

MOTOR CARRIER SAFETY

PART 383/ORS 807/809 - Commercial Driver's License Standards

The licensing provisions in Part 383 are intended to help reduce accidents by setting standards that:

- Require commercial drivers to be properly qualified and to hold a single valid operator's license; and
- Disqualify drivers who do not operate *Commercial Motor Vehicles (CMV)* safely.

DEFINITIONS

Commercial Motor Vehicle 383.5 *Commercial motor vehicle (CMV)* is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating (GCWR) of **26,001 pounds** or more inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) of more than **10,000 pounds**, or
- Has a gross vehicle weight rating (GVWR) of **26,001 pounds** or more; or
- Is designed to transport **16 passengers** or more, including the driver; or
- Is of any size and used to transport *hazardous materials* requiring placarding.

Note: *The above definition of CMV pertains to Part 383 (Commercial Driver's License), Part 380 (Entry-Level Driver Training) and Part 382 (Controlled Substances and Alcohol Testing) only.*

Gross Combination Weight Rating 383.5 *Gross combination weight rating (GCWR)* is the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a manufacturer's specified value for the towed unit, the weight will be determined by the actual weight of the towed unit and any load thereon.

Gross Vehicle Weight Rating 383.5 *Gross vehicle weight rating (GVWR)* is the value specified by the manufacturer as the loaded weight of a single motor vehicle.

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COMMERCIAL DRIVER'S LICENSE (CDL) CLASSES, ENDORSEMENTS, AND RESTRICTIONS

CDL Classes
383.5 / 383.91 /
ORS 807.031

There are three classes of CDL: *Class A CDL* allows the driver to operate Class A, Class B, and Class C vehicles. *Class B CDL* allows drivers to operate Class B and Class C vehicles. *Class C CDL* allows drivers to operate Class C vehicles. Vehicle classes:

- **CLASS A**--Gross combination weight rating (GCWR) of **26,001 or more pounds**, inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) of more than **10,000 pounds**.
- **CLASS B**--GVWR of **26,001 or more pounds** (may tow a trailer up to 10,000 GVWR).
- **CLASS C**-- GCWR or GVWR up to 26,000 pounds, designed to transport **16 or more passengers**, including the driver.
- **CLASS C**-- GCWR or GVWR up to 26,000 pounds, transporting **hazardous materials** requiring placarding.

Endorsements
383.93 /
ORS 807.035

In addition to basic CDL tests, drivers who operate specialized commercial motor vehicles must pass additional tests to obtain the following endorsements on their CDL's:

T—Double/triple trailers

P—Passenger

N—Tank vehicle

H—Hazardous materials

X—Combination of tank vehicle and hazardous materials

S—School bus

Tank Vehicle
383.5

A *tank vehicle* is any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

Hazardous Materials
383.141 /
OAR 735-062-0190

To obtain a hazardous materials endorsement, or renew a hazardous materials endorsement, individuals must pass a Transportation Security Administration security screening process. For further information, visit the DMV Web site at:

www.oregon.gov/odot/dmv/driverid/cdlendrest.shtml

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Air Brake Restriction 383.95

If an individual fails the air brake section of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, his/her CDL will indicate the license holder may not operate a CMV equipped with air brakes.

A driver who passes the knowledge and skills tests, and has no air brake restriction, qualifies as an air brake inspector. See 396.25.

Note: For the purposes of the skills test and the license restriction, air brakes include any braking system that operates fully or partially on the air brake principal.

Oregon Farm Endorsements ORS 807.035

A farmer who operates a commercial motor vehicle is not required to hold a CDL if the CMV is:

- Controlled or operated by the farmer;
- Used to transport agricultural products, farm machinery, or farm supplies to or from the farm;
- Not used in for-hire operations;
- Operated within 150 air-miles of the farm; AND
- Not used in triple-trailer combinations.

Rather than a CDL, a farmer may obtain one of the following:

- Class Y Farm Endorsement--same vehicle combination as that allowed for a Class A CDL.
- Class Z Farm Endorsement--same vehicle(s) as that allowed for a Class B CDL.

A farmer with a farm endorsement may also transport the following without requiring an additional endorsement:

- Double trailers
- Tank vehicle
- Hazardous materials – if placarded in accordance with applicable laws

Oregon Classes and Exemptions ORS 807

Because the CDL is a state-issued license, check with the appropriate state officials regarding particular license classes and specific exemptions. For other classes and exemptions for Oregon drivers, see ORS 807.020 to 807.036.

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CONVICTIONS, SUSPENSIONS, AND DISQUALIFICATION

**Employer
Responsibility**
383.37 / 383.51 /
391.15

No employer shall knowingly allow or require a driver to drive a CMV whose license is suspended, revoked, or cancelled, or who has been disqualified to drive a CMV.

**Driver
Responsibility:
Notification of
Convictions**
383.31

When a driver who holds a CDL is convicted of violating, in any vehicle or in any State, a law relating to motor vehicle traffic control (other than a parking violation), that driver must notify both his/her *employer* and the *State* from which his/her CDL is issued of the violation(s) within 30 days of the conviction. This notification must be in writing and must include the following information:

- Driver's full name;
- Driver's license number;
- Date of conviction;
- Details about the offense, including any resulting suspension, revocation, or cancellation of driving privileges;
- Indication of whether the violation happened in a CMV;
- Location of offense; and
- Driver's signature.

**Driver
Responsibility:
Notification of
Suspensions**
383.33 / 391.15

A driver must notify his/her employer before the end of the business day following the day the driver receives notice of suspension, revocation, cancellation, loss of privilege, or disqualification from any state or jurisdiction.

**Commercial
Driver's License
Information
System (CDLIS)**

The CDLIS enables the States to exchange information about the driving records and driver's licenses of CMV drivers. This helps ensure that only one license is issued to a driver and that drivers currently disqualified are prevented from obtaining a CDL.

Employers have access to the CDLIS clearing-house through their State's vehicle licensing agency.

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DISQUALIFICATION TABLES (1-4)

Table 1:
Major Offenses
383.51 / 391.15

Major offenses include:

- Driving *any* vehicle while under the influence of alcohol or controlled substances.
- Having an alcohol concentration of 0.04 or greater while operating a CMV.
- Refusing to take an alcohol test as required by a state or jurisdiction under its implied consent laws defined in 383.72.
- Transportation, possession, or unlawful use of controlled substances while on duty.
- Leaving the scene of an accident while operating *any* vehicle.
- Using *any* vehicle to commit a felony.
- Driving a CMV while suspended, when the suspension was the result of a CMV violation.
- Causing a fatality through negligent operation of a CMV.

Penalties
383.51 / 391.15
ORS 809.413

- **First conviction** - One year disqualification.
- **First conviction while transporting hazardous materials** - Three year disqualification.
- **Subsequent convictions** - Lifetime disqualification.

A driver convicted of a felony for using *any* vehicle for manufacturing, distributing, or dispensing controlled substances is disqualified for life, and is not eligible for reinstatement.

Table 2:
Serious Traffic Violations
383.51

Serious traffic violations include:

- Speeding 15 mph or more above the posted speed limit in *any* vehicle.
- Reckless driving, improper or erratic lane changes, or following too closely in *any* vehicle.
- Traffic offenses linked to fatalities in *any* vehicle.
- Driving a CMV without the proper class of CDL and/or endorsements.
- Driving a CMV without a CDL in possession.

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Penalties
383.51 /
ORS 809.413

- **Second conviction within three years** – 60 day disqualification.
- **Third or subsequent conviction within three years** – 120 day disqualification.

Table 3:
Railroad Crossing
Violations
383.51

Railroad crossing violations while operating a CMV include: *

- Failing to slow down or stop at or before a railroad crossing when required.
- Failing to drive completely through a crossing when required.
- Failing to negotiate a crossing because of insufficient undercarriage clearance.

* See also Parts 392.10 and 392.11.

Penalties
383.51 / 383.53

- **First conviction** – 60 day disqualification.
- **Second conviction within three years** – 120 day disqualification.
- **Third or subsequent conviction within three years** – One year disqualification.

An employer who knowingly allows or requires a driver to commit a railroad crossing violation may be subject to a civil penalty of \$10,000.

Table 4:
Violations of Out-
of-Service Orders
383.51 / 391.15 /
ORS 809.413

During a CVSA inspection, a driver and/or CMV can be placed out-of-service for certain safety-related deficiencies or defects. The driver is in **violation of the out-of-service order** if the driver operates the CMV before the driver is allowed to do so.

Penalties
383.51 / 383.53 /
391.15 /
ORS 809.413

- **First conviction** – 90 day to one year disqualification.
- **Second conviction within ten years** – One to five year disqualification.
- **Third or subsequent conviction within ten years** – Three to five year disqualification.

Hazardous Materials / Passengers:

- **First conviction** - 180 day to two year disqualification.
- **Second or subsequent conviction within ten years** – Three to five year disqualification.

A driver who operates a CMV in violation of an out-of-service order

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shall also be subject to a civil penalty of \$1,100 to \$2,750. An employer who knowingly allows or requires a driver to violate an out-of-service order shall be subject to a civil penalty of \$2,750 to \$11,000.