

FMCSRS - GENERAL

Title 49 CFR Part 390
Driver Level Training



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This Training summarizes for Drivers:

- Definitions relevant for Drivers
- Driver Rights
- Driver Responsibilities

Subpart A—General Applicability and Definitions

- §390.3 General applicability.
 - Rules are Applicable to Employers and Employees.
 - Rules regarding Requirements and Penalties are applicable to every person who operates a CMV
 - Every Driver must comply with the Regulations

Subpart A—General Applicability and Definitions

□ §390.3 General applicability.

- Rules in 390 for CMVs Apply to Drivers of
 - » Vehicles with Gross Weight or Combination rate over 10,000 lbs.
 - » Is designed to Transport 8 or more person including driver
 - » Transports HAZMAT
- Rules in 383 CDL Standards Apply to Drivers of
 - » Vehicles with Gross Weight or Combination rate over 26,000 lbs.
 - » Is designed to Transport 16 or more person including driver
 - » Transports HAZMAT
 - » CDL Drivers are subject to Parts 40, 383 and 382 additionally

Subpart A—General Applicability and Definitions

§390.5 Definitions.

- Accident means
 - A fatality
 - Injury to person requiring medical attention away from scene
 - One or more Vehicles is towed
- Commercial Motor Vehicle
 - Over 10,000 lbs
 - Is designed to transport 9 or more passengers including driver
 - Transports HAZMAT
- Previous Employer those who are DOT Regulated who employed driver in previous 3 years, including any possible current Employer

Subpart A—General Applicability and Definitions

§390.6 Coercion prohibited.

- Motor Carriers may not coerce a driver to violate FMCSRs
- A driver who believes they were coerced to Violate Regulations may file a written complaint under Title 49 CFR 386.12(c)

Subpart B—General Requirements and Information

- §390.11 Motor carrier to require observance of driver regulations.
- §390.13 Aiding or abetting violations. – No person shall aid, abet, encourage or require a Motor Carrier or Employee to Violate Regs.
- §390.15 Assistance in investigations and special studies. – Each Motor Carrier must
 - Make information regarding accidents available to FMCSA, State or Authorized Third Party and give them reasonable assistance including true responses.
 - Maintain an Accident Register for 3 years
 - » List of Accidents, Dates, City or Town, Driver name, Number of Fatalities and Injuries whether HAZMAT was involved

Subpart B—General Requirements and Information

- §390.21 Marking of self-propelled CMVs and intermodal equipment.
 - Every CMV must be marked and display
 - Name of Motor Carrier
 - FMCSA Number preceded by the letters USDOT
 - Marking must appear on both sides of vehicle

Subpart B—General Requirements and Information (continued)

§390.23 Relief from regulations. – Parts 390-399 don't apply during delared emergencies:

- Delcared by the President of US, Governor of a State or FMCSA Regional Administrator or their authorized administrators
- Shall not exceed period of Emergency or 30 days whichever is less. This may be extended for up to 2 additional 30 day periods
- Local emergencies are limited to 5 days .
- Subsequent to the Emergency, Drivers must be relieved of duty after emergencies until they become back into compliance Hours of Service Regulations under Title 49 CFR Part 395.

§390.25 Extension of relief from regulations—emergencies.

- The FMCSA Field Administrator may extend the 30 day period for Regional Emergencies but not the 5 day period for Local Emergencies.
- Any Motor Carrier or Driver who wants an extension must obtain approval from the FMCSA Field Administrator. If the Field Administrator approves the extension then he or she will establish a new time limit

Subpart B—General Requirements and Information (continued)

§390.25 §390.27 Locations of motor carrier safety service centers.

- Eastern:
- Midwestern
- Southern
- Western

§390.29 Location of records or documents. – Motor Carrier may keep records/documents at Home, Regional or Driver Work Reporting Locations.

§390.31 Copies of records and documents.

- Copies that are legible and accurate may be maintained in lieu of originals.

§390.32 Electronic documents and signatures.

- Documents required to be retained in Driver Qualification and other files may use Electronic Signatures. (Must comply with 15 USC 7001c)
- Documents required to be submitted directly to the FMCSA must be originals.

Subpart B—General Requirements and Information (continued)

§390.33 Commercial motor vehicles used for purposes other than defined. – Must comply with Regulations for other purpose such as a CMV not designed as a Bus but used as a Bus must comply with the Bus Regulations.

§390.35 Certificates, reports, and records: Falsification, reproduction, or alteration. – Not Motor Carrier, its Agents, Representatives or Employees shall make fraudulent statements on any Application, Certificate, Report or Record.

§390.36 Harassment of drivers prohibited. – No Motor Carrier may harass a driver based on information obtained through an ELD System which the Motor Carrier knew would cause the driver to violate the Hours of Service Regs.

§390.37 Violation and penalty. - Any person who violates the FMCSAs may be subject to civil or criminal penalties

§390.38 Exemptions for pipeline welding trucks.

§390.39 Exemptions for “covered farm vehicles.”

Subpart C—Requirements and Information for Intermodal Equipment Providers and for Motor Carriers Operating Intermodal Equipment

- §390.40 What responsibilities do intermodal equipment providers have under the FMCSRs (49 CFR parts 350-399)? – Intermodal Carriers must file form MCSA-1, mark equipment with USDOT#, maintain equipment as required under 396.3, and provide safe equipment
- §390.42 What are the responsibilities of drivers and motor carriers operating intermodal equipment? – Drivers of Intermodal Equipment must inspect it before driving and report to the provider an damage or defects

Subpart C—Requirements and Information for Intermodal Equipment Providers and for Motor Carriers Operating Intermodal Equipment

- §390.44 What are the procedures to correct the safety record of a motor carrier or an intermodal equipment provider? – Intermodal Providers and Motor Carriers may e-file concerns about Federal and State data. Intermodal Providers may request FMCSA Investigation of Motor Carriers. Also Motor Carriers may request FMCSA Investigation of an Intermodal Provider.
- §390.46 Are State and local laws and regulations on the inspection, repair, and maintenance of intermodal equipment preempted by the FMCSRs? – State and Local Regulations relating to maintenance of Intermodal Providers are are preempted by Federal Regulations.

Subpart D—National Registry of Certified Medical Examiners

- §390.101 Scope. REQUIRES THAT MEDICAL EXAMINERS BE CERTIFIED TO PERFORM FMCSA PHYSICALS AND PROVIDES A NATIONAL REGISTRY
- §390.103 Eligibility requirements for medical examiner certification.
 - To become Certified the Medical Examiner must complete a training program and pass the Medical Examiner Certification Test.
- §390.105 Medical examiner training programs. Training must be conducted by a training provider that is Accredited and provides participants with proof of participation.
- §390.107 Medical examiner certification testing.
- §390.109 Issuance of the FMCSA medical examiner certification credential.
- §390.111 Requirements for continued listing on the National Registry of Certified Medical Examiners.
- §390.113 Reasons for removal from the National Registry of Certified Medical Examiners.
- §390.115 Procedure for removal from the National Registry of

Subpart D—National Registry of Certified Medical Examiners

- §390.107 Medical examiner certification testing. – Testing Organization must:
 - Have documented Policies and Procedures
 - Computer based testing must have means to ID person taking the test, monitor that persons activity, and not allow person taking test to copy it.
 - Provide FMCSA Policies and Procedures and agree to FMCSA reviews.
 - Administer only the Currently Authorized Version.
- §390.109 Issuance of the FMCSA medical examiner certification credential. – FMCSA will Certification Credential with unique National Registry Number and be added to the National Registry.
- §390.111 Requirements for continued listing on the National Registry of Certified Medical Examiners.
- §390.113 Reasons for removal from the National Registry of Certified Medical Examiners.
- §390.115 Procedure for removal from the National Registry of Certified Medical Examiners.

Subpart D—National Registry of Certified Medical Examiners

- §390.111 Requirements for continued listing on the National Registry of Certified Medical Examiners. – To continue to be registered Medical Examiner must:
 - Continue to meet FMCSA requirements
 - Report changes to the FMCSA
 - Continue to be licensed in that State
 - Maintain License and Documentation of Completion of Training
 - Complete Continuing Training in accordance with Schedules
 - FMCSA will issue Credential valid for 10 years for those who comply

Subpart D—National Registry of Certified Medical Examiners

- §390.113 Reasons for removal from the National Registry of Certified Medical Examiners. – The FMCSA may remove a Medical Examiner from the National Registry:
 - The Medical Examiner Fails to comply with requirement for continued listing
 - FMCSA finds errors or omissions or other indications of improper Certification.
 - FMCSA determines the Medical Examiner issued a Medical Examiners’s Certificate to a Driver who failed to meet applicable standards.
 - The Medical Examiner fails to comply with Examination Requirements in 391.43
 - The Medical Examiner falsely claims to have completed Education

§390.115 Procedure for removal from the National Registry of Certified Medical Examiners.

Subpart D—National Registry of Certified Medical Examiners

- §390.115 Procedure for removal from the National Registry of Certified Medical Examiners. —
 - Voluntary Removal
 - Notice of Proposed Removal – FMCSA provides written notification of Removal. Stating the reasons and any corrective action that must be taken to remain on list.
 - Response to Notice of Proposed Removal and Corrective Action. Medical Examiner must submit written response within 30 days which must indicate if the Medical Examiner believes the FMCSA relied on erroneous reasons.
 - Compliance and Corrective Actin must take place within 60 days.
 - Emergency Removal by the Director will be effective immediately

Subpart E—Unified Registration System

□ §390.201 USDOT Registration.

- Establishes who must file, filing schedule and General Information.
- Must file Form MCSA-1 URS Online Application with the FMCSA
- A person who fails to file is subject to penalties
- Applicant may not begin operations or mark vehicle with USDOT Number until Agency written notification of activation
- Must file every 24 months
- Form MCSA-1 with instructions is a www.fmcsa.dot.gov/urs

Subpart E—Unified Registration System

- §390.203 PRISM State A Motor Carrier that registers in a State participating in PRISM may file with the State
 - If State does not allow, then must file with FMCSA
 - For Hire Motor Carrier must obtain operating authority under both 390.201b and Part 365.

Subpart E—Unified Registration System

- §390.205 Special requirements for registration – A person applying as a Motor Carrier, Broker or Freight Forwarder must also file within 90 days of Application:
 - Evidence of Financial Responsibility
 - Designation of Agent for Service of Process

Subpart E—Unified Registration System

- §390.207 Other governing regulations.
 - Motor Carriers must Successfully pass New Entrant Safety Assurance Program.
 - Brokers and Freight Forwarders must obtain Operating Authority under Part 365
 - Intermodal Equipment Providers subject to 390 subpart C.
 - HAZMAT Safety Permit Applicants subject to Part 385
 - Cargo Tank Facilities subject to 49 CFR Part 107, subpart F, 49 CFR Part 172 subpart H and 49 CFR part 180

Subpart E—Unified Registration System

- §390.209 Pre-authorization safety audit.
Non North-American domiciled Motor Carrier seeking interstate work in the USA must pass pre-authorization audit under 49 CFR 385.607.

Subpart F—Lease and Interchange of Passenger-Carrying Commercial Motor Vehicles

□ §390.301 Applicability.

- (a) General. this subpart applies to the following actions, irrespective of duration, or the presence or absence of compensation, by motor carriers operating CMVs to transport passengers:

§390.303 Written lease and interchange requirements.

§390.305 Notification.

Subpart F—Lease and Interchange of Passenger-Carrying Commercial Motor Vehicles

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(a) General. this subpart applies to the following actions, irrespective of duration, or the presence or absence of compensation, by motor carriers operating CMVs to transport passengers:

§390.305 Notification.

Thank

You

