



# Federal Motor Carrier Safety Regulations Compliance

2017 NC Department of Revenue Motor Carrier Seminar





# How to comply

- If subject to a USDOT Number motor carriers must comply with 49 CFR Parts 382-399
  - Driver Qualification
  - CDL
  - Drug and Alcohol Testing
  - State and Local Laws
  - Hours of Service
  - Vehicle Maintenance
  - Hazardous Materials\*





# How do I comply?

- Obtain copy of the Federal Motor Carrier Safety Regulations and/or Hazardous Materials Regulations
- Motor carrier guide to improving highway safety can be located at;
  - <https://cms.fmcsa.dot.gov/safety/carrier-safety/motor-carriers-guide-improving-highway-safety>
  - Easy to read, plain language and includes forms
- Valuable resource includes the North Carolina Trucking Association
  - [www.nctrucking.com](http://www.nctrucking.com)





# 49 CFR Part 382

- Types of Test
  - Pre-Employment
  - Post Accident
  - Random (25% CST and 10% Alcohol)
  - Reasonable Suspicion
  - Return to Duty
  - Follow-Up Testing





## 49 CFR Part 383

CDL is required if it meets any of the following;

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of ***hazardous materials*** as defined in this section.





## 49 CFR Part 383

- Must have proper endorsements
  - ***Double/Triple Trailers*** —a knowledge test;
  - ***Passenger*** —a knowledge and a skills test;
  - ***Tank vehicle*** —a knowledge test;
  - ***Hazardous Materials*** —a knowledge test; and
  - ***School bus*** —a knowledge and a skills test.
- Restrictions
  - Watch for restrictions on the license (glasses, intrastate only)





# 49 CFR Part 391 Driver Qualification

The driver qualification file for a driver must include:

- (1) The driver's application for employment completed in accordance with § 391.21;
- (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 violations 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.
- (8) A Skill Performance Evaluation Certificate obtained from a Field Administrator, Division Administrator, or State Director issued in accordance with § 391.49; or the Medical Exemption document, issued by a Federal medical program in accordance with part 381 of this chapter; and
- (9) A note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m).





# 49 CFR Part 396 Vehicle Maintenance

- (b) **Required records.** Motor carriers, except for a private motor carrier of passengers (nonbusiness), must maintain, or cause to be maintained, records for each motor vehicle they control for 30 consecutive days. Intermodal equipment providers must maintain or cause to be maintained, records for each unit of intermodal equipment they tender or intend to tender to a motor carrier. These records must include:
  - (1) An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;
  - (2) A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;
  - (3) A record of inspection, repairs, and maintenance indicating their date and nature; and
  - (4) A record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.
- (c) **Record retention.** The records required by this section shall be retained where the vehicle is either housed or maintained for a period of 1 year and for 6 months after the motor vehicle leaves the motor carrier's control.







# 49 CFR Part 396 Vehicle Maintenance

- Must prepare daily vehicle inspection report when defect is discovered
- Annual Vehicle Inspection in accordance with 396.17
- Annual Vehicle Inspection Certification
- Brake Certification





## 49 CFR Part 395 Hours of Service

- Cannot drive more than 11 hours without 10 consecutive hours off duty
- Cannot drive after having been on duty 14 hours without 10 consecutive hours off duty
- Cannot driver after having been on duty 60/70 in 7 or 8 days
- Must have 34 consecutive hours off duty to reset 60/70 hour rule





# Who is required to use an ELD?

- Interstate CMV drivers currently required to keep RODS
  - Subject to requirements in 49 CFR 395
- Drivers of CMVs defined in 49 CFR 390.5
  - $\geq 10,001$  pounds
  - Placarded hazmat
  - More than 8 or 15 passengers
- 100 and 150 air-mile radius drivers who use paper RODS more than 8 days in any 30-day period





# Exemptions

- 100 air-mile radius drivers may continue to use timecards, as allowed by §395.1(e)(1)
- 150 air-mile radius non-CDL freight drivers may continue to use timecards, as allowed by §395.1(e)(2)
- Using paper RODS for not more than 8 days during any 30-day period
- Conducting “drive away-tow away” operations
- Driving vehicles manufactured before model year 2000





# Important Dates

- Registration and voluntary use of ELDs begins 60 days after the ELD Rule is published  
(February 16, 2016)
- Compliance date is 2 years after ELD Rule is published  
(December 18, 2017)
- AOBRDs must be upgraded or replaced with ELDs within 4 years of the publication of the Final Rule (December 16, 2019)
  - I.e., AOBRDs compliant with § 395.15 that were installed before the compliance date could be used (grandfathered) for 2 years after the compliance date





# National Registry of Certified Medical Examiners (NRCME)

- May 21, 2014 – All medical certificates issued on or after compliance date must be issued by certified examiners on the National Registry
- Medical Examiners must:
  - Be licensed, certified, or registered in accordance with applicable State laws to perform physical examinations
  - Complete training meeting core curriculum requirements
  - Pass the medical examiner certification test administered by a testing organization that meets FMCSA requirements
  - Complete refresher training every 5 years
  - Complete recertification testing every 10 years
  - Submit monthly reports to FMCSA





# National Registry Statistics

- 52,060 certified medical examiners
- 13,925,000 medical examinations conducted
  - 96.4% received medical certificates
    - 60.2% - 2-yr card
    - 33.2% - 1-yr card
    - 5.2% - 3-month
    - 1.4% - less than 3 month
  - 1.6% disqualified temporarily
  - 1.0% medically unqualified
  - 1.0% incomplete/determination pending
- June 22, 2018 – National Registry 2 Compliance Date





# National Registry

- New Forms
  - MCSA 5875 Medical Examination Report (MER)
  - MCSA 5876 Medical Examination Certificate (MEC)
- If alternative form is used must contain all of the required information of the form
- **Must submit to NC DMV each time new card issued**







# Questions or Comments?

