



REGULATION SOLUTIONS TRAINING SITE

We hope today's training will provide you with important information for your Business.



FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Title 49 CFR Part 390 : General
Driver Level Training




FMCSRS - GENERAL

Title 49 CFR Part 390

This Training summarizes for Drivers:

- Definitions relevant for Drivers
- Driver Rights
- Driver Responsibilities

SUBPART A—GENERAL APPLICABILITY AND DEFINITIONS

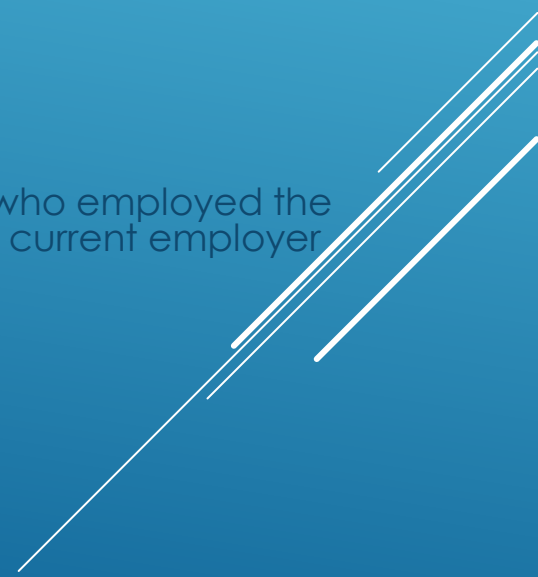
- ▶ **§390.3 General applicability.**
 - ▶ Rules are Applicable to Employers and Employees.
 - ▶ Rules regarding Requirements and Penalties are applicable to every person who operates a CMV
 - ▶ Every Driver must comply with the Regulations
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- A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom right towards the top right, set against the blue background.

~~SUBPART A—GENERAL APPLICABILITY~~ ~~§ 390.3 General applicability.~~ **AND DEFINITIONS**

- ▶ 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 also subject to Parts 40 and 382 which now includes the CDL FMCSA Clearinghouse Registration and Reporting requirements for you, the Drivers in addition to your Employer


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 means any DOT regulated person who employed the driver in the preceding 3 years, including any possible current employer
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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)
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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


SUBPART C— RESPONSIBILITIES OF DRIVERS OF MOTOR CARRIERS OPERATING INTERMODAL 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 – STATE AND LOCAL LAWS

- ▶ §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.
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A bald eagle is shown in flight, centered in the frame. Its wings are fully extended, and its tail feathers are visible. The eagle's body is a mix of brown and white feathers. The background is a clear, bright blue sky. The text "Thank You" is overlaid on the image in a white, cursive font.

Thank

You