



# Federal Motor Carrier Safety Regulations

## » Ensuring Fleet Safety Through Better Driving Practices

*The Federal Motor Carrier Safety Regulations (FMCSR) are administered by the Federal Motor Carrier Safety Administration. The mission of the Office of Motor Carriers is to:*

- *Reduce commercial vehicle accidents*
- *Decrease fatalities, injuries and property losses involving commercial motor vehicles*
- *Through minimum safety standards for many aspects of fleet operations, reduce casualties and economic loss*

*What follows is a basic overview of the organization and applicability of the FMCSR. It is not a complete reference and should not be used as the basis for legal interpretations. It is the responsibility of motor carriers, drivers and shippers to know the changes to the FMCSR.*

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## Applicability

Generally, all private motor carriers of property and for-hire motor carriers operating in interstate or foreign commerce must comply with the FMCSR. The rule in Part 383, Commercial Driver's License Standards: Requirement and Penalties, apply to every person who operates a commercial motor vehicle in interstate, foreign or intrastate commerce and to all employees of such persons. For this part, a commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (a). Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (b). Has a gross vehicle weight rating of 26,001 or more pounds; or
- (c). Is designed to transport 16 or more passengers, including the driver; or
- (d). Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

## Is My Fleet Subject to the FMCSR?

To answer this question about your truck or bus operation, please check a "yes" or "no" after the following statements:

- 1(a). Operate a truck (over 10,001 lbs.) across state lines  
 Yes       No
- 1(b). Operate a for-hire bus (designed to transport more than 16 persons, including the driver) across state lines  
 Yes       No
- 1(c). Operate a truck or for-hire bus (as described above) within one state but as part of a through movement that begins or ends in another state.  
 Yes       No
- 2. I haul hazardous cargo, either across state lines or wholly within one state.  
 Yes       No
- 3. I checked the "yes" box after any of the above four statements.  
 Yes       No

If you checked "yes" after 1(a), 1(b) or 1(c), you are almost certainly subject to the FMCSR. If you checked "yes" after 2, you are most likely subject to the Hazardous Materials Regulations. If you checked "yes" after 3, you are most likely subject to the Minimum Financial Responsibility (Insurance) Requirements. If you are uncertain whether your truck or bus operation is subject to these regulations, please call the Office of Motor Carrier Safety in the Federal Highway Administration office in your state.

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## Who Must Comply with the U.S. DOT Safety Regulations?

Many truck and bus operations are subject to some or all of the DOT safety regulations. Listed below are three principal regulatory areas and the types of truck and bus operations covered by each. This list provides only a summary of these three regulatory areas. For more detailed information, the FMCSR (Title 49, Chapter III, Subchapter B) should be consulted. The regulations can be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, phone (202) 783-3238. They are also available (often more up to date and less expensive) from commercial sources.

The "Definitions and References" section should be used to interpret the underlined words.

1. The Federal Motor Carrier Safety Regulations apply to your operations if you operate a commercial motor vehicle to transport property or passengers in interstate commerce. Exceptions: The FMCSR does not apply to the private transportation of passengers but only to the for-hire transportation of passengers.
2. The Hazardous Materials Regulations (HMR) apply to your operations if you operate a motor vehicle of any size to:
  - a. Transport a hazardous material in interstate commerce, or
  - b. Transport, wholly within one state or in interstate commerce, the following:
    - (i) A hazardous waste or hazardous substance, whether in bulk or not, or
    - (ii) A flammable cryogenic liquid in bulk
3. The Minimum Financial Responsibility (Insurance) Requirements apply to your operations if:
  - a. You are a for-hire motor carrier of property or passengers in interstate commerce, or
  - b. You operate a motor vehicle to transport any quantity of a hazardous material in interstate commerce, or
  - c. You operate a motor vehicle to transport a hazardous material in bulk wholly within one state or in interstate commerce.

Exception: The Financial Responsibility (Insurance) Requirements do **not** apply to truck with a gross vehicle weight rating (GVWR) under 10,000 pounds (unless transporting Class A or B explosives, poison gas or highway route controlled radioactive materials), school buses, taxicabs or van pools.

## Definitions and References

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1. The Federal Motor Carrier Safety Regulations are found at 49 CFR Parts 350-399.
2. A "commercial motor vehicle" is:
  - a. A truck with a GVWR or GCWR over 10,001 pounds, or
  - b. A truck of any GVWR that is used to transport a hazardous material in a quantity requiring placarding, or
  - c. A bus designed to transport more than 15 persons, including the driver.
3. "Interstate commerce" means across state lines, including international boundaries or wholly within one state as part of a through movement that originates or terminates in another state or country.
 

*Note: To view current rules and regulations visit [www.fmcsa.gov](http://www.fmcsa.gov). Their website also has current information on local service offices.*
4. A "for-hire motor carrier" is a transporter of property or passengers by motor vehicle for compensation and is more specifically defined in 49 CFR Section 387.5 (property) and 387.29 (passengers).
5. The Hazardous Material Regulations (HMR) are found at 49 CFR Parts 171-179.
6. "Hazardous materials" and hazardous waste" are listed in the Hazardous Materials Table in 49 CFR Section 172.101. "Hazardous substances" are listed in an appendix to that Table.
7. A "cryogenic liquid" is a refrigerated liquefied gas having a boiling point colder than –130 degrees F (-90 degrees C) at one atmosphere, absolute (49 CFR Section 173-300 [f])
8. "In bulk" is defined as the transportation of any property in a portable or cargo tank with a capacity in excess of 3,500 gallons.
 

**Exception:** Transportation of any quantity of Class A and B explosives or poison gases is defined as "in bulk" (49 CFR Section 387.5).
9. The Minimum Levels of Financial Responsibility (Insurance) Requirements are part of the FMCSR and are found at 49 CFR Part 387. They state, in part, that proof of the required financial responsibility (insurance) shall be maintained at the motor carrier's principal place of business, usually on a Form MCS-90 (property) or MCS-90B (passengers), issued by an insurer, although there are other acceptable forms of proof as explained in full in the regulation. Foreign carriers are required to maintain a copy of the MCS-90 on board the vehicle when operating in the United States.

## State Regulations

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Many states have adopted the Federal Motor Carrier Safety Regulations for intrastate fleets. Your fleet may now be subject to many parts of the regulations with enforcement by state authorities. Our Loss Control Department can provide you with information on the parts of the FMCSR adopted by your state.

*Reduce Your Risk for a Loss*

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Access our policyholder education safety series online at [www.hanover.com](http://www.hanover.com).



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