

MOTOR CARRIER SAFETY

PART 390/OAR 740 – General Federal Motor Carrier Safety Regulations

General Applicability 390.3

The Federal Motor Carrier Safety Regulations (FMCSR) apply to all employers, employees, and commercial motor vehicles transporting property or passengers in interstate or intrastate commerce.

Exceptions to General Applicability:

- School bus operations directly related to school functions.
- Transportation performed by governmental agencies. Fire and rescue vehicles used during emergencies. Hearse and ambulance services.*
- Certain intrastate farm operations. See ORS 825.024.
- Noncommercial transportation.

* See also **emergency exception** under 390.5 (*Definitions: Direct Assistance, Emergency, Emergency relief*), 390.23, and 390.25.

DEFINITIONS

Commercial Motor Vehicle 390.5

Commercial motor vehicle (CMV) is any self-propelled or towed motor vehicle used on a highway in commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating (GVWR), gross combination weight rating (GCWR), or actual weight of **10,001 or more pounds**; or
- Is designed or used to transport more than **8 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 passenger for compensation; or
- Is used to transport **hazardous materials** requiring placarding.

Note: *The above definition of CMV pertains to Parts 390 through 397.*

Gross Combination Weight Rating 390.5

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.

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**Gross Vehicle
Weight Rating
390.5**

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

**Interstate
Commerce
390.5**

Interstate Commerce is trade, traffic, or transportation in the United States –

- Between a place in a State and a place outside of such State (including a place outside of the United States); or
- Between two places in a State through another State or a place outside of the United States; or
- Between two places in a State as part of trade, traffic, transportation originating or terminating outside the State or the United States.

**Driveaway-
towaway operation
390.5**

Driveaway-towaway operation means transporting an unladen vehicle with at least one set of wheels on the ground:

- Between a manufacturer, dealership, purchaser, or repair shop, or
- By means of a saddle-mount or tow-bar.

ACCIDENT REGISTER AND REPORTING

**Accident
390.5 /
OAR 740-100-0020**

An *accident* is an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce that results in at least one of the following:

- A *fatality*.
- Bodily injury to a person who, as a result of the *injury*, immediately receives medical treatment away from the scene of the accident.
- Disabling damage to one or more motor vehicles requiring the vehicle(s) to be *towed* or otherwise transported from the scene by a tow truck or other vehicle.

**Accident Register
390.15**

Motor carriers must maintain an accident register for three years after the date of each accident. The accident register must contain at least the following information:

- Date and place of accident
- Driver's name
- Number of injuries and fatalities

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- Hazardous materials (other than fuel) released, if any
- Copies of all accident reports required by governmental entities or insurers

Accident Reporting
OAR 740-100-0020 Accidents occurring in Oregon must be reported to ODOT within 30 days. However, fatal accidents occurring in Oregon must be reported to ODOT as soon as possible (next business day).

Accidents shall be reported on DMV Form 735-0032 or may be reported online. For information go to:

www.oregon.gov/odot/mct/safety.shtml

Select "Crash Reports & Stats". You may also call (503) 986-3507. Fax (503) 986-4249.

Note: For DMV reporting requirements, visit the DMV Web site at:

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

VEHICLE IDENTIFICATION

Marking of CMV's
390.21 /
OAR 740-100-
0010(2)(b) Every self-propelled CMV operated by a motor carrier must be marked on **BOTH** sides of the vehicle, with the following:

- The motor carrier's legal name or a single trade name.
- The motor carrier's USDOT number.

Note: External identification is not required on vehicles 26,000 lbs. or less GCWR and operated in private intrastate carriage, except when transporting placarded hazardous materials or over 15 passengers. However, the motor carrier is still be required to have a USDOT number if operating CMV's as defined in 390.5.

A USDOT number may be obtained by completing Federal Form MCS-150 or applying online at:

www.safer.fmcsa.dot.gov/onlineforms.aspx