

REGULATORY REQUIREMENTS

All commercial vehicles operated in interstate commerce are subject to regulation by various federal standards and agencies including the Federal Motor Carrier Safety Administration (FMCSA). A basic overview of minimum regulatory requirements is provided; however for more detailed information, please visit www.fmcsa.dot.gov. Trade, traffic or transportation in any state not described in the term “interstate commerce” is defined as intrastate commerce. Many fleets that only operate within a single state automatically assume they are not involved with interstate commerce, and therefore, are not subject to these regulations. However, this is not always correct.

Commercial fleets not involved with interstate commerce are subject to regulation by the individual states. Most state regulations for intrastate commerce mirror federal regulations. In addition, specific state laws may specify additional requirements over and above the federal requirements, and may apply to vehicles registered within that state. You must check with the state DOT and motor vehicle regulatory agencies within the state(s) in which you operate to determine exactly what regulations apply.

- Interstate Commerce
- Intrastate Commerce
- Commercial Motor Vehicles

INTERSTATE COMMERCE

The Federal Motor Carrier Safety Administration (FMCSA), Title 49 CFR, Part 390.5 defines interstate commerce as trade, traffic or transportation in the U.S. :

- Between a place in a state and a place outside of such state (including a place outside of the U.S. ; or
- Between two places in a state through another state or a place outside of the U.S. ; or
- Between two places in a state as a part of trade, traffic or transportation originating or terminating outside the state or the U.S.

This definition commonly known as the “stream of interstate” clause is subject to interpretation and is the cause for considerable confusion as to what constitutes interstate commerce. Interstate trade or traffic is generally considered to be in interstate commerce until it reaches the final destination associated with its said trade or traffic. Under a strict interpretation of this definition, materials ordered from an out-of-state supplier, or an in-state supplier whose delivery route takes the materials through another state, remain in interstate commerce until they reach the final job site, even if they have been offloaded and stored at an interim site prior to final delivery.

INTRASTATE COMMERCE

The Federal Motor Carrier Safety Regulation (FMCSR) Title 49 CFR, Part 390.5, defines intrastate commerce as any trade, traffic or transportation in any State which is not described in the term “interstate commerce.”

COMMERCIAL MOTOR VEHICLES

The Federal Motor Carrier Safety Regulations (FMCSR), Title 49 CFR, Part 390.5 defines a Commercial Motor Vehicle (CMV) as any self-propelled or towed vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:

- Has a GVWR or GCWR of 4,536 kg (10,001 lbs.) or more, whichever is greater; or
- Is designed or used to transport more than eight 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 material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter 1, subchapter C.

DIFFERENTIATION BETWEEN CMV, CMV/CDL AND NON-CMV VEHICLES

For regulatory purposes, vehicles engaged in business and commerce can be divided into three distinct categories:

COMMERCIAL MOTOR VEHICLE- CDL

The following information is specified in FMCSR Title 49 CFR, Part 383.5 (Commercial Driver's License Standards: Requirements and Penalties). The CMV general definition differs slightly and can be found in FMCSR Title 49 CFR, Part 390.5 (General).

Any single vehicle having a GVWR or 26,001 lbs. or more; any combination of vehicles having a GCWR of 26,001 lbs. or more inclusive of a towed unit with a weight of 10,001 lbs. or more; any single vehicle designed to transport 16 or more passengers (including the driver); or any vehicle, regardless of weight, used to transport placardable quantities of hazardous materials is considered to be a commercial vehicle. Other than for a limited number of exceptions, all drivers of these vehicles must possess a valid commercial driver's license (CDL) with appropriate endorsements, as required by the various states who issue the licenses.

NOTE: The requirement for a Commercial Driver's License applies to all vehicles in inter- and intra-state commerce that meet the criteria defined above. However, check the state regulations in which your vehicles are licensed for specific requirements.

COMMERCIAL MOTOR VEHICLE- NON CDL

Vehicles not otherwise covered by definitions three or four in the Commercial Motor Vehicle section, are considered to be commercial motor vehicles, but do not require that the driver possess a valid commercial driver's license (CDL).

Check individual state definitions of commercial vehicles and with your state DOT to determine your exact status. Some states that require powered vehicles to be licensed for a GCW (when equipped for towing a trailer) go by the

licensed weight of the vehicle, and may consider a vehicle with a GVWR of less than 10,000 lbs. to be a commercial, even if it is not towing a trailer if the licensed weight exceeds 10,000 lbs.

NONCOMMERCIAL MOTOR VEHICLES

Vehicles that do not fit any of the definitions of a CMV as stated above, and have a GVWR of 10,000 lbs. or less, are considered to be noncommercial vehicles for most regulatory purposes. These vehicles are subject to regulation by the various states, but are exempt from federal commercial vehicle requirements.

GENERAL REQUIREMENTS FOR CMV AND CMV/CDL VEHICLES

HOURS-OF-SERVICE

As a part of an overall motor vehicle safety program, the FMCSR limits the number of hours the driver of a commercial vehicle can be “in service” as defined in Title 49 CFR, Part 395.3.

EXCEPTIONS

There are numerous exceptions for hours-of-service regulations to accommodate emergency conditions. In addition, there are special exceptions/variations of the regulations for various trades, drivers operating in the states of Alaska and Hawaii and for drivers of passenger carrying vehicles. It is recommended that operators of commercial fleets familiarize themselves with the contents of the FMCSR found in Title 49 CFR, Part 395 to determine exactly how these regulations apply to their specific operations.

STATE-BY-STATE EXCEPTIONS

In some cases, the exceptions defined in the FMCSR found in Title 49 CFR, Part 395 are at the discretion of the individual states as to if or when they apply. Therefore, check with the individual state regulatory authorities to determine the specific applicability of an exception.

DRIVER'S RECORDS

In the FMCSR, Title 49 CFR, Part 395.8 establishes specific requirements and procedures for the maintenance of drivers' records (logbooks) to document the number of hours on- and off-duty. The regulations also define specific requirements for the retention of these records. Again, there are numerous exceptions to these general requirements that modify or eliminate requirements to maintain a driver's logbook. Verify individual state regulatory authorities to determine specific applicability of an exception.

IDENTIFICATION OF COMMERCIAL VEHICLES

All self-propelled commercial vehicles must be identified per the requirements located in the FMCSR, Title 49 CFR Part 390.21. Information regarding size, shape, location, color of markings, and rented CMVs may be of particular interest. In addition, online registration and further information is also available at www.fmcsa.dot.gov.

INSURANCE REQUIREMENTS

Insurance requirements for vocational fleets whose vehicles are not operating for hire are normally established by the state where the vehicle is registered. However, if your vehicles are transporting placardable quantities of hazardous material, as defined by in the FMCSR, found in Title 49 CFR, Subchapter C Part 172 Subpart F your fleet is also subject to federal minimum insurance requirements and other federal regulations.

Federal (interstate commerce) and most state regulations require each vehicle carry a current certificate of insurance.

VEHICLE SAFETY AND EMERGENCY EQUIPMENT REQUIREMENTS

The FMCSR Title 49 CFR , Part 393 specifies minimum standards for vehicle components such as lighting, electrical equipment, brakes, windows, etc. This section also includes requirements for protection against shifting and falling cargo as discussed in the "Cargo Securement." Work with a reputable vendor to assure vehicle compliance to these regulations..

FLAGS ON PROJECTING LOADS

FMCSR, Title 49 CFR Part 393.87 specifies that: "Any motor vehicle having a load or vehicle component that extends beyond the sides more than 4" or more than 4' beyond the rear shall have the extremities of the load marked with a red flag, not less than 12" square, at each point where a lamp is required by Table 1, section 393.11." Online lighting guide.

It is the responsibility of the driver to ensure that this requirement is complied with before a vehicle travels on a public highway. Additional warning devices may be utilized in conjunction with the marking of a projecting load, but the flags at the extreme points must comply with the above requirements.

EMERGENCY EQUIPMENT

FMCSR, Title 49 CFR Part 393.95, Subpart H specifies all power units in commercial service must carry safety equipment such as fire extinguishers, spare fuses and warning devices for stopped vehicles.