c. Fuel tank securely attached	<input type="checkbox"/>	<input type="checkbox"/>	a. Locks or side ring	<input type="checkbox"/>	<input type="checkbox"/>
5. LIGHTS AND REFLECTORS			b. Wheels and rims	<input type="checkbox"/>	<input type="checkbox"/>
a. Turn Signals and Lenses	<input type="checkbox"/>	<input type="checkbox"/>	c. Fasteners	<input type="checkbox"/>	<input type="checkbox"/>
b. 4-way Emergency flasher	<input type="checkbox"/>	<input type="checkbox"/>	d. Welds	<input type="checkbox"/>	<input type="checkbox"/>
c. Headlights	<input type="checkbox"/>	<input type="checkbox"/>	12. WINDSHIELD GLAZING AND CRACKS	<input type="checkbox"/>	<input type="checkbox"/>
			13. WINDSHIELD WIPER	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTOR'S QUALIFICATIONS

I, _____, am qualified to perform an annual inspection pursuant to Part 396.19 for the following reason(s):
(Print Name)

1. I have successfully completed a state or federally sponsored training program (or have a certificate from a state or Canadian Province which qualifies me to perform commercial motor vehicle safety inspections).
2. I have a combination of training and/or experience totaling at least 1 year, which consists of:
 - a. participation in a truck manufacturer sponsored training program or similar commercial training program designed to train students in truck operation and maintenance,
 - b. experience as a mechanic or inspector in a motor carrier maintenance program,
 - c. experience as a mechanic or inspector in truck maintenance at a commercial garage, fleet leasing company, or similar facility, and/or
 - d. experience as a commercial vehicle inspector for a State, Provincial or Federal Government

INSPECTION CERTIFICATION

I hereby certify that I have been issued a copy of Appendix G of 49 C.F.R. Chapter III, Subchapter B (Minimum Periodic Inspection Standards) and that I have performed an annual inspection of the above noted vehicle, which is accurate and complete pursuant to the inspection criteria set forth therein.

Inspector's Signature _____

Inspector's Printed Name _____

Date of Inspection _____

Note: Commercial Motor Vehicles registered in Texas (with a Texas License Plate) must have an inspection conducted by the Texas CMV Inspection Program. The red sticker placed on a vehicle which passes such an inspection complies with 396.21. This form is provided as a suggested format for performing and documenting a periodic (annual) inspection for vehicles not registered in a state with a mandatory CMV inspection program. A motor carrier may use any format for reporting an annual periodic inspection which complies with 396.17 thru 396.21.

Brake Inspector Qualifications Certificate

BRAKE INSPECTOR QUALIFICATIONS CERTIFICATE 49 C.F.R. 396.25

"Brake Inspector" means any employee of a motor carrier who is responsible for ensuring all brake inspections, maintenance, service, or repairs to any commercial motor vehicle, subject to the motor carrier's control, meet the applicable Federal standards.

No motor carrier shall require or permit any employee who does not meet minimum brake inspector qualifications of 49 C.F.R. 396.25(d) to be responsible for the inspection, maintenance, service or repairs of any brakes on its commercial motor vehicles.

Minimum Qualifications

- Understands the brake service or inspection task to be accomplished and can perform that task; and
- Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an assigned brake service or inspection task; and
- Is capable of performing the assigned brake service or inspection by reason of experience, training or both as follows:
 - I. Has successfully completed an apprenticeship program sponsored by a State, a Canadian Province, a Federal agency or a labor union, or a training program approved by a State, Provincial or Federal agency, or has a certificate from a State or Canadian Province which qualifies the person to perform the assigned brake service or inspection task (including passage of Commercial Driver's License air brake tests in the case of a brake inspection);
Name, Location & Date: _____

or

- II. Has brake related training or experience or a combination thereof totaling at least one year. Such training or experience may consist of:
 - Participation in a training program sponsored by a brake or vehicle manufacturer or similar commercial training program designed to train students in brake maintenance or inspection similar to the assigned brake service or inspection tasks;
Name, Location & Date: _____
 - _____ (years) experience performing brake maintenance or inspection similar to the assigned brake service or inspection task in a motor carrier maintenance program; or
Name, Location & Date: _____
 - _____ (years) experience performing brake maintenance or inspection similar to the assigned brake service or inspection task at a commercial garage, fleet leasing company, or similar facility.
Name, Location & Date: _____

I certify the above information is true and accurate to the best of my knowledge.

_____ Brake Inspector's Signature	_____ Brake Inspector's Printed Name	_____ Date
_____ Motor Carrier Supervisor/Employee's Signature	_____ Motor Carrier Supervisor/Employee's Printed Name	_____ Date

Evidence of Inspector Qualifications is on file at: _____

Note: This form is provided as a suggested format for documenting a brake inspector's qualifications. A motor carrier may use any format for documenting a brake inspector's qualifications which complies with 396.25.

**TEXAS DEPARTMENT OF PUBLIC SAFETY
MOTOR CARRIER BUREAU**



ELECTRONIC MAIL VERIFICATION FORM
Valid Positive Results and/or Roadside Inspection Notices

This form will be rejected if not signed by the Owner, President, or other Senior Official of the carrier, or by an individual if they are also the motor carrier.

I, _____, at, _____,
Print Name of Individual Verifying the E-mail Address Telephone Number (Area Code & Extension)

am Owner, President, Self, or Other (specify): _____
Verifying Individual's Position or Title

of _____, _____ C,
Print Name of the Company you Represent, Own, or Operate TXDoT Number (if any)

at _____, _____
Print Physical Address USDoT Number (if any)

or _____
Print Mailing Address (if different)

affirm that the following electronic mail address is correct and is secure pursuant to 49 C.F.R. 40.255(b)(2). I request (Check all that apply):

responses to requests for Release of CDL Holder's Reported Positive Alcohol or Controlled Substance Test Results to be sent by electronic mail to the following individual's electronic mail address. I understand that this information is confidential, and will only be released to others pursuant to 49 C.F.R. 40.25 or a valid court order.

notification of any roadside inspections involving my commercial motor vehicles sent to this electronic mail address.

Print Electronic Mail Address

Print Name

Print Individual's Telephone Number

Print Company

If the above telephone numbers do not work, you can reach us at one of the following additional telephone numbers:

Print Additional Telephone Numbers

 SIGNATURE

ACKNOWLEDGED before me, this ____ day of _____, 20____.

 NOTARY PUBLIC IN AND FOR

My Commission expires: _____

Motor Carrier Bureau Use Only: Date E-mail Address Verified _____ Verified by _____

Date CP Number Checked _____ If no applicable CP number, new CP number issued _____

Deliver or Mail this original form to the MCS Supervisor, Motor Carrier Bureau, Texas Department of Public Safety, 6200 Guadalupe, MSC# 0521, Austin, Texas 78752-4019.



SECTION 2 – HAZARDOUS MATERIALS

Do you transport hazardous materials?

Hazardous materials are any substance defined by the Secretary of Transportation as posing an unreasonable risk to health and safety or property. Most people recognize gasoline, propane, or dynamite as being hazardous materials, but did you know that common materials such as paint, nail polish remover, adhesives, cleaning compounds, hair spray, matches, and others may be classified as hazardous materials? It is important to know if you are transporting hazardous materials because violations of the HMR carry civil fines in accordance with **Appendix B to Part 386 -- Penalty Schedule; Violations and Maximum Monetary Penalties**, and possible criminal penalties including up to five years in jail. Hazardous materials fall into one of the following basic classes and divisions:

Table 2-1

Explosives 1.1	Spontaneously Combustible, 4.2
Explosives 1.2	Dangerous When Wet, 4.3
Explosives 1.3	Oxidizer, 5.1
Explosives 1.4	Organic Peroxide, 5.2
Explosives 1.5	Poison Liquid or Solid, 6.1
Explosives 1.6	Infectious Substance, 6.2
Flammable Gas, 2.1	Radioactive, 7
Non-Flammable Gas, 2.2	Corrosive, 8
Poison Gas, 2.3	Miscellaneous, 9
Flammable & Combustible Liquids, 3	Consumer Commodities, ORM-D
Flammable Solids, 4.1	

To determine if a material you are transporting is hazardous, contact the shipper who provided the material or see the definitions of these materials in the HMR.

What do I need to do if I transport hazardous material?

A motor carrier that transports a hazardous material, whether interstate or intrastate, must comply with HMR, 49 CFR 100-180. These regulations include requirements including registration, training, shipping papers, labels, placards, and packages. There are additional requirements in the FMCSR, which include insurance requirements, operational restrictions, CDL endorsements, routing, parking, and attendance requirements for hazardous materials.

Parking

Every motor vehicle containing hazardous materials must be driven and parked in compliance with the laws, ordinances and regulations of the jurisdiction in which it is operated unless addressed specifically by the FMCSR.

A CMV containing a Division 1.1, 1.2 or 1.3 (explosive) must be attended at all times by its driver or a qualified company representative unless parked at the motor carrier’s property, shipper’s property or property of the consignee.

Smoking

No person may smoke or carry a lighted cigarette, cigar or pipe within 25 feet of a(n):

- Motor vehicle which contains a Class 1 material, Class 5 material or a flammable material classified as a Division 2.1, Class 3, Division 4.1 and 4.2
- Empty tank motor vehicle which has been used to transport Class 3, flammable materials or Division 2.1 flammable gases, which, when used, was required to be marked or placarded in accordance with the rules in 177.823.

Hazardous Materials Training

No carrier may transport a hazardous material unless each hazmat employee who will operate a motor vehicle has been trained in the applicable requirements of 49 CFR parts 380, 390-397 and the procedures necessary for the safe operation of that motor vehicle.

Driver training shall include the following (177.816):

- Pre-Trip Inspection
- Use of vehicle controls and equipment
- Operation of the vehicle
- Procedures for maneuvering tunnels, bridges and railroad crossings
- Attendance requirements
- Parking requirements
- Smoking requirements
- Loading and unloading procedures
- Compatibility and segregation requirements
- Specialized requirements for cargo tanks
- Emergency Response information and procedures

Frequency and Recordkeeping (172.704)

- Recurrent Training-Every three years
- Recordkeeping-Maintain records of all training for previous three years

Hazardous Materials Registration (49 CFR Part 107.601)

Carriers are required to register with the Pipeline & Hazardous Materials Safety Administration (PHMSA) if they transport in interstate or intrastate commerce:

- Any Highway route-controlled quantity of a class 7 (radioactive) material
- More than 55 pounds of a Division 1.1, 1.2 or 1.3 (explosive) material
- More than 1.06 quarts per package of a material extremely toxic by inhalation
- A hazardous material in a bulk package having a capacity equal to or greater than 3,500 gallons for liquids or gases or more than 468 cubic feet for solids
- A shipment in other than bulk packaging of 5,000 pounds or more of one class of hazardous material
- A quantity of hazardous material that requires placards under provisions of subpart F of part 172.

**For more information about rules and registrations,
go to the PHMSA website at <http://hazmat.dot.gov/>.**

To register, go to <http://phmsa.dot.gov/hazmat/registration.htm>

HAZARDOUS MATERIALS INFORMATION CENTER (HMIC) 1-800-HMR-4922 (1-800-467-4922) or (202) 366-4488 (Washington, D.C.)

The Pipeline & Hazardous Materials Safety Administration (PHMSA) (formerly RSPA) operates the HMIC for help on use of the HMR 49 CFR Parts 100-185. The phone number is menu driven when calling from a touch-tone phone. Non-touch tone phone callers must use the telephone number (202) 366-8553. Callers will be directed through an automated menu that provides options to:

- Obtain answers to questions on the HMR;
- Receive recent copies of Federal Register publications, copies of DOT exemptions or letters of interpretation;
- Receive copies of training material, such as DOT Chart 14 or information packages;
- Report violations of the HMR.

Intrastate Motor Carriers: (390.3(g))

The following rules apply to motor carriers that transport hazardous materials in interstate commerce and to the motor vehicles that transport hazardous materials in intrastate commerce.

- Part 385 subparts A and E
- Part 386
- Part 397 to the extent provided in 387.3 of this chapter.
- Section 390.19 and 390.21 for carriers requiring HM permits
- Note that intrastate motor carriers operating prior to January 01, 2005 are excepted from 390.19(a)(1).

Intrastate carriers that require HM permits must apply for a USDOT number and will be subject to a compliance review. The safety rating issued to the intrastate carrier is for the safety permit process only and unless specifically noted, will be calculated based on State violations equivalent to FMCSR list of critical and acute violations.

Transportation Security Administration (TSA) Threat Assessments for CDL HM Endorsements

Anyone applying for a commercial driver license (CDL) with a hazardous materials endorsement must undergo a security threat assessment. Drivers who already have a CDL with a hazardous materials endorsement will be required to undergo the security threat assessment when they renew their license.

The security threat assessment is required by Section 1012 of the U.S.A. PATRIOT Act, the federal Transportation Security Administration (TSA) and the U.S. Dept. of Transportation. The threat assessment includes the collection of the applicant's fingerprints and verification of the applicant's citizenship, immigration eligibility or permanent legal presence in the United States.

Applicants for hazardous materials endorsements will be required to meet all standard federal regulations for the class of license sought, complete all required forms and testing and pay the necessary fees. If these requirements are satisfied, DPS will issue the applicant a CDL without the hazardous materials endorsement until the TSA completes the threat assessment process.

DPS will provide the applicant with a fingerprint card to take to a local law enforcement agency to initiate the required background check. The local law enforcement agency will require the applicant to produce a valid Texas CDL for identification purposes, so applicants may not initiate the fingerprinting process before receiving the new license. Once fingerprinted, the applicant will mail the fingerprint card and a \$73 cashier's check or money order to DPS using the pre-addressed, postage-paid envelope they were given when they applied. (The local law enforcement agency may charge a fee for the fingerprinting service.)

The DPS will forward the applicant's fingerprints to the Federal Bureau of Investigation (FBI) for processing. The FBI will send any information about the applicant's criminal history to the TSA, which will make the final determination regarding eligibility for the hazardous materials endorsement. The applicant will be notified in writing whether the endorsement has been approved or disapproved.

If approved, DPS will mail a new CDL to the applicant. The endorsement is valid for five years. If disapproved, the applicant will receive information on how to appeal the denial through TSA.

For more detailed information regarding the Act, including the waiver and appeal process, is available at the TSA website at <http://www.tsa.gov>. CDL holders with additional questions regarding the Act's requirements should contact their local driver license office or the DLD - Enforcement Compliance Section at (512) 424-2600.

Who Must Hold a HM Safety Permit: (Parts 385.403)

After the date following January 1, 2005, that a motor carrier is required to file a Motor Carrier Identification Report Form (MCS-150) according to the schedule set forth in §390.19(a) of this chapter, the motor carrier may not transport in interstate or intrastate commerce any of the following hazardous materials, in the quantity indicated for each, unless the motor carrier holds a safety permit:

- A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in §173.403 of this title;
- More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material or an amount of a Division 1.5 (explosive) material requiring placarding under part 172 of this title;
- More than one liter (1.08 quarts) per package of a "material poisonous by inhalation," as defined in §171.8 of this title, that meets the criteria for "hazard zone A," as specified in §173.116(a) or §173.133(a) of this title;
- A "material poisonous by inhalation," as defined in §171.8 of this title, that meets the criteria for "hazard zone B," as specified in §173.116(a) or §173.133(a) of this title in a bulk packaging (capacity greater than 450 L [119 gallons]);
- A "material poisonous by inhalation," as defined in §171.8 of this title, that meets the criteria for "hazard zone C," or "hazard zone D," as specified in §173.116(a) of this title, in a packaging having a capacity equal to or greater than 13,248 L (3,500) gallons; or
- A shipment of compressed or refrigerated liquefied methane or liquefied natural gas, or other liquefied gas with a methane content of at least 85 percent, in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons).

Application Procedures (385.403, 385.405, 390.19 and 390.3(g)(4))

- The safety permit program will require certain hazmat carriers to complete form MCS-150B in lieu of Form MCS-150.
- The permitted carriers must complete the MCS-150B in lieu of the MCS-150 to renew both their permit and their USDOT number, according to the USDOT number renewal schedule.
- Actual compliance date to have a HM permit will be determined based on the schedule in 390.19 if the carrier is transporting hazardous materials requiring a permit.
- A motor carrier not involved in the transportation of a permitted material on January 1, 2005, will need to apply for and receive a safety permit before it can transport any permitted material.

Conditions for Issuing a Safety Permit (385.407)

- Motor carrier safety performance. (1) The motor carrier must have a "Satisfactory" safety rating assigned by either FMCSA, pursuant to the Safety Fitness Procedures of this part, or the State in which the motor carrier has its principal place of business, if the State has adopted and implemented safety fitness procedures that are equivalent to the procedures in subpart A of this part; and,

- ◆ FMCSA will not issue a safety permit to a motor carrier that:
 - ◆ Does not certify that it has a satisfactory security program as required in §385.407(b);
 - ◆ Has a crash rate in the top 30 percent of the national average as indicated in the FMCSA Motor Carrier Management Information System (MCMIS); or
 - ◆ Has a driver, vehicle, hazardous materials, or total out-of-service rate in the top 30 percent of the national average as indicated in the MCMIS.
- Satisfactory security program. The motor carrier must certify that it has a satisfactory security program, including:
- ◆ A security plan meeting the requirements of part 172, subpart I of this title, and addressing how the carrier will ensure the security of the written route plan required by this part;
 - ◆ A communications plan that allows for contact between the commercial motor vehicle operator and the motor carrier to meet the periodic contact requirements in §385.415(c)(1); and
 - ◆ Successful completion by all hazmat employees of the security training required in §172.704(a)(4) and (a)(5) of this title.
- Registration with the Research and Special Programs Administration (RSPA). The motor carrier must be registered with RSPA in accordance with part 107, subpart G of this title.

Note: RSPA has been re-designated PHMSA (see above).

Conditions for Issuing a Temporary Safety Permit (385.409)

- Temporary safety permit. If a motor carrier does not meet the criteria in §385.407(a), FMCSA may issue it a temporary safety permit. To obtain a temporary safety permit a motor carrier must certify on Form MCS-150B that it is operating in full compliance with the HMRs; with the FMCSRs, and/or comparable State regulations, whichever is applicable; and with the minimum financial responsibility requirements in part 387 of this chapter or in State regulations, whichever is applicable.
- FMCSA will not issue a temporary safety permit to a motor carrier that:
- ◆ Does not certify that it has a satisfactory security program as required in §385.407(b);
 - ◆ Has a crash rate in the top 30 percent of the national average as indicated in the FMCSA's MCMIS; or
 - ◆ Has a driver, vehicle, hazardous materials, or total out-of-service rate in the top 30 percent of the national average as indicated in the MCMIS.
- A temporary safety permit shall be valid for 180 days after the date of issuance or until the motor carrier is assigned a new safety rating, whichever occurs first.
- ◆ A motor carrier that receives a Satisfactory safety rating will be issued a safety permit (see §385.421).
 - ◆ A motor carrier that receives a less than Satisfactory safety rating is ineligible for a safety permit and will be subject to revocation of its temporary safety permit.
- If a motor carrier has not received a safety rating within the 180-day time period, FMCSA will extend the effective date of the temporary safety permit for an additional 60 days, provided the motor carrier demonstrates that it is continuing to operate in full compliance with the FMCSRs and HMRs.

What operational requirements apply to the transportation of a hazardous material for which a permit is required? (385.415)

- *Information that must be carried in the vehicle.* During transportation, the following must be maintained in each commercial motor vehicle that transports a hazardous material listed in §385.403 and must be made available to an authorized official of a Federal, State, or local government agency upon request.
- ◆ A copy of the safety permit or another document showing the permit number, provided that document clearly indicates the number is the FMCSA Safety Permit number;

- ◆ A written route plan that meets the requirements of §397.101 of this chapter for highway route-controlled Class 7 (radioactive) materials or §397.67 of this chapter for Division 1.1, 1.2, and 1.3 (explosive) materials; and
 - ◆ The telephone number, including area code or country code, of an employee of the motor carrier or representative of the motor carrier who is familiar with the routing of the permitted material. The motor carrier employee or representative must be able to verify that the shipment is within the general area for the expected route for the permitted material. The telephone number, when called, must be answered directly by the motor carrier or its representative at all times while the permitted material is in transportation including storage incidental to transportation. Answering machines are not sufficient to meet this requirement.
- *Inspection of vehicle transporting Class 7 (radioactive) materials.* Before a motor carrier may transport a highway route controlled quantity of a Class 7 (radioactive) material, the motor carrier must have a pre-trip inspection performed on each motor vehicle to be used to transport a highway route controlled quantity of a Class 7 (radioactive) material, in accordance with the requirements of the “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403,” January 1, 2004, which is incorporated by reference. The Director of the Federal Register has approved the materials incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Information and copies may be obtained from the Commercial Vehicle Safety Alliance, 1101 17th Street, NW, Suite 803, Washington, DC 20036. Phone number (202) 775-1623.
- ◆ All materials incorporated by reference are available for inspection at the Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, 1200 New Jersey Ave. S.E., Washington, DC 20590; and the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.
- *Additional requirements.* A motor carrier transporting hazardous materials requiring a permit under this part must also meet the following requirements:
- ◆ The operator of a motor vehicle used to transport a hazardous material listed in §385.403 must follow the communications plan required in §385.407(b)(2) to make contact with the carrier at the beginning and end of each duty tour, and at the pickup and delivery of each permitted load. Contact may be by telephone, radio or via an electronic tracking or monitoring system. The motor carrier or driver must maintain a record of communications for 6 months after the initial acceptance of a shipment of hazardous material for which a safety permit is required. The record of communications must contain the name of the driver, identification of the vehicle, permitted material(s) being transported, and the date, location, and time of each contact required under this section.
 - ◆ The motor carrier should contact the Transportation Security Administration’s Transportation Security Coordination Center (703-563-3236 or 703-563-3237) at any time the motor carrier suspects its shipment of a hazardous material listed in §385.403 is lost, stolen or otherwise unaccounted for.

How long is a safety permit effective? (385.419)

Unless suspended or revoked, a safety permit (other than a temporary safety permit) is effective for two years, except that:

- A safety permit will be subject to revocation if a motor carrier fails to submit a renewal application (Form MCS-150B) in accordance with the schedule set forth for filing Form MCS-150 in §390.19(a) of this chapter; and
- An existing safety permit will remain in effect pending FMCSA’s processing of an application for renewal if a motor carrier submits the required application (Form MS-150B) in accordance with the schedule set forth in §390.19(a)(2) and (a)(3) of this chapter.

Denial, Suspension, or Revocation of a Safety Permit (385.421)

A safety permit will be denied if the carrier does not have a “Satisfactory” safety rating, or if any of the criteria for suspension or revocation are discovered in the application process.

- A motor carrier fails to submit a renewal application (Form MCS–150B) in accordance with the schedule set forth in §390.19(a)(2) and (a)(3) of this chapter;
- A motor carrier provides any false or misleading information on its application (Form MCS–150B), or as part of updated information it is providing on Form MCS–150B (see §385.405(d));
- A motor carrier is issued a final safety rating that is less than Satisfactory;
- A motor carrier fails to maintain a satisfactory security plan as set forth in §385.407(b);
- A motor carrier fails to comply with applicable requirements in the FMCSRs, the HMRs, or compatible State requirements governing the transportation of hazardous materials, in a manner showing that the motor carrier is not fit to transport the hazardous materials listed in §385.403;
- A motor carrier fails to comply with an out-of-service order;
- A motor carrier fails to comply with any other order issued under the FMCSRs, the HMRs, or compatible State requirements governing the transportation of hazardous materials, in a manner showing that the motor carrier is not fit to transport the hazardous materials listed in §385.403;
- A motor carrier fails to maintain the minimum financial responsibility required by §387.9 of this chapter or an applicable State requirement;
- A motor carrier fails to maintain current hazardous materials registration with the Research and Special Programs Administration; or
- A motor carrier loses its operating rights or has its registration suspended in accordance with §386.83 or §386.84 of this chapter for failure to pay a civil penalty or abide by a payment plan.

The first time a motor carrier is found to be in violation of any of the above requirements, the permit will be suspended until the problems are rectified.

- *Determining whether a safety permit is revoked or suspended.* A motor carrier’s safety permit will be suspended the first time any of the conditions specified in paragraph (a) of this section are found to apply to the motor carrier. A motor carrier’s safety permit will be revoked if any of the conditions specified in paragraph (a) of this section are found to apply to the motor carrier and the carrier’s safety permit has been suspended in the past for any of the reasons specified in paragraph (a) of this section.
- *Effective date of suspension or revocation.* A suspension or revocation of a safety permit is effective:
 - ◆ Immediately after FMCSA determines that an imminent hazard exists, after FMCSA issues a final safety rating that is less than Satisfactory, or after a motor carrier loses its operating rights or has its registration suspended for failure to pay a civil penalty or abide by a payment plan;
 - ◆ Thirty (30) days after service of a written notification that FMCSA proposes to suspend or revoke a safety permit, if the motor carrier does not submit a written request for administrative review within that time period; or
 - ◆ As specified in §385.423(c), when the motor carrier submits a written request for administrative review of FMCSA’s proposal to suspend or revoke a safety permit.
 - ◆ A motor carrier whose safety permit has been revoked will not be issued a replacement safety permit or temporary safety permit for 365 days from the time of revocation.

The second time a company is found to be in violation of these requirements, the permit will be revoked for 365 days.

The motor carrier will have an opportunity to appeal this decision, under §385.423.

NOTES

North American Standard Hazardous Materials/Transportation of Dangerous Goods Inspection Procedure



Omit steps that do not apply. For more detailed information, see the written procedures contained in the CVSA Operations Manual.

- STEP 1** Initiating the Inspection
 - As the vehicle is approached for inspection, follow all safety precautions. Do a complete walk-around of the vehicle and check for placards, leaks and general vehicle condition.
 - Shipping papers and emergency response information must be within the driver's immediate reach when restrained by the lap belt and visible to the person entering the vehicle, or in a holder mounted on the inside of the driver's door.
- STEP 2** Check the Shipping Paper for Compliance
 - The presence of Hazardous Materials (HM) Transportation of Dangerous Goods (TDG) on the shipping paper that also contains non-hazardous freight must:
 - Be entered first, or
 - Be entered in contrasting color, or
 - Be identified with an "X" in the HM column.
 - Shipments of Hazardous Waste that are required to be manifested must be accompanied by a Hazardous Waste Manifest. The manifest may meet the requirements of the shipping paper.
 - Verify compliance of the Proper Shipping Name.
 - Check the 172.101, Appendix A, to see if the material is a Hazardous Substance. Hazardous substances are regulated by all modes. (In the US only)
 - Check the 172.101, Appendix B, to see if the material is a Marine Pollutant. Only bulk packages containing Marine Pollutants are subject to the regulations when transported by highway. (In the US only)
 - Refer to the HMT Column 1 for the presence of a symbol when determining which entry to use for the proper shipping name. (In the US only)
- Verify that the hazard class/division entered on the shipping paper corresponds with the proper shipping name and subsidiary hazards in parentheses.
- Verify that the identification number entered on the shipping paper corresponds with the proper shipping name.
- Verify that the packing group entered on the shipping paper corresponds with the proper shipping name.
- Verify that the total quantity and unit of measure is entered on the shipping paper.
- Verify that the HM/TDG basic description appears on the shipping paper in the proper sequence or an approved alternative manner: (check transitional allowances)
 - Identification number;
 - Proper shipping;
 - Hazard class/division;
 - Packing group;
 - Total quantity and unit of measure; and,
 - Number and type of packages.
- or**
- Proper shipping name;
- Hazard class/division;
- Identification number;
- Packing group;
- Total quantity and unit of measure; and,
- Number and type of packages.
- Always refer to special provisions, when inspecting a shipping paper and check for additional entries that may be applicable to the shipment.
- Recognize when exceptions to the shipping paper requirement apply.
- Verify that the emergency response telephone number is entered on the shipping paper in the proper manner.
- Verify that the emergency response information, as appropriate, accompanies the shipment.
- Verify that the Emergency Response Assistance Plan (ERAP) number and activation telephone number is entered on the shipping paper. (Canada only)

- STEP 3** Check for Placarding Compliance
 - Check for exceptions that may apply to the placarding requirements for the HM/TDG shipment.
 - Placarding of Table 1 materials is required for any quantity.
 - Placarding of Table 2 materials is required for 454 kg (1,001 lbs.) or more.
 - When HM/TDG is offered for transportation in bulk packaging, appropriate placards must be displayed unless specific conditions have been met.
 - Verify the proper display, if any subsidiary hazard placards.
 - Verify that placards meet general specifications.
 - Verify that the required placards are displayed and meet visibility and display requirements on a transport vehicle.
- STEP 4** Check Marking Compliance
 - Use the shipping papers to determine the HM/TDG being transported and the quantity of HM/TDG. Determine if the shipment is a bulk or non-bulk shipment.
 - Verify display of the identification number on bulk packages in one of the three acceptable manners: orange panels, placards, or plain white-square on point displays.
 - Check transport vehicle for display of ID numbers when transporting large quantities of a single HM/TDG in non-bulk packages.



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- If no identification number is displayed on a bulk package, verify if appropriate for that shipment using the prohibited display and special provision sections.
- Verify additional marking requirements that apply to portable tanks, cargo tanks and multi-unit tank car tanks.
- Verify that markings on packages conform to set size standards and specifications.
- Verify that packages are marked on at least one side or end of the package as required.
- Determine if the package is subject to a DOT exemption requiring that it be marked with "DOT-E" followed by the applicable exemption number. (In the US only)
- Check the "basic markings" are on all non-bulk packages.
- When the shipping papers reveal the following HM/TDG, check for additional marking requirements:
 - PIH Materials;
 - Hazardous Substances;
 - Orientation Arrows;
 - ORM-D;
 - Explosive Package Requirements;
 - Toxic/Poison Package Markings; and/or,
 - Infections Substances.
- Verify that location of the marking is appropriate.
- STEP 5 Check Labeling Compliance**
 - Begin inspection of labeling compliance with the shipping papers in hand, using the shipping papers to determine the HM/TDG being transported.
 - Observe labels (if any) that are present on the package. When labels are specified for the package and are not present on the package, check for exceptions to labeling requirements that may apply.
 - Verify that labels are properly located on the package. Check for multiple and duplicate labeling as appropriate.
 - Verify that the required label specifications are met for all displayed labels.
- STEP 6 Check Packaging Compliance**
 - Use the shipping papers to determine the HM/TDG being transported. Refer to Special Provisions that may apply to packaging regulations for that material.
 - Identify the type of packaging used and determine if the packaging is appropriate for the HM/TDG it contains, and is not leaking.
 - Determine if a DOT exemption applies to the packaging. (In the US only)
- STEP 7 Check Loading Compliance**
 - Observe the general securement of the HM/TDG being transported. Verify compliance with the blocking and bracing requirements of cargo.
 - Verify segregation, separation, and compatibility for the HM/TDG being transported.
 - Determine if more stringent regulations apply for the subsidiary hazard of the HM. (In the US only)

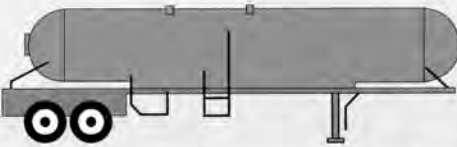
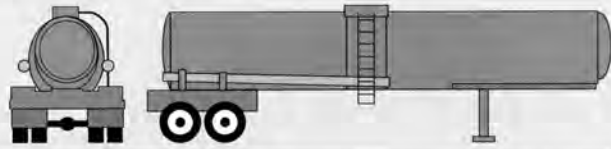
Hazardous Materials of Trade Checklist							
ITEM	Y	N	NA		Y	N	NA
Class/Div. Limits [173.6(a)]				Packaging [173.6(b)]			
Div. 2.1				Leak Tight / Sift Proof / Securely Closed			
Div. 2.2				Secured against movement / Protected			
Div. 2.2, ASME ≤ 70 gal.				Original pkg. or equivalent			
Class 3				Single pkg. secured in cage, box, bin, compt.			
Div. 4.1				Gasoline [173.6(b)(4)]			
Div. 4.3, PG II or III, ≤ 1 oz.				Plastic or Metal (no glass)			
Div. 5.1				Plastic (UL/FM): 1 gal. or Less			
Div. 5.2				Metal (UL/FM): 1 gal. or Less			
Div. 6.1				Safety Can: 5 gal. or Less			
Div. 6.2, not Risk Group 4, (see other limits)				UN Spec. Container: 8 gal. or Less			
Class 8				Cylinders [173.6(b)(5)]			
Class 9				Div. 2.1 or 2.2			
ORM-D				Spec. pkg., except outer			
3, 4.1, 5.1, 5.2, 6.1, 8, 9, ORM-D				Valves tightly closed			
Non bulk Limits				Hazard Communication [173.6(c)]			
PG I ≤ 1 lb. Solid / 1 pint Liquid				Common Name or PSN marking			
PG II / III / ORM-D ≤ 66 lb. Solid / 8 gal. Liquid				"RQ," If applicable			
Class 9 Bulk Limits				Bulk Class 9 ID Number Marking			
400 gallons, ≤ 2% concentration				Cylinder marking/labeling			
Div 6.2 Limits [173.6(a)(4)]				Driver Requirements			
Diagnostic / Biological pkg. Limits				Driver informed of HM / RQ?			
Regulated Medical Waste Limits				Driver informed of §173.6 Requirements?			
Self-Reactive or TIH / PIH or Hazardous Waste				Aggregate Volume Limit			
Self-Reactive / TIH / HW not eligible for MOT!				Aggregate Gross Weight ≤ 440 lbs.			
				Class 9 Tank ≤ 400 Gallons			

Rev. June 2010

North American Standard Cargo Tank and Other Bulk Packagings Inspection Procedure



Omit steps that do not apply. For more detailed information, see the written procedures contained in the CVSA Operations Manual.



STEP 1 Initiating the Inspection

- As the vehicle is approached for inspection, follow all safety precautions. Do a complete walk-around of the vehicle and check for placards, leaks and general vehicle condition.
- Shipping papers and emergency response information must be within the driver's immediate reach when restrained by the lap belt and visible to the person entering the vehicle, or in a holder mounted on the inside of the driver's door.

Check the Shipping Paper for Compliance

- The presence of Hazardous Materials (HM)/Transportation of Dangerous Goods (TDG) on the shipping paper that also contains non-hazardous freight must:
 - Be entered first, or
 - Be entered in contrasting color, or
 - Be identified with an "X" in the HM column.
- Shipments of Hazardous Waste that are required to be manifested must be accompanied by a Hazardous Waste Manifest. The manifest may meet the requirements of the shipping paper.
- Verify compliance of the Proper Shipping Name.
- Check the 172.101, Appendix A, to see if the material is a Hazardous Substance. Hazardous substances are regulated by all modes. (In the US only)
- Check the 172.101, Appendix B, to see if the material is a Marine Pollutant. Only bulk packages containing Marine Pollutants are subject to the regulations when transported by highway. (In the US only)

- Refer to the HMT Column 1 for the presence of a symbol when determining which entry to use for the proper shipping name. (In the US only)
- Verify that the hazard class/division entered on the shipping paper corresponds with the proper shipping name and subsidiary hazards in parentheses.
- Verify that the identification number entered on the shipping paper corresponds with the proper shipping name.
- Verify that the packing group entered on the shipping paper corresponds with the proper shipping name.
- Verify that the total quantity and unit of measure is entered on the shipping paper.
- Verify that the HM/TDG basic description appears on the shipping paper in the proper sequence or an approved alternative manner: (check transitional allowances)
 - Identification number;
 - Proper shipping;
 - Hazard class/division;
 - Packing group;
 - Total quantity and unit of measure; and,
 - Number and type of packages.

or

- Proper shipping name;
- Hazard class/division;
- Identification number;
- Packing group;

- Total quantity and unit of measure; and,
- Number and type of packages.
- Always refer to special provisions, when inspecting a shipping paper and check for additional entries that may be applicable to the shipment.
- Recognize when exceptions to the shipping paper requirement apply.
- Verify that the emergency response telephone number is entered on the shipping paper in the proper manner.
- Verify that the emergency response information, as appropriate, accompanies the shipment.
- Verify that the Emergency Response Assistance Plan (ERAP) number and activation telephone number is entered on the shipping paper. (Canada only)

Check for Placarding Compliance

- Check for exceptions that may apply to the placarding requirements for the HM/TDG shipment.
- Placarding is required for any quantity of a HM/TDG in a bulk package/large means of containment.
- When HM/TDG is offered for transportation in bulk packaging, appropriate placards must be displayed unless specific conditions have been met.
- Verify the proper display, if any subsidiary hazard placards.



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- Verify that placards meet general specifications.
- Verify that the required placards are displayed and meet visibility and display requirements on a transport vehicle.

Check Marking Compliance

- Use the shipping papers to determine the HM/TDG being transported and the quantity of HM/TDG. Determine if the shipment is a bulk or non-bulk shipment.
- Verify display of the identification number on bulk packages in one of the three acceptable manners: orange panels, placards, or plain white-square on point displays.
- If no identification number is displayed on a bulk package, verify if appropriate for that shipment using the prohibited display and special provision sections.
- Verify additional marking requirements that apply to portable tanks, cargo tanks and multi-unit tank car tanks.
- Verify that markings on packages conform to set size standards and specifications.
- Verify that packages are marked on at least one side or end of the package as required.
- Determine if the package is subject to a DOT exemption requiring that it be marked with "DOT E" followed by the applicable exemption number. (In the US only)
- Verify that "basic markings" are on all non-bulk packages.
- When the shipping papers reveal the following HM, check for additional marking requirements:
 - PIH Materials;
 - Elevated Temperature Materials;
 - Marine Pollutants; and/or,
 - Infectious Substances
- Verify that location of the marking is appropriate.

Check Labeling Compliance

- Begin inspection of labeling compliance with the shipping papers in hand, using the shipping papers to determine the HM/TDG being transported.
- Observe labels (if any) that are present on the package. When labels are specified for the package and are not present on the package, check for exceptions to labeling requirements that may apply.
- Verify that labels are properly located on the package. Check for multiple and duplicate labeling as appropriate.
- Verify that the required label specifications are met for all displayed labels.

Rev. June 2010

Check Packaging Compliance

- Use the shipping papers to determine the HM/TDG being transported. Refer to Special Provisions that may apply to packaging regulations for that material.
- Identify the type of packaging used and determine if the packaging is appropriate for the HM/TDG it contains, and is not leaking.
- Determine if a DOT exemption applies to the packaging. (In the US only)

Check Loading Compliance

- Observe the general securement of the HM/TDG being transported. Verify compliance with the blocking and bracing requirements of cargo.
- Verify segregation, separation, and compatibility for the HM/TDG being transported.
- Determine if more stringent regulations apply for the subsidiary hazard of the HM. (In the US only)

Package Authorization

- Verify that the bulk package is authorized under regulations for the product being transported, including any testing or inspection standards.

STEP 2 Check for Specification Marking

- Examine package for specification marking, attachment, and location of specification marking and other required information.

STEP 3 Inspect Test Date Markings

- Verify test date markings on bulk packages for:
- Location;
 - Size;
 - Legibility and Durability; and,
 - Appropriate Test for Package.

STEP 4 Inspect Securement and Integrity

- Inspect the bulk package for proper securement and integrity including supports, anchoring, and ring stiffeners (if applicable).

Note: If the cargo tank is constructed with external ring stiffeners, with an air space, check to see that a drainage hole has been provided and is open.

STEP 5 Inspect Double Bulkhead Drains

- Void spaces in double bulkheads are required to be vented and must be equipped with drainage which must be kept operative at all times.

Caution: If bottom drain is plugged, do not remove.

STEP 6 Inspect Piping and Protection

- Check for shear sections, sacrificial devices or suitable guards when applicable.

- Check for minimum road clearance when applicable.
- Ensure that piping is free of leaks.

STEP 7 Inspect Emergency Flow Control Devices

- Inspect internal valves and other closures, as applicable. Requirement for valves may differ depending upon specification and commodity.

- Inspect emergency flow controls devices including:
 - Remote Control Devices and required markings;
 - Automatic Heat Actuated Devices; and,
 - One Way or Excessive Flow Valves.

- Inspect inlet/outlet markings (if applicable).

Caution: Do not open valves or closures.

STEP 8 Inspect Rear End Protection

- Inspect Rear End Protection and Rear Bumper.

STEP 9 Optional Inspection Items

- The following inspection items are located on the top of cargo tanks and inspection of these items will be dependent upon the operating policies of individual agencies:
 - Manhole Assemblies;
 - Pressure Relief Devices; and,
 - Overturn Protection.

STEP 10 Apply CVSA Decal

- When a U.S. DOT/Transport Canada specification cargo tank inspection is completed in conjunction with North American Standard Level I and/or Level V Inspection CVSA decals shall not be issued to U.S. DOT/Transport Canada specification cargo tank vehicles found to have violations of the following:

- Retest requirements
- Cargo Tank Authorization (Does not include specification shortages)
- Manhole Covers
- Internal Valves
- Discharge Valves
- Cargo Tank Integrity
- Supports and Anchoring
- Double Bulkhead Drains
- Ring Stiffeners
- Rear End Protection
- Emergency Flow Control
- Piping and Protection
- Overturn Protection
- Venting

- CVSA decal(s) shall only be applied to U.S. DOT/Transport Canada specification cargo tanks by CVSA-certified Cargo Tank inspectors.

- The location for a CVSA decal on a cargo tank semi-trailer shall be at eye-level near the right front of the cargo tank and on the lower right corner of the exterior surface of the passenger's windshield of a straight truck.

Hazardous Materials Incident Report Form



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

Hazardous Materials Incident Report

Form Approval OMB No. 2137-0039

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 2137-0039. The filling out of this information is mandatory and will take 96 minutes to complete.

INSTRUCTIONS: Submit this report to the Information Systems Manager, U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Hazardous Materials Safety, DHM-63, Washington, D.C. 20590-0001. If space provided for any item is inadequate, use a separate sheet of paper, identifying the entry number being completed. Copies of this form and instructions can be obtained from the Office of Hazardous Materials Website at <http://hazmat.dot.gov>. If you have any questions, you can contact the Hazardous Materials Information Center at 1-800-HMR-4922 (1-800-467-4922) or online at <http://hazmat.dot.gov>.

PART I - REPORT TYPE

1. This is to report: A) A hazardous material incident B) An undeclared shipment with no release
 C) A specification cargo tank 1,000 gallons or greater containing any hazardous materials that (1) received structural damage to the lading retention system or damage that requires repair to a system intended to protect the lading retention system and (2) did not have a release.
2. Indicate whether this is: An initial report A supplemental (follow-up) report Additional Pages

PART II - GENERAL INCIDENT INFORMATION

3. Date of Incident: _____ 4. Time of Incident (use 24-hour time): _____
5. Enter National Response Center Report Number (if applicable): _____
6. If you submitted a report to another Federal DOT agency, enter the agency and report number: _____
7. Location of Incident: City: _____ County: _____ State: _____ ZIP Code (if known): _____
 Street Address/Mile Marker/Yardname/Airport/Body of Water/River Mile _____
8. Mode of Transportation Air Highway Rail Water
9. Transportation Phase In Transit Loading Unloading In Transit Storage
10. Carrier/Reporter Name _____
 Street _____
 City _____ State _____ ZIP Code _____
 Federal DOT ID Number _____ Hazmat Registration Number _____
11. Shipper/Offeror Name _____
 Street _____
 City _____ State _____ ZIP Code _____
 Waybill/Shipping Paper _____ Hazmat Registration Number _____
12. Origin (if different from shipper address) Street _____
 City _____ State _____ ZIP Code _____
13. Destination Street _____
 City _____ State _____ ZIP Code _____
14. Proper Shipping Name of Hazardous Material: _____
15. Technical/Trade Name: _____
16. Hazardous Class/Division: _____ 17. Identification Number: _____ (E.g. UN2764, NA 2020)
 18. Packing Group: _____ (if applicable) 19. Quantity Released: _____ (Include Measurement Units)
20. Was the material shipped as a hazardous waste? Yes No If yes, provide the EPA Manifest Number: _____
21. Is this a Toxic by Inhalation (TIH) material? Yes No If yes, provide the Hazard Zone: _____
22. Was the material shipped under an Exemption, Approval, or Competent Authority Certificate? Yes No
 If yes, provide the Exemption, Approval, or CA number: _____
23. Was this an undeclared hazardous materials shipment? Yes No

PART III - PACKAGING INFORMATION

24. Check Packaging Type (check only one - if more than one, list type of packaging, copy Part III, and complete for each type:

- | | | | |
|-----------------------------------|------------------------------|--|--------------------------------------|
| <input type="checkbox"/> Non-bulk | <input type="checkbox"/> IBC | <input type="checkbox"/> Cargo tank Motor Vehicle (CTMV) | <input type="checkbox"/> Tank Car |
| <input type="checkbox"/> Cylinder | <input type="checkbox"/> RAM | <input type="checkbox"/> Portable Tank | <input type="checkbox"/> Other _____ |

25. See instructions and enter the appropriate failure codes found at the end of the instructions. Be sure to enter the codes from the list that corresponds to the particular packaging type checked above. Enter the number of codes as appropriate to describe the incident. Enter the most important failure point in line 1. If there are more than two failure points, provide in this format in part VI.

- | | | |
|-----------------------|-------------------|--------------------------|
| 1. What Failed: _____ | How Failed: _____ | Causes of Failure: _____ |
| 2. What Failed: _____ | How Failed: _____ | Causes of Failure: _____ |

26a. Provide the packaging identification markings, if available.

Identification Markings: _____
 (Examples: 1A1/Y1.4/150/92/USA/RB/93/RL, UN31H1/Y0493/USA/M9339/10800/1200, DOT - 105A - 100W (RAIL), DOT 406 (HIGHWAY), DOT 51, DOT 3-A)

26b. For Non-bulk, IBC, or non-specification packaging, if identification markings are incomplete or unavailable, see instructions and complete the following:

<p>Single Package or Outer Packaging:</p> Packaging Type: _____ Material of Construction: _____ Head Type (Drums only): <input type="checkbox"/> Removable <input type="checkbox"/> Non - Removable	<p>Single Package or Inner Packaging (if any):</p> Packaging Type: _____ Material of Construction: _____
--	--

27. Describe the package capacity and the quantity:

<p>Single Package or Outer Packaging:</p> Package Capacity: _____ Amount in Package: _____ Number in Shipment: _____ Number Failed: _____	<p>Single Package or Inner Packaging (if any):</p> Package Capacity: _____ Amount in Package: _____ Number in Shipment: _____ Number Failed: _____
---	--

28. Provide packaging construction and test information, as appropriate:

Manufacturer: _____	Manufacture Date: _____
Serial Number: _____	Last Test Date: _____
Material of Construction: _____ (if Tank Car, CTMV, Portable Tank, or Cylinder)	
Design Pressure: _____ (if Tank Car, CTMV, Portable Tank)	
Shell Thickness: _____ (if Tank Car, CTMV, Portable Tank)	
Head Thickness: _____ (if Tank Car, CTMV)	
Service Pressure: _____ (if Cylinder)	
If valve or device failed:	
Type: _____	Manufacturer: _____ Model: _____
	(if present and legible) (if present and legible)

29. If the packaging is for Radioactive Materials, complete the following:

Packaging Category:	<input type="checkbox"/> Type A	<input type="checkbox"/> Type B	<input type="checkbox"/> Type C	<input type="checkbox"/> Excepted	<input type="checkbox"/> Industrial
Packaging Certification:	<input type="checkbox"/> Self Certified	<input type="checkbox"/> U.S. Certification	Certification Number _____		
Nuclide(s) Present: _____	Transport Index: _____				
Activity: _____	Critical Safety Index: _____				

PART IV - CONSEQUENCES

30. Result of Incident (check all that apply): Spillage Fire Explosion Material Entered Waterway/Storm Sewer
 Vapor (Gas) Dispersion Environmental Damage No Release

31. Emergency Response : The following entities responded to the incident: (Check all that apply)
 Fire/EMS Report # _____ Police Report # _____ In-house cleanup Other Cleanup

32. Damages: Was the total damage cost more than \$500? Yes No

If yes, enter the following information: If no, go to question 33.

Material Loss:	Carrier Damage:	Property Damage:	Response Cost:	Remediation/Cleanup Cost:
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

(See damage definitions in the instructions)

33a. Did the hazardous material cause or contribute to a human fatality? Yes No

If yes, enter the number of fatalities resulting from the hazardous material:

Fatalities: Employees _____ Responders _____ General Public _____

33b. Were there human fatalities that did not result from the hazardous material? Yes No If yes, how many? _____

34. Did the hazardous material cause or contribute to personal injury? Yes No

If yes, enter the number of injuries resulting from the hazardous material:

Hospitalized (Admitted Only): Employees _____ Responders _____ General Public _____

Non-Hospitalized: Employees _____ Responders _____ General Public _____

(e.g.: On site first aid or Emergency Room observation and release)

35. Did the hazardous material cause or contribute to an evacuation? Yes No

If yes, provide the following information:

Total number of general public evacuated _____ Total number of employees evacuated _____ Total Evacuated _____

Duration of the evacuation _____ (hours)

36. Was a major transportation artery or facility closed? Yes No If yes, how many? _____ (hours)

37. Was the material involved in a crash or derailment? Yes No

If yes, provide the following information: Estimated speed (mph): _____ Weather conditions: _____

Vehicle overturn? Yes No

Vehicle left roadway/track? Yes No

PART V - AIR INCIDENT INFORMATION (please refer to § 175.31 to report a discrepancy for air shipments)

38. Was the shipment on a passenger aircraft? Yes No

If yes, was it tendered as cargo, or as passenger baggage?

Cargo Passenger baggage

39. Where did the incident occur (if unknown, check the appropriate box for the location where the incident was discovered)?

Air carrier cargo facility Sort center Baggage area
 By surface to/from airport During flight During loading/unloading of aircraft

40. What phase(s) had the shipment already undergone prior to the incident? (Check all that apply)

Shipment had not been transported Transported by air (first flight) Transport by air (subsequent flights)
 Initial transport by highway to cargo facility Transfer at sort center/cargo facility

PART VI - DESCRIPTION OF EVENTS & PACKAGE FAILURE

Describe the sequence of events that led to the incident and the actions taken at the time it was discovered. Describe the package failure, including the size and location of holes, cracks, etc. Photographs and diagrams should be submitted if needed for clarification. Estimate the duration of the release, if possible. Describe what was done to mitigate the effects of the release. Continue on additional sheets if necessary.

PART VII - RECOMMENDATIONS/ACTIONS TAKEN TO PREVENT RECURRENCE

Where you are able to do so, suggest or describe changes (such as additional training, use of better packaging, or improved operating procedures) to help prevent recurrence. Provide recommendations for improvement to hazardous materials transportation beyond the control of your individual company. Continue on additional sheets if necessary.

PART VIII- CONTACT INFORMATION

Contact's Name (Type or Print): _____	Telephone Number: () _____
Contact's Title: _____	Fax Number: () _____
Business Name and Address: _____	Hazmat Registration Number (if not already provided): _____
E-mail Address: _____	Date: _____
Preparer is: <input type="checkbox"/> Carrier <input type="checkbox"/> Shipper <input type="checkbox"/> Facility <input type="checkbox"/> Other _____	

HM Registration Form – Page 2

Page 2 of 2

Exempted from Paperwork Reduction Act by 49 U.S.C. 5108(i)

9. Prior-Year Survey Information. Mark all categories and activities engaged in during the previous calendar year (e.g., 2011 for the 2012-2013 Registration Year) and the state(s) in which you operated (see instructions).

Category	Activity Offered or transported in commerce;	Mark all that apply "X"		
		Shipper	Carrier	Other (Freight Forwarder, Agent, etc.)
A <input type="checkbox"/>	a highway route controlled quantity of a Class 7 (radioactive) material.			
B <input type="checkbox"/>	more than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container.			
C <input type="checkbox"/>	more than 1 liter (1.06 quarts) per package of a material extremely toxic by inhalation (materials poisonous by inhalation that meet one of the defining criteria for Hazard Zone A).			
D <input type="checkbox"/>	a hazardous material (including hazardous wastes) in a bulk packaging (see 49 CFR 171.8) having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids.			
E <input type="checkbox"/>	a shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous material (including hazardous wastes) for which placarding of a vehicle, rail car, or freight container is required.			
F <input type="checkbox"/>	a shipment of a quantity of hazardous material (including hazardous wastes) that requires placarding of the bulk packaging, freight container, unit load device, transport vehicle, or rail car, other than those included in A through E above. Activities performed by farmers are generally excepted. See 49 CFR 107.601(b)			

G Did not engage in any of the activities listed in A through F during the previous calendar year.

Select States in which any of the above were engaged in during the past calendar year (see instructions).

AL AR AZ CA CO CT DE FL GA ID IL IN IA KS KY LA MA MD ME MI MN
 MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT
 VT VA WA WV WI WY 48 Contiguous States AK AS DC GU HI MP PR VI

10. Certification of Information. I certify that, to the best of my knowledge, the above information is true, accurate, and complete.

Certifier's Name _____ Phone (_____) _____ - _____
(Print clearly)

E-mail _____

Certifier's Signature _____ Date _____

FALSE STATEMENTS MAY VIOLATE FEDERAL LAW (18 U.S.C. 1001).

MAIL COMPLETED FORM WITH PAYMENT TO:	U.S. Department of Transportation Hazardous Materials Registration PO Box 530273 Atlanta, GA 30353-0273
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Please retain a copy of this form for your records.

Notice to Customers Making Payment by Check

If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep the copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to 2 times.

2012-2013 HM Registration Fee Schedule

REGISTRATION FEE TABLE

Registration Fee Table

As Amended by the Final Rule of March 30, 2010

The current registration fees were established in a Final Rule published in the Federal Register on March 30, 2010. This rule established fees for registration years 2010-2011 and following. The fees for registration years between 1992-1993 and 2009-2010 remain as previously established.

One, two, or three year periods of registration are permitted for years beginning July 1, 2000, and later. The fees for all possible registration periods and business types are listed in the table below. All fees include the appropriate processing fee. If you are a not-for-profit organization registering for 2001-2004, 2002-2004 or 2002-2005, you must pay the fee in the column titled "Small Business/Non-Profit" if you meet the SBA size standard for a small business, and the fee in the column titled "Not-Small Business/Non-Profit" if you do not meet that standard.

Registration Period	Business Categories				
	Small Business	All Non-Profit	Small Business Non-Profit	Not-Small Business	Not-Small Business Non-Profit
2012-2013 (1 year)	\$275	\$275	-	\$2,600	-
2012-2014 (2 years)	\$525	\$525	-	\$5,175	-
2012-2015 (3 years)	\$775	\$775	-	\$7,750	-
2011-2012 (1 year)	\$275	\$275	-	\$2,600	-
2011-2013 (2 years)	\$525	\$525	-	\$5,175	-
2011-2014 (3 years)	\$775	\$775	-	\$7,750	-
2010-2011 (1 year)	\$275	\$275	-	\$2,600	-
2010-2012 (2 years)	\$525	\$525	-	\$5,175	-
2010-2013 (3 years)	\$775	\$775	-	\$7,750	-
2009-2010 (1 year)	\$275	\$275	-	\$1,000	-
2009-2011 (2 years)	\$525	\$525	-	\$3,575	-
2009-2012 (3 years)	\$775	\$775	-	\$6,150	-
2008-2009 (1 year)	\$275	\$275	-	\$1,000	-
2008-2010 (2 years)	\$525	\$525	-	\$1,975	-
2008-2011 (3 years)	\$775	\$775	-	\$4,550	-
2007-2008 (1 year)	\$275	\$275	-	\$1,000	-
2007-2009 (2 years)	\$525	\$525	-	\$1,975	-
2007-2010 (3 years)	\$775	\$775	-	\$2,950	-
2006-2007 (1 year)	\$275	\$275	-	\$1,000	-
2006-2008 (2 years)	\$525	\$525	-	\$1,975	-
2006-2009 (3 years)	\$775	\$775	-	\$2,950	-
2005-2006 (1 year)	\$150	\$150	-	\$300	-
2005-2007 (2 years)	\$400	\$400	-	\$1,275	-
2005-2008 (3 years)	\$650	\$650	-	\$2,250	-
2004-2005 (1 year)	\$150	\$150	-	\$300	-
2004-2006 (2 years)	\$275	\$275	-	\$575	-
2004-2007 (3 years)	\$525	\$525	-	\$1,550	-
2003-2004 (1 year)	\$150	\$150	-	\$300	-
2003-2005 (2 years)	\$275	\$275	-	\$575	-
2003-2006 (3 years)	\$400	\$400	-	\$850	-
2002-2003 (1 year)	\$300	-	-	\$2,000	-
2002-2004 (2 years)	\$425	-	\$425	\$2,275	\$2,125
2002-2005 (3 years)	\$550	-	\$550	\$2,550	\$2,250
2001-2002 (1 year)	\$300	-	-	\$2,000	-
2001-2003 (2 years)	\$575	-	-	\$3,975	-
2001-2004 (3 years)	\$700	-	\$700	\$4,250	\$4,100
2000-2001 (1 year)	\$300	-	-	\$2,000	-
2000-2002 (2 years)	\$575	-	-	\$3,975	-
2000-2003 (3 years)	\$850	-	-	\$5,950	-
1992-1993 through 1999-2000 the annual fee is \$300 for all registrants.					

NOTES



SECTION 3 – CARRIERS OF PASSENGERS

Historically, the predecessor agencies of the FMCSA only regulated “for-hire” transportation of passengers with a vehicle designed to transport more than 15 passengers, including the driver.

Private motor carriers of passengers (PMCPs) became subject to the FMCSRs on January 1, 1995. They are separated into two groups (business or non-business) and are exempt from certain requirements of the FMCSRs.

Motor carriers operating vehicles designed or used to transport 9 to 15 passengers (including the driver) for compensation became subject to three regulatory standards on February 12, 2001.

Effective November 10, 2003: The definition of a CMV now includes "Small Passenger" carrying vehicles. Motor carriers operating CMVs designed or used to transport 9 to 15 passengers (including the driver), in interstate commerce must comply with FMCSR Parts 390 through 396 when they are directly compensated for such services; or designed or used to transport 16 or more passengers (including the driver), and is not used to transport passengers for compensation. The drivers and vehicles operated by motor carriers in transporting 9 to 15 passengers (including the driver) for direct compensation are subject to the same safety requirements imposed upon motor coach operations with the exception of the commercial driver’s license, controlled substance and alcohol testing regulations. Motor carriers operating CMVs designed or used to transport 9 to 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle are subject only to FMCSR Parts 390.15, 390.19 390.21(a) and 390.21(b)(2), 391.15(f), 392.80 and 392.82

Although the interstate Hours of Service Requirements for motor carriers of property changed on January 4, 2004 and again on October 1, 2005: The hours of service requirements for motor carriers of passengers will remain as they have been in been in the past. Drivers may drive no longer than 10 hours without 8 consecutive hours off duty or sleeper berth time if equipped with sleeper berth meeting the requirements as defined by FMCSR 393.76. Sleeper berth and off duty time can be combined to acquire the 8 consecutive hours and the sleeper berth time can be split to obtain the required 8 hours. Drivers cannot drive after 15 hours total combined time of “on duty not driving” and “driving time” without 8 consecutive hours off duty/sleeper berth time.

Note: Intrastate hours of service rules in Texas are the same for motor carriers of both property and passengers (37 TAC 4.12).

Types of Motor Carriers of Passengers

For-hire Carriers

Three factors must be present before a motor carrier of passengers is classified as a “for-hire” carrier:

1. The motor carrier provides interstate transportation of passengers for a commercial purpose;
2. The motor carrier is compensated, either directly or indirectly, for the transportation service provided; and
3. The transportation service is generally available to the public at large.

Examples of for-hire transportation of passengers include inter-city bus service, charter bus service, canoe rental company bus service, and hotel bus service.

Business PMCPs

Business PMCPs provide private interstate and/or intrastate transportation of passengers in the furtherance of a commercial purpose. These include companies that use buses to transport their own employees and professional musicians who use buses for concert tours. Commercial businesses that provide passenger transportation to the general public are not business PMCPs. They are considered “For-hire” and are already subject to the FMCSRs.

Non-business PMCPs

Non-business PMCPs provide private, interstate and/or intrastate transportation of passengers that is not in the furtherance of a commercial purpose. These include churches, private schools, scout groups, and other charitable organizations that may purchase or lease buses for the private transportation of their respective groups.

Churches, other charitable organizations, or private associations, that offer charter bus service to the general public with the intent to make a profit are not Non-business PMCPs. They are considered “For-hire” and are already subject to the FMCSRs.

Applicability of FMCSRs

Table 3-1 - FMCSRs Applicable to Business PMCPs

PART	REGULATORY TOPIC	APPLICABLE
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver’s License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability & Definitions	Yes
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver’s Hours of Service	Yes
396	Inspection, Repair and Maintenance	Yes

Exemptions – Business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Road test requirements of Part 391
- Refer to 391.69

Table 3-2 FMCSRs Applicable to Non-Business PMCPs

PART	REGULATORY TOPIC	APPLICABLE
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver’s License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability & Definitions	Partial
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver’s Hours of Service	Partial
396	Inspection, Repair and Maintenance	Partial

Exemptions – Non-business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Subpart C of Part 391
- Subpart D of Part 391
- Subpart F of Part 391
- Most paper work and record-keeping requirements of Parts 390, 391, 395, and 396.

Financial Responsibility For Motor Carriers Of Passengers

49 CFR Part 387, Subpart B outlines minimum levels of financial responsibility (insurance) applicable to “for-hire” carriers transporting passengers in interstate commerce.

The following chart summarizes the applicability of the minimum levels of financial responsibility regulations to passenger carriers.

Table 3-3

Size of Vehicle	“For-hire” Passenger Carrier	Business PCMPs	Non-business PCMPs
Vehicle with a seating capacity of 16 or more	\$5,000,000 insurance coverage required	Not Subject	Not Subject
Vehicle with a seating capacity of 15 or less	\$1,500,000 insurance coverage required	Not Subject	Not Subject

Exemptions – Minimum Financial Responsibility Regulations do not apply to:

- A motor vehicle transporting only school children and teachers to and from school
- A motor vehicle providing taxicab service, having a seating capacity of less than 7 passengers, and not operating on a regular route or between specified points
- A motor vehicle carrying less than 16 individuals in a single daily round trip to commute to and from work

Frequently Asked Questions

1. Are PMCPs required to mark their vehicles in accordance with 49 CFR Part 390.21?

Yes.

2. Are non-business PMCP drivers required to be medically examined?

No. Section 391.68(c) specifically states that much of Sections 391.41 and 391.45, which require a driver to be medically examined and to have a medical examiner’s certificate on his/her person, do not apply to non-business PMCPs. However, non-business PMCP drivers are subject to the minimum physical qualification standards found in Section 391.41 (b) (1)-(13).

Non-business PMCPs should become familiar with the minimum physical qualification standards found in Section 391.41 and the driver waiver conditions of Section 391.49.

Non-business PMCP drivers may be placed out-of-service during terminal, en route, or destination inspections if they are required by Section 391.41 to have a waiver and do not possess one.

3. Are non-business PMCP drivers subject to the driver’s hours of service regulations?

Yes. However, they are not required to prepare or maintain records of duty status. Non-business PMCP driver’s hours of service will be evaluated by enforcement officers during terminal, en route, and destination inspections based on evidence available at the inspection location.

It is recognized that some individuals who volunteer to drive for non-business PMCPs may also drive for other motor carriers and in that capacity are required to maintain a record of duty status. All on-duty time performed for a non-business PMCP must be recorded on the records of duty-status submitted to that driver’s regularly employing motor carrier.

4. Are non-business PMCPs required to have their vehicles inspected?

Yes. In accordance with Section 396.17.

Applicability of the FMCSRs to School Bus Transportation

Table 3-4

Entity Type	School To Home or Home to School	Extracurricular School Activities
Public School Transporting Students	Not Subject	Not Subject
Private School Transporting Pre-Primary, Primary and Secondary Students	Not Subject	Subject as Non-Business PMCP’s
Private School Transporting Post-Secondary Students	Subject as Non-Business PMCP’s	Subject as Non-Business PMCP’s
“For Hire” Contractors Transporting Pre-Primary, Primary and Secondary Students	Not Subject	Subject as “For Hire Carriers”
“For Hire” Contractors Transporting Post-Secondary Students	Subject as “For Hire Carriers”	Subject as “For Hire Carriers”

North American Standard Level I Passenger Vehicle Inspection Procedure



For Levels II, III, IV and V, omit steps that do not apply.

For more detailed information, see the written procedures contained in the CVSA Operations Manual.

TL – Team Leader **FI** – Front Inspector **RI** – Rear Inspector



- STEP 1** Inspection Preparation (TL)
 - Select vehicle and direct it to the inspection location.
 - Gather preliminary information from the vehicle for the inspection report, including the license plate number and state or province and country, company name as shown on the vehicle, company number, appropriate DOT, PUC/PSC identifiers, etc. and the time the inspection began. (Verify who the company operator is, not the tour company or leasing company.)

- STEP 2** Greet and Prepare the Driver and Passengers (TL)
 - Identify yourself.
 - Place chock blocks on the driver's side.
 - Explain this inspection procedure.
 - Ensure engine is off.
 - Check seat belt usage and condition.
 - Observe the driver's overall condition for illness, fatigue or other signs of impairment.
 - Check for illegal presence of alcohol, drugs, radar detector, weapons or other contraband.
 - If passengers are present, explain the purpose of the inspection and how it will be conducted.

- STEP 3** Collect Driver's Documents (TL)
 - Medical Examiner's Certificate (if applicable).
 - Skill Performance Evaluation (SPE) Certificate (if applicable).
 - Driver's license, CDL, record of duty status.
 - Shipping papers.
 - Periodic inspection certificates, CVIP.
 - Supporting documents: bills of lading, receipts, other documents used to verify record of duty status, trip information, tour itinerary, trip envelope and charter order.
 - Check for presence of Hazardous Material/Transportation of Dangerous Goods.

- STEP 4** Interview the Driver (TL)
 - Ask for the following from the driver: starting location, final destination, load description, time traveled, most recent stop, fueling location(s).
 - Ask driver what other jobs he has worked in the past week (many drivers are part time).
 - Talk to the driver about the trip.
 - Check for presence of Hazardous Material/Transportation of Dangerous Goods.

- STEP 5** Identify the Carrier (TL)
 - Identify carrier using the following: vehicle identification, vehicle registration, insurance, driver interview.
 - Check interline agreements/operating authority.

- STEP 6** Examine Commercial Driver's License (TL)
 - Expiration-date
 - Class
 - Endorsements
 - Restrictions
 - Status

- STEP 7** Check Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate (If Applicable) (TL)
 - Check certificate date (may be valid for up to 24 months).
 - Check corrective lens requirement.
 - Check hearing aid requirement.
 - Check physical limitations.

Note: In Canada and Mexico proper class indicates adequate medical.

- STEP 8** Check Record of Duty Status (TL)
 - Hours of service verification.
 - Check accuracy of record.



Commercial Vehicle Safety Alliance

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www.cvsa.org

Promoting Commercial Motor Vehicle Safety and Security

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- STEP 9** Review Vehicle Inspection Reports (TL)
 - Check driver's daily vehicle inspection report (if applicable).
 - Review the vehicle inspection report to verify that listed safety defects have been certified as corrected.
 - Check for driver signature on previous driver's vehicle inspection reports (if applicable).
 - Ensure vehicle has passed the required periodic inspection and has the required document and decal.
 - Review periodic inspection report.

- STEP 10** Check Passenger Area (TL)
 - Check windows, emergency doors, and emergency exits.
 - Check for warning devices (if applicable).
 - Check for fire extinguisher.

- STEP 11** Check Driver's Compartment (TL)
 - Check driver's seat, seat belt, low air pressure warning device, ABS malfunction lamp, and steering wheel lash and column.

- STEP 12** Inspect Front of Vehicle (FI)
 - Check headlamps, turn signals, emergency flashers, windshield, windshield wipers, suspension and brake components.

- STEP 13** Inspect Rear of Vehicle (RI)
 - Check exhaust system, tail, stop, turn signals (do not use four way flashers to check turn signals) and all other required lamps for improper color, operation, mounting, and visibility.
 - Check engine compartment for belts, fluid leaks, frame integrity.
 - Check wiring and electrical systems.

- STEP 14** Inspect Left Side of Vehicle (FI)
 - Check wheels, rims, hubs, and tires.
 - Check fuel cap(s) (if applicable).
 - Check battery compartment (if applicable).
 - Check for body damage.
 - Check cargo bays.
 - Check for presence of Hazardous Material/Transportation of Dangerous Goods.

- STEP 15** Inspect Right Side of Vehicle (RI)
 - Check wheels, rims, hubs, and tires.
 - Check fuel cap(s) (if applicable).
 - Check battery compartment (if applicable).
 - Check for body damage.
 - Check cargo bays.
 - Check for presence of Hazardous Material/Transportation of Dangerous Goods.

- STEP 16** Place Inspection Ramps (ALL)
 - Place ramps either in front of or behind the wheels, as appropriate.
 - Direct the driver to drive carefully up the ramps and stop at the top. Insert chock blocks at the front and rear of the right drive wheels. Instruct the driver to release the brakes and turn off the engine.

- STEP 17** Inspect the Undercarriage (F/RI)
 - Check the steering system, front and rear suspension, front and rear brakes, frame, fuel tank, tag axle, and drive shaft.

- STEP 18** Air Loss Rate (TL)
 - If a leak is detected, check air loss rate with air reservoir at 80–90 psi and brakes fully applied. Pressure should be maintained or increased.
 - Direct driver off of ramps.

- STEP 19** Check for Presence of Hazardous Material/Transportation of Dangerous Goods (ALL)
 - Motor vehicles carrying passengers for hire and transporting hazardous materials are subject to the same regulations as a truck, plus additional restrictions listed.

- STEP 20** Complete the Inspection (TL)
 - Complete all paperwork. Return documents to driver. Explain violations to driver.

- STEP 21** Take Appropriate Enforcement Action (TL)
 - Refer to the *North American Standard Out-of-Service Criteria*. (OOSC).
 - Inform the driver of the reasons for the out-of-service action.
 - Inform passengers of the necessary action and arrangements.
 - Re-inspect repaired vehicle.

- STEP 22** Apply CVSA Decal (TL)
 - If the vehicle passed inspections, apply a CVSA decal on the glass portion (window) of the passenger door as close to inspector's eye-level as possible.

Rev. June 2010

NOTES



SECTION 4 – DOCUMENT RETENTION

Parts 40 & 382 Drug & Alcohol Testing:

382.405 – records must be kept in a secure location to prevent unauthorized release.

40.333 and 382.401 – records must be kept for specific minimum periods of time:

Five Years

- Records of any alcohol tests indicating an alcohol concentration of 0.02 or more
- Verified Positive Results for controlled substances tests
- Documentation of refusals to take test including substituted or adulterated test
- Driver evaluation and referrals relating to Substance Abuse Professional reports
- All follow up test and schedules for follow up testing (40.333 and 40.311(h))
- Calibration Documentation
- Records related to the Administration of Drug and Alcohol testing programs
- Any year USDOT requests a summary of annual testing under 382.403, a copy of the annual calendar year summary provided to USDOT

Three Years – Alcohol and controlled substances records obtained from previous employers under 40.25 or 391.53(c)

Two Years – Records related to the alcohol and controlled substances testing process (except calibration documentation, which must be kept for five years)

One Year – Records of negative and cancelled controlled substances test results, and alcohol test results with a concentration of less than 0.02

Indefinite – Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

382.403 – Survey Reports

Every year, the Federal Motor Carrier Safety Administration will survey a small percentage of regulated motor carriers for statistical analysis of the effectiveness and scope of the drug and alcohol testing program. FMCSA maintains the results of these surveys in a “management information system.” If you are contacted by FMCSA to provide this information, you must do so. You must also maintain copies of information you provide for five years (See the five year rule under 382.401).

382.405 & Part 40, Subpart P (Sections 40.321 to 40.333) – Access & confidentiality

For the most part, records pertaining to a driver’s participation in drug and alcohol testing are confidential and must be kept in a secure location. A driver is entitled to copies of records the employer maintains about that driver’s participation in alcohol and drug testing. When a driver signs a release to a future employer or someone else, the person holding the release is entitled to copies of those records as well. If the driver is seeking unemployment insurance, workers’ compensation, or other benefits in a lawsuit or other forum and the drivers’ confidential records are relevant to the proceeding, the employer may provide these records to that forum. Certain government entities are entitled to such records. The rules on this are long and specific. Please read these regulations before providing or withholding access to these types of records.

Part 387

387.7, 387.31 – Certain motor carriers are required to have specific motor carrier insurance. Documentation requirements fall under the following subsections. Proof of current insurance must be

- (d) maintained at the carrier's principal place of business,
- (e) provided to the public upon reasonable request as it is public information, and
- (f) maintained on each vehicle being operated.

Be aware that although the regulation does not require proof of expired/replaced insurance policies, most policies provide for a time period by which claims can be made on that policy. It is in your best interest to maintain proof or an expired/replaced policy as long as a valid claim could be filed against it.

Also, certain motor carriers may post a surety bond rather than obtaining insurance. Strict compliance with rules under 387.301 to 387.323 must be followed in order to do this. Freight forwarders may also post surety bonds instead of obtaining insurance. They must strictly comply with rules under 387.401 to 387.419.

Part 390

390.15(b) – Accident Register.

An “accident” is defined under 390.5 as an occurrence involving a commercial motor vehicle operating on a public roadway which results in a fatality, an injury requiring treatment away from the scene of the occurrence, or towing of any motor vehicle due to disabling damage. It does not include an occurrence involved in loading or unloading cargo or boarding or alighting passengers. Such occurrences are commonly referred to as “recordable accidents” because they must be recorded on an accident register. The register must contain required information for each accident in the past **three** years. Texas law does not require you to maintain copies of official accident reports, but doing so would meet the requirements of the accident register.

390.29 – Location of Records or Documents

Generally a motor carrier must keep all records required by other parts of the safety regulations at the principal place of business. If the motor carrier has multiple office and operating locations, records of specific drivers and/or trucks may be kept at a regional office or a work reporting location. However, if federal, state or local officials with authority to audit these records makes a request, the motor carrier must make them available at the principal place of business or other location specified by the agent or representative within 48 hours, excluding weekends and federal holidays.

390.31 – Copies of Records or Documents

Generally a motor carrier must keep all records in their original form. However, a motor carrier may microfilm records provided the motor carrier has sufficient means to access and reproduce the records, and any records where color or shading is relevant are marked to retain this relevance in the black & white context of microfilming. A motor carrier may also scan or otherwise store such records or documents electronically as long as the motor carrier can reproduce these documents in written form, including verifying required signatures. Originals may be destroyed after imaging, as long as the imaging meets these requirements.

Part 391

391.51 – Driver Qualification Files.

Driver qualification records may be maintained with the rest of the driver's personnel file (i.e. records required by the motor carrier but not required by motor carrier safety regulations). Most information in driver qualification files must be maintained as long as the driver is driving for the motor carrier, and then for three

more years. However, the following records may be removed from the driver's qualification file three years after the date the document was made/signed ("executed"):

- Annual state driving record reports (Note: not the original state driving record)
- Notes regarding the reviews of the annual state driving record checks
- Driver certifications of violations of the previous 12 months
- Medical certification of the driver's physical qualification
- Waivers of medical disqualifications

391.53 – Driver Investigation History Files

Driver investigation history files must be maintained in a secure location with controlled access. Information obtained may only be used to make the hiring decision. Only personnel responsible for the hiring decision and for maintaining these records may have access to these records. Exception: an insurer may see the records from these files that do not relate to drug/alcohol testing. These files must be maintained as long as the driver is driving for the motor carrier, and then for three more years (i.e. the same as for the regular driver qualification files).

Subpart G – Limited Exceptions

Some drivers, based on when they started driving, what duties they perform and how many employers they have, do not need complete driver qualification files. But whatever records must still be maintained have the same retention requirements as for drivers with complete driver qualification files. For example, even if you are not required to maintain a job application, if the driver requires a medical certification, you must maintain the medical certification for at least three years after it is issued. Also, a copy of a negative pre-employment drug test must be maintained for one year.

Part 395

395.1 – Various Exceptions

Time records which are created under a valid exception to the 395.8 Records of Duty Status requirement must still be kept for the same six month time period.

395.8 – Records of Duty Status

Motor carriers must maintain records of duty status (395.8(a)), supporting documents (395.8(k)(1)), and seven-day statements for first time or intermittent drivers (395.8(j)(2)), for 6 months after the date of receipt.

Drivers must maintain records of duty status with them on their vehicles for the last 7 days. They do not need to maintain time records, supporting documents, or seven-day statements with them on their vehicles.

Part 396

- 396.3(c) For all vehicles under a motor carrier's control for 30 consecutive days, regular maintenance records must be kept for one year, but if the vehicle leaves the control of the motor carrier, the records may be disposed of 6 months after the vehicle is no longer under the carrier's control. Note: Intermodal equipment providers must maintain or cause to be maintained, records of maintenance for each unit of intermodal equipment tendered for a motor carrier
- 396.11(c)(2) daily driver vehicle inspection reports must be maintained for 3 months from the date the report was prepared.
- 396.23(b) Most CMVs in Texas are required to have a mandatory state CMV periodic (annual) inspections under 396.23 (see 37 TAC 4.37 for other jurisdictions authorized to give a mandatory state CMV inspection). The sticker issued to the vehicle is the only evidence required of such an inspection. It may be removed when the vehicle passes a re-inspection.

- 396.21 If you have a vehicle that does not require a mandatory state inspection, you may have a private vehicle inspector inspect the vehicle. Alternatively, you may have a state or federal CVSA Level I or V inspection. The private inspection report or the copy of the Level I or V report must be maintained for a period of 14 months after the inspection, although if the vehicle was inspected by a qualified inspector at another company, or was under the control of another company when it was inspected, you may allow the other company to maintain the record. You are, however, required to obtain and produce a copy of the inspection report from that other company if requested by federal/state/local authorities within 14 months after the inspection was performed.
- 396.19 If you are a person who performs periodic (annual) inspections but not as part of the mandatory program under 396.23(b) or CVSA roadside inspections, you must maintain records of your qualifications for the entire time you perform such inspections, and for one year thereafter.

List of HM Regulations Related to Document Retention:

§107.504 Period of registration, updates, and record retention, Subsection (e)

§107.620 Recordkeeping requirements.

§172.201 Preparation and retention of shipping papers, Subsection (e)

§172.606 Carrier information contact, Subsection (b)(2)

§172.704 Training requirements, Subsection (d)

§177.817 Shipping papers, Subsections (e) & (f)

Part 180 Continuing qualification and maintenance of packagings

Subpart C Qualification, maintenance and use of cylinders, §180.215 Reporting and record retention requirements

Subpart D Qualification and maintenance of intermediate bulk containers, §180.352 Requirements for retest and inspection of IBCs, Subsection (g)

Subpart E Qualification and maintenance of cargo tanks, §180.417 Reporting and record retention requirements

Subpart G Qualification and maintenance of portable tanks, §180.605 Requirements for periodic testing, inspection and repair of portable tanks, Subsection (l)

Part 107 Hazardous Materials Program Procedures

§107.504 Period of Registration, Updates, and Record Retention

(e) Each registrant shall maintain a current copy of the registration information submitted to the Department and a current copy of the registration number identification received from the Department at the location identified in §107.503(a)(2) during such time the person is registered with the Department and for two years thereafter.

§107.620 Recordkeeping Requirements.

(a) Each person subject to the requirements of this subpart, or its agent designated under §107.608(e), must maintain at its principal place of business for a period of three years from the date of issuance of each Certificate of Registration:

(a)(1) A copy of the registration statement filed with PHMSA; and

(a)(2) The Certificate of Registration issued to the registrant by PHMSA.

- (b) After January 1, 1993, each motor carrier subject to the requirements of this subpart must carry a copy of its current Certificate of Registration issued by PHMSA or another document bearing the registration number identified as the "U.S. DOT Hazmat Reg. No." on board each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the requirements of this subpart. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel.

Part 172 Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements

§172.201 Preparation and retention of shipping papers.

(e) Retention and Recordkeeping. Each person who provides a shipping paper must retain a copy of the shipping paper required by §172.200(a), or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, the shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, the shipping paper must be retained for two years after the material is accepted by the initial carrier. Each shipping paper copy must include the date of acceptance by the initial carrier, except that, for rail, vessel, or air shipments, the date on the shipment waybill, airbill, or bill of lading may be used in place of the date of acceptance by the initial carrier. A motor carrier (as defined in §390.5 of subchapter B of chapter III of subtitle B) using a shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number may retain a single copy of the shipping paper, instead of a copy for each shipment made, if the carrier also retains a record of each shipment made, to include shipping name, identification number, quantity transported, and date of shipment.

§172.606 Carrier Information Contact.

- (b)(2) Have the shipping paper and emergency response information readily available on the transport vehicle.

§172.704 Training Requirements.

- (d) Recordkeeping A record of current training, inclusive of the preceding three years, in accordance with this section shall be created and retained by each hazmat employer for as long as that employee is employed by that employer as a hazmat employee and for 90 days thereafter. The record shall include:
- (d)(1) The hazmat employee's name;
 - (d)(2) The most recent training completion date of the hazmat employee's training;
 - (d)(3) A description, copy, or the location of the training materials used to meet the requirements in paragraph (a) of this section;
 - (d)(4) The name and address of the person providing the training; and
 - (d)(5) Certification that the hazmat employee has been trained and tested, as required by this subpart.

§172.802 Components of a Security Plan.

- (b) The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision.

Part 177 Carriage by Public Highway

§177.817 Shipping Papers.

- (e) Shipping paper accessibility — accident or inspection. A driver of a motor vehicle containing hazardous material, and each carrier using such a vehicle, shall ensure that the shipping paper required by this section is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, the driver and the carrier shall:
- (e)(1) Clearly distinguish the shipping paper, if it is carried with other shipping papers or other papers of any kind, by either distinctively tabbing it or by having it appear first; and
- (e)(2) Store the shipping paper as follows:
- (e)(2)(i) When the driver is at the vehicle's controls, the shipping paper shall be: (A) Within his immediate reach while he is restrained by the lap belt; and (B) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle.
- (e)(2)(ii) When the driver is not at the vehicle's controls, the shipping paper shall be: (A) In a holder which is mounted to the inside of the door on the driver's side of the vehicle; or (B) on the driver's seat in the vehicle.
- (f) Retention of shipping papers. Each person receiving a shipping paper required by this section must retain a copy or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, the shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, the shipping paper copy must be retained for one year after the material is accepted by the carrier. Each shipping paper copy must include the date of acceptance by the carrier. A motor carrier (as defined in §390.5 of subchapter B of chapter III of subtitle B) using a shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number may retain a single copy of the shipping paper, instead of a copy for each shipment made, if the carrier also retains a record of each shipment made that includes shipping name, identification number, quantity transported, and date of shipment.

Part 180 Continuing Qualification and Maintenance of Packagings

Subpart C Qualification, Maintenance and Use of Cylinders

§180.215 Reporting and Record Retention Requirements.

- (a) Facility records. A person who requalifies, repairs or rebuilds cylinders must maintain the following records where the requalification is performed:
- (a)(1) Current RIN issuance letter;
- (a)(2) If the RIN has expired and renewal is pending, a copy of the renewal request;
- (a)(3) Copies of notifications to Associate Administrator required under §107.805 of this chapter;
- (a)(4) Current copies of those portions of this subchapter applicable to its cylinder requalification and marking activities at that location;
- (a)(5) Current copies of all exemptions governing special permit cylinders requalified or marked by the requalifier at that location; and
- (a)(6) The information contained in each applicable CGA or ASTM standard incorporated by reference in §171.7 of this subchapter applicable to the requalifier's activities. This information must be the same as contained in the edition incorporated by reference in §171.7 of this subchapter.
- (b) Requalification records. Daily records of visual inspection, pressure test, and ultrasonic examination if permitted under a special permit, as applicable, must be maintained by the person who performs the requalification until either the expiration of the requalification period or until the cylinder is again requalified, whichever occurs first. A single date may be used for each test sheet, provided each test on the sheet was conducted on that date. Ditto marks or a solid vertical line may be used to indicate repetition of the preceding entry for the following entries only: date; actual dimensions; manufacturer's name or symbol, if present; owner's name or symbol, if present; and test operator. Blank spaces may

not be used to indicate repetition of a prior entry. The records must include the following information:
(b)(1) Calibration test records. For each test to demonstrate calibration, the date; serial number of the calibrated cylinder; calibration test pressure; total, elastic and permanent expansions; and legible identification of test operator. The test operator must be able to demonstrate that the results of the daily calibration verification correspond to the hydrostatic tests performed on that day. The daily verification of calibration(s) may be recorded on the same sheets as, and with, test records for that date.

(b)(2) Pressure test and visual inspection records. The date of requalification; serial number; DOT specification or special permit number; marked pressure; actual dimensions; manufacturer's name or symbol; owner's name or symbol, if present; result of visual inspection; actual test pressure; total, elastic and permanent expansions; percent permanent expansion; disposition, with reason for any repeated test, rejection or condemnation; and legible identification of test operator. For each cylinder marked pursuant to §173.302a(b)(5) of this sub-chapter, the test sheet must indicate the method by which any average or maximum wall stress was computed. Records must be kept for all completed, as well as unsuccessful tests. The entry for a second test after a failure to hold test pressure must indicate the date of the earlier test.

(b)(3) Wall stress. Calculations of average and maximum wall stress pursuant to §173.302a(b)(3) of this sub-chapter, if performed.

(b)(4) Calibration certificates. The most recent certificate of calibration must be maintained for each calibrated cylinder.

(c) Repair, rebuilding or reheat treatment records. (1) Records covering welding or brazing repairs, rebuilding or reheat treating shall be retained for a minimum of fifteen years by the approved facility.

(c)(2) A record of rebuilding, in accordance with §180.211(d), must be completed for each cylinder rebuilt. The record must be clear, legible, and contain the following information:

(c)(2)(i) Name and address of test facility, date of test report, and name of original manufacturer;

(c)(2)(ii) Marks stamped on cylinder to include specification number, service pressure, serial number, symbol of manufacturer, inspector's mark, and other marks, if any;

(c)(2)(iii) Cylinder outside diameter and length in inches;

(c)(2)(iv) Rebuild process (welded, brazed, type seams, etc.);

(c)(2)(v) Description of assembly and any attachments replaced (e.g., neckrings, footrings);

(c)(2)(vi) Chemical analysis of material for the cylinder, including seat and Code No., type of analysis (ladle, check), chemical components (Carbon (C), Phosphorous (P), Sulfur (S), Silicon (Si), Manganese (Mn), Nickel (Ni), Chromium (Cr), Molybdenum (Mo), Copper (Cu), Aluminum (Al), Zinc (Zn)), material manufacturer, name of person performing the analysis, results of physical tests of material for cylinder (yield strength (psi), tensile strength (psi), elongation percentage (inches), reduction in area percentage, weld bend, tensile bend, name of inspector);

(c)(2)(vii) Results of proof pressure test on cylinder, including test method, test pressure, total expansion, permanent expansion, elastic expansion, percent permanent expansion (permanent expansion may not exceed ten percent (10%) of total expansion), and volumetric capacity (volumetric capacity of a rebuilt cylinder must be within $\pm 3\%$ of the calculated capacity);

(c)(2)(viii) Each report must include the following certification statement: "I certify that this rebuilt cylinder is accurately represented by the data above and conforms to all of the requirements in Subchapter C of Chapter I of Title 49 of the Code of Federal Regulations." The certification must be signed by the rebuild technician and principal, officer, or partner of the rebuild facility.

Subpart D Qualification and Maintenance of Intermediate Bulk Containers

§180.352 Requirements for Retest and Inspection of IBCs.

(g) Record retention. (1) The owner or lessee of the IBC must keep records of periodic retests, initial and periodic inspections, and tests performed on the IBC if it has been repaired or remanufactured.

(g)(2) Records must include design types and packaging specifications, test and inspection dates, name and address of test and inspection facilities, names or name of any persons conducting test or inspections, and test or inspection specifics and results.

(g)(3) Records must be kept for each packaging at each location where periodic tests are conducted, until such tests are successfully performed again or for at least 2.5 years from the date of the last test. These records must be made available for inspection by a representative of the Department on request.

Subpart E Qualification and Maintenance of Cargo Tanks

§180.417 Reporting and Record Retention Requirements.

(a) Vehicle certification. (1) Each owner of a specification cargo tank must retain the manufacturer's certificate, the manufacturer's ASME U1A data report, where applicable, and related papers certifying that the specification cargo tank identified in the documents was manufactured and tested in accordance with the applicable specification. This would include any certification of emergency discharge control systems required by §173.315(n) of this subchapter or §180.405(m). The owner must retain the documents throughout his ownership of the specification cargo tank and for one year thereafter. In the event of a change in ownership, the prior owner must retain non-fading photo copies of these documents for one year.

(a)(2) Each motor carrier who uses a specification cargo tank motor vehicle must obtain a copy of the manufacturer's certificate and related papers or the alternative report authorized by paragraph (a)(3) (i) or (ii) of this section and retain the documents as specified in this paragraph (a)(2). A motor carrier who is not the owner of a cargo tank motor vehicle must also retain a copy of the vehicle certification report for as long as the cargo tank motor vehicle is used by that carrier and for one year thereafter. The information required by this section must be maintained at the company's principal place of business or at the location where the vehicle is housed or maintained. The provisions of this section do not apply to a motor carrier who leases a cargo tank for less than 30 days.

(a)(3) DOT Specification cargo tanks manufactured before September 1, 1995—

(a)(3)(i) Non-ASME Code stamped cargo tanks— If an owner does not have a manufacturer's certificate for a cargo tank and he wishes to certify it as a specification cargo tank, the owner must perform appropriate tests and inspections, under the direct supervision of a Registered Inspector, to determine if the cargo tank conforms with the applicable specification. Both the owner and the Registered Inspector must certify that the cargo tank fully conforms to the applicable specification. The owner must retain the certificate, as specified in this section.

(a)(3)(ii) ASME Code Stamped cargo tanks. If the owner does not have the manufacturer's certificate required by the specification and the manufacturer's data report required by the ASME, the owner may contact the National Board for a copy of the manufacturer's data report, if the cargo tank was registered with the National Board, or copy the information contained on the cargo tank's identification and ASME Code plates. Additionally, both the owner and the Registered Inspector must certify that the cargo tank fully conforms to the specification. The owner must retain such documents, as specified in this section.

(b) Test or inspection reporting. Each person performing a test or inspection as specified in §180.407 must prepare a written report, in English, in accordance with this paragraph.

(b)(1) Each test or inspection report must include the following information:

(b)(1)(i) Owner's and manufacturer's unique serial number for the cargo tank;

(b)(1)(ii) Name of cargo tank manufacturer;

(b)(1)(iii) Cargo tank DOT or MC specification number;

(b)(1)(iv) MAWP of the cargo tank;

(b)(1)(v) Minimum thickness of the cargo tank shell and heads when the cargo tank is thickness tested in accordance with §180.407(d)(4), §180.407(e)(3), §180.407(f)(3), or §180.407(i);

(b)(1)(vi) Indication of whether the cargo tank is lined, insulated, or both; and

(b)(1)(vii) Indication of special service of the cargo tank (e.g., transports material corrosive to the tank, dedicated service, etc.)

(b)(2) Each test or inspection report must include the following specific information as appropriate for each individual type of test or inspection:

- (b)(2)(i) Type of test or inspection performed;
- (b)(2)(ii) Date of test or inspection (month and year);
- (b)(2)(iii) Listing of all items tested or inspected, including information about pressure relief devices that are removed, inspected and tested or replaced, when applicable (type of device, set to discharge pressure, pressure at which device opened, pressure at which device reseated, and a statement of disposition of the device (e.g., reinstalled, repaired, or replaced)); information regarding the inspection of upper coupler assemblies, when applicable (visually examined in place, or removed for examination); and, information regarding leakage and pressure testing, when applicable (pneumatic or hydrostatic testing method, identification of the fluid used for the test, test pressure, and holding time of test);
- (b)(2)(iv) Location of defects found and method of repair;
- (b)(2)(v) ASME or National Board Certificate of Authorization number of facility performing repairs, if applicable;
- (b)(2)(vi) Name and address of person performing test;
- (b)(2)(vii) Registration number of the facility or person performing the test;
- (b)(2)(viii) Continued qualification statement, such as “cargo tank meets the requirements of the DOT specification identified on this report” or “cargo tank fails to meet the requirements of the DOT specification identified on this report”;
- (b)(2)(ix) DOT registration number of the registered inspector; and
- (b)(2)(x) Dated signature of the registered inspector and the cargo tank owner.
- (b)(3) The owner and the motor carrier, if not the owner, must each retain a copy of the test and inspection reports until the next test or inspection of the same type is successfully completed. This requirement does not apply to a motor carrier leasing a cargo tank for fewer than 30 days.
- (c) Additional requirements for Specification MC 330 and MC 331 cargo tanks. (1) After completion of the pressure test specified in §180.407(g)(3), each motor carrier operating a Specification MC 330 or MC 331 cargo tank in anhydrous ammonia, liquefied petroleum gas, or any other service that may cause stress corrosion cracking, must make a written report containing the following information:
 - (c)(1)(i) Carrier’s name, address of principal place of business, and telephone number;
 - (c)(1)(ii) Complete identification plate data required by Specification MC 330 or MC 331, including data required by ASME Code;
 - (c)(1)(iii) Carrier’s equipment number;
 - (c)(1)(iv) A statement indicating whether or not the tank was stress relieved after fabrication;
 - (c)(1)(v) Name and address of the person performing the test and the date of the test;
 - (c)(1)(vi) A statement of the nature and severity of any defects found. In particular, information must be furnished to indicate the location of defects detected, such as in weld, heat-affected zone, the liquid phase, the vapor phase, or the head-to-shell seam. If no defect or damage was discovered, that fact must be reported;
 - (c)(1)(vii) A statement indicating the methods employed to make repairs, who made the repairs, and the date they were completed. Also, a statement of whether or not the tank was stress relieved after repairs and, if so, whether full or local stress relieving was performed;
 - (c)(1)(viii) A statement of the disposition of the cargo tank, such as “cargo tank scrapped” or “cargo tank returned to service”; and
 - (c)(1)(ix) A statement of whether or not the cargo tank is used in anhydrous ammonia, liquefied petroleum gas, or any other service that may cause stress corrosion cracking. Also, if the cargo tank has been used in anhydrous ammonia service since the last report, a statement indicating whether each shipment of ammonia was certified by its shipper as containing 0.2 percent water by weight.
- (c)(2) A copy of the report must be retained by the carrier at its principal place of business during the period the cargo tank is in the carrier’s service and for one year thereafter. Upon a written request to, and with the approval of, the Field Administrator, Regional Service Center, Federal Motor Carrier Safety Administration for the region in which a motor carrier has its principal place of business, the carrier may maintain the reports at a regional or terminal office.
- (c)(3) The requirement in paragraph (c)(1) of this section does not apply to a motor carrier leasing a cargo tank for less than 30 days.

- (d) Supplying certificates and reports. Each person offering a DOT-specification cargo tank for sale or lease must provide the purchaser or lessee a copy of the cargo tank certificate of compliance, records of repair, modification, stretching, or rebarrelling; and the most recent inspection and test reports made under this section. Copies of such reports must be provided to the lessee if the cargo tank is leased for more than 30 days.

Subpart G Qualification and Maintenance of Portable Tanks

§180.605 Requirements for Periodic Testing, Inspection and Repair of Portable Tanks.

- (l) Record retention. The owner of each portable tank or his authorized agent shall retain a written record of the date and results of all required inspections and tests, including an ASME manufacturer's date report, if applicable, and the name and address of the person performing the inspection or test, in accordance with the applicable specification. The manufacturer's data report, including a certificate(s) signed by the manufacturer, and the authorized design approval agency, as applicable, indicating compliance with the applicable specification of the portable tank, must be retained in the files of the owner, or his authorized agent, during the time that such portable tank is used for such service, except for Specifications 56 and 57 portable tanks.

TXDMV Record Retention Rules

43 TAC 218.32

For a complete list on the Preservation & Destruction of Records visit www.sos.state.tx.us
(Secretary of State) (Texas Administrative Code)

43 TAC 218.32 Motor Carrier Records

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