

# Motor Carrier Education Manual



**Commerce and Compliance Division**

# Motor Carrier Safety

## Overview

Every motor carrier and driver in Oregon shares the duty to use our roads and highways responsibly. Every vehicle must be driven and maintained to ensure the safety of all highway users.

The contents of this packet provide motor carriers with basic knowledge of:

- Federal Motor Carrier Safety Regulations (FMCSR) listed below.
  - Parts 40/382-Controlled Substances and Alcohol Use and Testing.
  - Part 383/ORS 807/809-Commercial Driver's License Standards.
  - Part 387/OAR 740-Minimum Levels of Financial Responsibility.
  - Part 390/OAR 740-General Motor Carrier Safety Regulations.
  - Parts 380/391/OAR 740-Qualifications of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements.
  - Part 392-Driving of Commercial Motor Vehicles/USDOT Registration Required.
  - Part 393-Parts and Accessories Necessary for Safe Operation (includes Cargo Securement).
  - Part 395/OAR 740-Hours of Service of Drivers.
  - Part 396-Inspection, Repair, and Maintenance.
  - Oregon's Green Light Preclearance System.
- Oregon Revised Statutes (ORS).
- Oregon Administrative Rules (OAR) related to highway safety:

These contents are only a guide. They are not to be used for legal interpretations. It is the responsibility of motor carriers and drivers to become familiar with the regulations.

See the CCD [Truck Safety web page](#) for information regarding Oregon safety regulations and many motor carrier forms that can be downloaded.

See the [FMCSA Regulations web page](#) for information provided by the United States Department of Transportation and Federal Motor Carrier Safety Administration.

## Parts 40/382 — Controlled Substances and Alcohol Use and Testing

### Applicability 382.103

Drivers required to have a commercial driver's license (CDL) under [Part 383](#) are subject to the controlled substances and alcohol testing rules.

This requirement includes the following interstate and intrastate truck and bus operations:

- For-hire and private companies.
- Federal, State, local and tribal governments.
- Church and civic organizations.
- Farmers and custom harvesters.
- Commercial driver staffing agencies.

### Exemptions:

- Drivers exempt from commercial driver's license requirements by their issuing state.
- Most farmers. See section on Farm Vehicle Drivers — CDL.
- Active duty military personnel.

### Definitions

#### **Refusal to Submit to a Test** ([40.191](#) / [40.261](#) / [382.107](#))

"Refusal to submit" means that a driver:

- Fails to appear for a test (except a pre-employment test) within a reasonable time.
- Fails to remain at the testing site until the test is completed.
- Fails to provide a sufficient amount of urine for a drug test or breathe specimen for an alcohol test when there is no medical explanation for the failure.
- Fails or declines to take a second test when required.
- Fails to undergo a medical evaluation as part of a verification process.
- Fails to cooperate with any part of the testing process.
- Provides a urine sample determined to be adulterated or substituted.

#### **Safety-Sensitive Function** ([382.107](#))

"Safety-sensitive function" means all time from the time a driver begins to work or is ready to work until the time the driver is relieved from work and all responsibility for work. Safety-sensitive functions shall include all time:

- At a plant, terminal, facility or other property of a motor carrier or shipper.
- Waiting to be dispatched unless the driver has been relieved from duty by the motor carrier.

## Parts 40/382 — Controlled Substances and Alcohol Use and Testing

- Inspecting, servicing or getting assistance for a CMV.
- Driving a CMV.
- In or upon any CMV except time spent resting in a sleeper berth.
- Performing loading or unloading (or any other functions related to loading or unloading) of a CMV including supervising, attending the CMV or taking care of shipping documents.

### Types of Alcohol and Controlled Substances Tests

#### **Pre-employment** **382.301**

No employer shall allow a driver, who the employer intends to hire or use, to perform a safety-sensitive function until the driver has received a negative controlled substances test result.

#### **Post-accident** **382.303**

If a driver is involved in an accident resulting in a fatality or is cited for a moving traffic violation in connection with an injury or tow-away accident, the employer shall require the driver to submit (as soon as practicable) to controlled substances and alcohol testing. If the driver is not tested for alcohol within **two hours** of the accident, the employer is required to continue attempting to test, but prepare a report explaining the reasons why the test was not promptly administered. If an alcohol test has not been administered within **eight hours** or a controlled substances test within **32 hours** of the accident, the employer shall cease all attempts to test and prepare a report describing the reasons why the test was not promptly administered.

#### **Random** **382.305**

Companies are to randomly test a number of drivers equal to **10 percent** of the average number of driver positions per year for alcohol testing and **25 percent** for controlled substances. All testing is to be unannounced and reasonably spread throughout the calendar year. All drivers must be scientifically selected for testing and have an equal chance of being selected. A driver shall only be tested for alcohol immediately prior to, during, or immediately after performing a safety-sensitive function.

#### **Reasonable suspicion** **382.307**

A driver is required to submit to an alcohol and/or controlled substances test when a properly trained company official or supervisor has observed and documented the driver's behavior that may indicate alcohol or controlled substance abuse. The company official or supervisor must have received two hours of training on abuse recognition, as prescribed by 382.603, prior to requiring a reasonable suspicion test.

#### **Return-to-duty / Follow-up** **40.305 / 40.307**

Return-to-duty and follow-up tests are conducted when a driver, who has violated the prohibited controlled substances or alcohol conduct standards, returns to performing safety-sensitive functions. See PROHIBITIONS.

# Parts 40/382 — Controlled Substances and Alcohol Use and Testing

## Prohibitions Subpart B — Prohibitions [382.201](#) to [382.215](#)

The following are identified as Subpart B — Prohibitions:

- Performing a safety-sensitive function while having an alcohol concentration of 0.04 or greater.
- Using alcohol while performing a safety-sensitive function.
- Performing a safety-sensitive function within four hours after using alcohol.
- Using alcohol within eight hours following an accident before taking a DOT-required post-accident alcohol test.
- Refusing to take a DOT-required alcohol or controlled substances test.
- Using controlled substances while performing a safety-sensitive function.
- Performing a safety-sensitive function after testing positive or adulterating or substituting a test specimen for controlled substances.

A driver who has violated a Subpart B prohibition cannot perform any safety-sensitive duties until that driver has completed a Substance Abuse Professional (SAP) evaluation, referral and education/treatment process. The first step in this process is a SAP evaluation.

### Evaluation and Testing

#### **SAP Evaluation 382.503 / 40.281 - 40.313**

The Substance Abuse Professional conducts face-to-face evaluations of the driver to determine what education and/or treatment program is required.

#### **Return-to-Duty Test 382.309 / 40.305**

Upon completion of the education and/or treatment program prescribed by the SAP, the driver must receive a negative test result on a return-to-duty test for controlled substances and/or alcohol before returning to safety-sensitive duties.

#### **Follow-up Testing 382.311 / 40.307 / 40.309**

The driver must take at least six unannounced follow-up tests for controlled substances and/or alcohol in the first 12 months of safety-sensitive duties, above and beyond any random testing requirements. The SAP may prescribe more follow-up tests during the first 12 months and/or subsequent to that.

#### **Other alcohol- related conduct 382.505**

A driver found to have an alcohol concentration between 0.02 and 0.04 shall not perform safety-sensitive functions for at least 24 hours.

## Parts 40/382 — Controlled Substances and Alcohol Use and Testing

### **FMCSA Clearinghouse**

Conduct pre-employment and annual queries to the Clearinghouse for drug and alcohol test information on CDL drivers, with drivers' written consent. Report certain drug / alcohol violations, negative return-to-duty tests, and completion of follow-up testing to the Clearinghouse. Motor carriers must register to run required queries and report required information. Find out your full responsibilities and requirements, as prescribed by 382.701 through 382.727, by visiting <https://clearinghouse.fmcsa.dot.gov>.

### **DMV Positive Drug Tests**

Records of positive drug tests may be obtained from the Oregon DMV with drivers' written consent. To order drug test results, visit the DMV website at [www.oregon.gov/ODOT/DMV/pages/records/mc\\_cdl.aspx](http://www.oregon.gov/ODOT/DMV/pages/records/mc_cdl.aspx).

### **Record Retention**

#### **Retention of Records [382.401](#)**

An employer shall maintain all records related to the controlled substances and alcohol program in a secure location with limited access, made available within two business days to any authorized government personnel. The records shall be kept on file based on the following retention periods.

#### **Five Years**

- All records related to any violations of the controlled substances or alcohol standards described in Subpart B such as positive test results and SAP evaluations.
- Records related to the administration of the program.

**Two Years** — Records related to the collection process.

**One Year** — Negative and canceled test results.

**Indefinite Period** — Training records.

### **Company Policy**

#### **Company Policy [382.601](#)**

Every motor carrier shall provide each driver with educational materials on controlled substances and alcohol that include but are not limited to:

- Which drivers are subject to the requirements and who is responsible for providing information.
- What behavior is prohibited and what constitutes a refusal to test.
- The circumstances and time period under which a driver will be tested and the procedures involved that constitutes a safety-sensitive function.
- The consequences for drivers who violate the testing requirements.
- Information concerning the effects of alcohol misuse and controlled substances abuse on health, work and personal life.\*

## Parts 40/382 — Controlled Substances and Alcohol Use and Testing

- The signs and symptoms of alcohol or controlled substances problems.

\* Also see *Driver Wellness training* in [Parts 380.500 to 380.513](#).

## Part 383/ORS 807/809 — Commercial Driver’s License Standards

### [Part 383](#)

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.
- Disqualify drivers who do not operate **Commercial Motor Vehicles** safely.

### Definitions

#### **Commercial Motor Vehicle (CMV)**

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property. Motor vehicle groups are:

- **Combination Vehicle (Group A)** — Gross combination weight rating (GCWR) or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a GVWR or gross vehicle weight of more than 10,000 pounds, whichever is greater.
- **Heavy Straight Vehicle (Group B)** — GVWR or gross vehicle weight of 26,001 pounds or more, whichever is greater. May tow a trailer up to 10,000 pounds.
- **Small Vehicle (Group C)** — GCWR, GVWR or actual weight up to 26,000 pounds, designed to transport 16 passengers or more including the driver.
- **Small Vehicle (Group C)** — GCWR, GVWR or actual weight up to 26,000 pounds and is 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 (GCWR) Part 383.5**

Gross combination weight rating (GCWR) is the greater of a value specified by the manufacturer of the power unit, if such value is displayed on the FMVSS certification label or the sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value.

**Exception:** The GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

#### **Gross Vehicle Weight Rating (GVWR) Part 383.5**

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

## Part 383/ORS 807/809 — Commercial Driver’s License Standards

### Commercial Driver’s License (CDL) Classes, Endorsements and Restrictions

#### CDL Classes [383.5 / 383.91 /](#) [ORS 807.031](#)

Three classes of CDL are:

**Class A** — Allows the driver to operate Group A, B and C vehicles.

**Class B** — Allows drivers to operate Group B and Group C vehicles.

**Class C** — Allows drivers to operate Group C vehicles.

#### Motor Vehicle Groups

**Combination Vehicle (Group A)** — Gross combination weight rating (GCWR) or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a GVWR or gross vehicle weight of more than 10,000 pounds, whichever is greater.

**Heavy Straight Vehicle (Group B)** — GVWR or gross vehicle weight of 26,001 pounds or more, whichever is greater. May tow a trailer up to 10,000 pounds.

**Small Vehicle (Group C)** — GCWR, GVWR or actual weight up to 26,000 pounds, designed to transport 16 passengers or more including the driver.

**Small Vehicle (Group C)** — GCWR, GVWR or actual weight up to 26,000 pounds and is used to transport Hazardous materials requiring placarding.

#### Endorsements [383.93 / ORS](#) [807.035](#)

Drivers who operate specialized commercial motor vehicles must pass additional CDL tests to get the following endorsements:

**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 CMV designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is permanently or temporarily attached to the vehicle or the chassis. A CMV transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

#### Hazardous Materials [383.141 / OAR](#) [735-063-0290](#)

To obtain or renew a hazardous materials endorsement, individuals must pass a Transportation Security Administration security screening process. Visit the [DMV website](#) for more information

## Part 383/ORS 807/809 — Commercial Driver’s License Standards

### **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, the CDL will specify 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 principle.

### **Full Air Brake**

If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, the State must indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with any braking system operating fully on the air brake principle.

For the purposes of the skills test and the restriction, air over hydraulic brakes includes any braking system operating partially on the air brake and partially on the hydraulic brake principle.

### **Manual Trans**

If an applicant performs the skills test in a vehicle equipped with an Automatic transmission, the State must indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with a manual transmission.

### **Tractor Trailer**

If an applicant performs the skills test in a combination vehicle for a Group A CDL with the power unit and towed unit connected with a pintle hook or other non-fifth wheel connection, the State must indicate on the CDL, if issued, that the person is restricted from operating a tractor-trailer combination connected by a fifth wheel that requires a Group A CDL.

### **Farm Vehicle Driver – CDL** **[383.3\(h\)](#)**

Drivers of “covered farm vehicles” are exempt from CDL requirements if:

- The driver operates anywhere within the state the vehicle is registered.
- The driver operates outside the state where the vehicle is registered and stays within 150 air-miles of the home, farm or ranch.

“Covered Farm Vehicle” means a straight truck or articulated vehicle that:

- Is operated in interstate or intrastate commerce; and
- Is operated by a farm or ranch owner, or employee or family member of the farm or ranch owner; and
- Transports agricultural commodities, livestock, or machinery or supplies to or from a farm or ranch; and

## Part 383/ORS 807/809 — Commercial Driver’s License Standards

- Is equipped with a license plate or designator, issued by the state of registration, for identification as a farm vehicle; and
- Does NOT transport hazardous materials requiring placards.

### **Oregon Farm Endorsements** [ORS 807.035](#)

A farmer who operates a commercial motor vehicle that does not fall under the definition of “covered farm vehicle” in intrastate commerce 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 miles of the farm.
- Not used in triple-trailer combinations.

A farmer may get one of the following license endorsements:

- **Class A Farm Endorsement** (shown as a **Y** on the license) — Allows the driver to operate same vehicles as a Class A CDL.
- **Class B Farm Endorsement** (shown as a **Z** on the license) — Allows the driver to operate same vehicles as a Class B CDL.

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

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

### **Oregon Classes and Exemptions** [ORS 807](#)

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](#).

## **Convictions, Suspensions and Disqualification**

### **Employer Responsibility** [383.37 / 383.51 / 391.15](#)

No employer shall knowingly allow or require the operation of a CMV by a driver:

- Whose license is suspended, revoked or cancelled.
- Who has been disqualified to drive a CMV.

### **Driver Responsibility: Notification of**

When a driver who holds a CDL (operating in any vehicle or in any State) is convicted of violating a law relating to motor vehicle traffic control (other than a parking violation), that driver must:

## Part 383/ORS 807/809 — Commercial Driver’s License Standards

### Convictions 383.31

- Notify his/her **employer** and the **State** from which his/her CDL is issued of the violation(s) within 30 days of the conviction.
- Submit the notification in writing and 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.
  - 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 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.
- Drivers currently disqualified are prevented from getting a CDL.

### Disqualification Tables 1 through 4

#### Table 1:

**Major Offenses** (defined in 383.51 / 391.15) 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.

## Part 383/ORS 807/809 — Commercial Driver’s License Standards

**Penalties** (defined in 383.51 / 391.15 [ORS 809.413](#)) include:

- **First conviction** — One year disqualification.
- First conviction while transporting hazardous materials — Three year disqualification.
- **Subsequent convictions** — Lifetime disqualification.
- **Lifetime disqualification and not eligible for reinstatement** — For a driver convicted of a felony for using any vehicle for manufacturing, distributing or dispensing controlled substances.

### Table 2:

**Serious Traffic Violations** (defined in 383.51) 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.

**Penalties** (defined in 383.51 / [ORS 809.413](#)) include:

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

### Table 3:

**Railroad Crossing Violations while operating a CMV\*** include failure to:

- Slow down or stop at or before a railroad crossing when required.
- Drive completely through a crossing when required.
- Negotiate a crossing because of insufficient undercarriage clearance.

\*See Parts [383.51](#), [392.10](#) and 392.11.

**Penalties** (defined in 383.51 / 383.53) include:

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

## Part 383/ORS 807/809 — Commercial Driver’s License Standards

- 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**

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** (defined in 383.51 / [391.15](#) / ORS 809.413) if the driver operates the CMV before allowed to do so.

**Penalties** (defined in 383.51 / 383.53 / 391.15 / ORS 809.413) include:

- **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.

### **Penalties for Hazardous Materials / Passengers Motor Carriers:**

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

**Note:** A **driver** who operates a CMV in violation of an out-of-service order shall also be subject to a **civil penalty of \$1,100 to \$2,750**.

**Note:** 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**.

## Part 387/OAR 740 — Minimum Levels of Financial Responsibility

### Definitions Part 387.5

Financial responsibility means having insurance policies or surety bonds sufficient to satisfy the minimum public liability requirements.

Public liability means liability for bodily injury, property damage, and environmental restoration.

### Requirements for Financial Responsibility Part 387 / OAR 740

All motor carriers must have at least the minimum amount of public liability insurance required by law. The amount of insurance and the required insurance forms are prescribed in both Part 387 and the Oregon Administrative Rules.

### OAR 740: Level and Proof of Liability Insurance

The OAR's require each motor carrier operating one or more vehicles **over 26,000 pounds intrastate** in Oregon to maintain at least **\$750,000** of public liability insurance. A current **Form "E"**, issued by an insurer, must be on file with the Oregon Department of Transportation (ODOT) to prove the motor carrier meets this requirement ([740-040-0010](#) and [0020](#)).

### Part 387: Levels and Proof of Liability Insurance

Part 387 requires certain motor carriers to maintain minimum levels of public liability insurance as shown in the table below (387.9, 387.33).

Classification		Minimum Applicability	Minimum Liability
Non-HazMat	Interstate For-Hire	10,000 pounds GVWR	\$750,000
Hazardous Materials	Explosives (1.1, 1.2, 1.3)	None	\$5,000,000
	Poison-Inhalation, Hazard Zone A (2.3, 6.1)		
	Radioactive Materials, HRCQ (Class 7)		
	Hazardous Substances	In bulk*	
	Compressed Gas (2.1, 2.2)		
	Intrastate in bulk* or Interstate		
Passenger	Interstate for-hire	7-15 passenger	\$1,500,000
		16 passenger	\$5,000,000

\* In bulk — Over 3,500 water gallons.

## Part 387/OAR 740 — Minimum Levels of Financial Responsibility

Proof of the minimum level of insurance shall:

- Be kept at the company's principal place of business ([387.7](#), 387.31).
- Consist of one of the following:
  - Form MCS 90 / MCS-90B for passenger carriers — Insurance endorsement issued by an insurer.
  - Form MCS-82 / MCS-82B for passenger carriers — Surety bond issued by a surety.
  - Written authorization of the I.C.C. authorizing carrier to self-insure.

# Part 390/OAR 740 - General Federal Motor Carrier Safety Regulations

## General Applicability [Part 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.

## Farm Vehicle Drivers [390.39](#)

Drivers of covered farm vehicles are exempt from FMCSR Parts [382 — Drug and Alcohol Testing](#), [383 — CDL](#), [391 Subpart E — Physical Qualifications and Examinations](#), [395 — Hours of Service](#), and [396 — Inspection Repair and Maintenance requirements](#) if the vehicle has a:

- GVW/GVWR of 26,001 pounds or less.
- GVW/GVWR greater than 26,001 pounds when the driver operates:
  - Anywhere within the state the vehicle is registered.
  - Outside the state where the vehicle is registered and stays within 150 air-miles of the home farm or ranch.

“Covered Farm Vehicle” means a vehicle that:

- Is operated in interstate or intrastate commerce.
- Is operated by a farm or ranch owner, employee or family member of the farm or ranch owner.
- Transports agricultural commodities, livestock, or machinery or supplies to or from a farm or ranch.
- Is equipped with a license plate or designator issued by the state of registration for identification as a farm vehicle.
- Does NOT transport hazardous materials requiring placards.

## Definitions

### Commercial Motor Vehicle (CMV) [Parts 390 through 397](#)

A 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, gross combination weight rating or actual weight of 10,001 pounds or more.

## Part 390/OAR 740 — General Federal Motor Carrier Safety Regulations

- Is designed or used to transport more than 8 passengers, including the driver, for compensation.
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passenger for compensation.
- Is used to transport hazardous materials requiring placarding.

### **Gross Combination Weight Rating (GCWR) [390.5](#)**

Gross combination weight rating is the greater of:

- A value specified by the manufacturer of the power unit if such value is displayed on the FMVSS certification label.
- The sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof that produces the highest value.
- **Exception:** The GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

### **Gross Vehicle Weight Rating (GVWR) Part 390.5**

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

### **Interstate Commerce (Part 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).
- Between two places in a State through another State or a place outside of the United States.
- 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 (Part 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.
- By means of a saddle-mount or tow-bar.

# Part 390/OAR 740 — General Federal Motor Carrier Safety Regulations

## 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. Information in the accident register must include:

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

Report accidents by:

- Using [DMV Form 735-0032](#).
- Visiting our [Oregon Trucking Online](#) website.
- Calling 503-986-3507.
- Faxing a report to 503-986-4249.

**Note:** Visit the DMV website for [accident reporting requirements](#).

## 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 with the motor carrier's:

- Legal name or a single trade name as listed on the motor carrier identification report.
- USDOT number.

## Part 390/OAR 740 — General Federal Motor Carrier Safety Regulations

### Notes:

- External identification is not required on vehicles 26,000 pounds or less GCWR and operated in private intrastate carriage, except when transporting placarded hazardous materials or over 15 passengers.
- The motor carrier is still required to have a USDOT number if operating CMV's as defined in 390.5. [Get a USDOT number](#) on the FMCSA website.

# Parts 380/391/OAR 740 — Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

Motor carriers must ensure that all drivers of commercial motor vehicles meet the minimum qualifications specified in Part 391.

## General Driver Requirements [391.11](#)

A driver must meet the following requirements:

- Be in good health and physically able to perform all duties of a driver.
- Be at least 21 years of age for interstate commerce or 18 years of age for intrastate commerce.
- Speak and read English well enough to:
  - Converse with the general public.
  - Understand highway traffic signs and signals.
  - Respond to official questions.
  - Be able to make legible entries on reports and records.
- Be able to drive the vehicle safely.
- Know how to safely load and properly block, brace and secure cargo.
- Have only one valid operator's license.

## Driver Qualification File 391.51

Every motor carrier must have a qualification file for each driver employed that includes the following information.

### Application for Employment (391.21, 383.35)

The employment application shall include:

- Basic driver information as outlined in 391.21.
- Detailed information of all license suspensions.
- A three year history of moving violations, accidents and employers. A 10-year employer history for CDL drivers.
- The driver-applicant signature, certifying the application's accuracy.

### Inquiry to State Agencies (391.23)

Within 30 days of hire, the motor carrier must get the driver's personal and employment-related driving records for the preceding three years. The inquiry must be made to all states where the driver was licensed.

### Annual Review of Driving Record (391.25)

At least once every 12 months, the motor carrier must get and review the driver's personal and employment-related driving records.

**Note:** Convictions, accidents and suspensions from a driver's driving record are obtained online through the [Oregon DMV Automated Reporting System \(ARS\)](#).

# Parts 380/391/OAR 740 — Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

## **Annual Driver's Certification of Violations (391.27)**

At least once every 12 months, the motor carrier must require each driver to provide a list of all moving violations for the previous 12 months. Drivers who have provided information required by [383.31](#) need not repeat that information in this annual list of violations.

## **Road Test ([391.31](#), [391.33](#))**

The driver must successfully complete a road test and be issued a certificate or, provide the motor carrier with a copy of the driver's CDL or previous certificate showing that the driver has already completed a road test.

**Note:** A copy of the CDL alone is not sufficient for any driver required to have a double/triple trailer or tank vehicle endorsement.

## **LCV Driver Certificate ([380.401](#))**

The Longer Combination Vehicle (LCV) driver must successfully complete LCV driver training and be issued a Driver-Training Certificate. For more information see LCV Training below.

## **Entry-Level Driver Certificate ([380.509](#), [380.511](#))**

The entry-level driver must successfully complete entry-level driver training and be issued a training certificate. For more information see Entry-Level Training below.

## **Medical Examination ([391.41](#) - [391.49](#))**

The driver must pass a physical examination conducted by a licensed health care professional\* at least once every 24 months. The driver is then issued a Medical Examiner's Certificate. A copy of the Medical Certificate may be kept in the Driver Qualification File for 15 days\*\*. Drivers operating under a Medical Variance or Skills Performance Evaluation Certificate (SPE) must have this document in their Driver Qualification File.

### **CDL Drivers:**

- Must submit a copy of the Medical Examiner's Certificate to the State Department of Motor Vehicles (DMV).
- Are not required to carry the Medical Certificate once the Certificate is posted to the driving record.

### **Non-CDL Drivers:**

- Must carry the Medical Certificate while operating a CMV as defined in Part 390.5.

# Parts 380/391/OAR 740 — Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

\*The health care professional must be listed on the [National Registry of Certified Medical Examiners](#). A note must be placed in the Driver Qualification File relating to verification of that listing. See the [Federal Motor Carrier Safety Administration website](#) for more information.

\*\*For drivers who hold a CDL - After January 30, 2015, the medical exam certificate will suffice in the Driver Qualification file for up to 15 days from the date the certificate was issued. After 15 days, proof of medical exam certification must be met by getting a copy of the CDLIS motor vehicle record.

## Physical Requirements [391.41](#)

A driver is physically qualified to drive if that driver has:

- No loss or major impairment of a foot, leg, hand or arm.
- Been granted a Skill Performance Evaluation Certificate or waiver of physical disqualification under [OAR 740-100-0010\(2\)\(f\)](#) (intrastate operations).
- No clinical diagnosis of diabetes requiring insulin for control.
- No clinical diagnosis of any disqualifying heart disease.
- No clinical diagnosis of high blood pressure likely to interfere with CMV operation.
- No clinical diagnosis of epilepsy.
- 20/40 Vision or better with corrected lenses. Can recognize traffic signal colors.
- Enough hearing to perceive a forced whisper.
- No drug or alcohol abuse problems.
- No other physical or mental disorder likely to interfere with CMV operations.

## Medical Waivers [391.49 / OAR 740-100-0010\(2\)\(f\)](#)

A driver unable to pass a physical examination may be eligible for an:

- Interstate SPE Certificate granted by FMCSA. Call 503-399-5775.
- Intrastate waiver of physical disqualification granted by ODOT. Call 503-945-0891.

## Driver Investigation History File [391.53](#)

Every motor carrier must have an investigation file for each driver that includes the driver's Safety Performance History. Within 30 days of hire, the motor carrier must contact the previous employers within the past three years to obtain and verify the information listed below. Previous employers are required to release the information. A written record must be kept of all contact results. The file must be considered confidential and only be allowed limited access.

# Parts 380/391/OAR 740 — Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

## **Driver Identification / Employment Verification (391.23)**

The motor carrier must get general employment data about the driver such as name, date of birth, starting and ending dates and job responsibilities.

## **Accident History (391.23)**

The motor carrier must inquire about all accidents the driver was involved in and get all accident information listed in [390.15\(b\)](#).

## **Drug / Alcohol History (40.25, 391.23)**

The motor carrier must have the driver's written authorization to:

- Make inquiries to the previous three years employers, within 30 days of hiring, whether the driver had any drug/alcohol violations and completed the return to duty process.
- Perform query searches in the Drug and Alcohol Clearinghouse before allowing driving.

The motor carrier must also ask the applicant about all positive pre-employment tests or refusals for motor carriers within the last two years who did not hire the driver.

**Note:** Records of positive drug tests may be obtained from the Oregon DMV with the driver's written permission.

## **Limited Exemptions**

The following specific conditions and types of drivers are exempt from certain requirements of Part 391.

### **Drivers Employed Before January 1, 1971 (391.61)**

A driver who has been a regular employee of a motor carrier for a continuous period that began before January 1, 1971 is exempt from:

- Application for employment.
- Employment verification.
- Initial inquiry to state agencies.
- Road test.

### **Multiple-Employer Drivers (391.63)**

If a motor carrier employs a driver who is employed as a driver by more than one motor carrier, the motor carrier must have:

- Driver's name and social security number.
- License number, state and type of license.
- Medical examiner's certificate.
- Road test or equivalent.
- Controlled substances / alcohol program requirements.

# Parts 380/391/OAR 740 — Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

## Drivers Furnished by Other Motor Carriers (391.65)

A motor carrier using a driver regularly employed by another motor carrier must contact the other motor carrier to get a signed certificate verifying the:

- Driver's name and signature.
- Driver's qualifications.
- Expiration date of the medical examiner's certificate.
- Driver still meets the controlled substances / alcohol program requirements.

## Private Intrastate Carriers ([OAR 740-100-0010](#) (2)(e))

A driver who is employed by a private intrastate carrier is exempt from most of Part 391 if the driver operates a CMV that is 26,000 pounds or less GVWR and is not transporting placarded hazardous materials. The driver must still have a valid driver's license and be able to speak English.

## Longer Combination Vehicle (LCV) Training Requirements

### Definition [380.105](#)

A longer combination vehicle is any combination of a truck-tractor and two or more trailers with a GVW greater than 80,000 pounds.

### Driver Requirements 380.107 / 380.203 / 380.205

A driver must first complete an LCV driver training program to operate an LCV. To qualify for the training program, the driver must have a:

- Class A CDL with a double/triple trailer endorsement.
- Clean driving record for the previous 6 months operating a vehicle combination requiring a Class A CDL.

### Driver-Training Certificate 380.401

Each driver who completes the LCV driver training is issued a certificate. A copy of the certificate shall be maintained in the driver's qualification file.

### Driver-Instructor Requirements 380.301 / 380.303

LCV driver training may only be given by a qualified driver-instructor. The qualifications required are based on whether the driver-instructor is a classroom instructor or skills instructor.

### LCV Driver-Instructor Qualification File 391.55

A motor carrier must have a qualification file for each LCV driver-instructor it employs or uses. The file must include:

- Proof of the instructor's qualifications.
- A copy of the instructor's CDL with the appropriate endorsement(s).

**Note:** For further information on the LCV driver training requirements, see 380.101 through 380.401.

# Parts 380/391/OAR 740 — Qualification of Drivers; Long Combination Vehicle Requirements; Entry-Level Driver Requirements

## Entry-Level Driver Training Requirements

**Definition**  
**380.502** Entry-level driver is a driver with less than one year of experience driving a CMV with a CDL.

**Requirements**  
**380.503** All entry-level drivers subject to the CDL requirements of [Part 383](#) must receive entry-level driver training that must include instructions in the following four areas:

- 1) Driver qualification requirements.
- 2) Hours of service.
- 3) Driver wellness. See company policy requirements under [Part 382.601](#).
- 4) Whistleblower protection.

**Training Certificate**  
**380.509 /**  
**380.513** Each driver who completes the entry-level driver training is issued a certificate. A copy of the certificate shall be maintained in the driver's qualification file.

**Note:** For more information on the entry-level driver training requirements see 380.500 through 380.513.

## Part 392 — Driving of Motor Vehicles

### Illness or Fatigue [392.3](#)

No driver may drive a CMV when the driver's ability or alertness is impaired by fatigue, illness or any other cause that makes it unsafe to drive the vehicle.

### Drugs and Other Substances [392.4 / 382.213 / 382.215](#)

No driver shall be on duty and possess, use or be under the influence of:

- Any Schedule I drug listed in [Federal Regulation 21 CFR 1308.11](#).
- Amphetamines (including "pep pills" and "bennies").
- Narcotics.
- Any other substance that makes driving unsafe including prescription drugs known to impair ones ability to drive.

### Alcohol [392.5 / 382.201 - 382.207](#)

A driver is forbidden to:

- Use or be under the influence of alcohol while driving, being on duty or within 4 hours of going on duty.
- Possess an alcoholic beverage while driving or being on duty unless it is a manifested part of the shipment.

### Railroad Crossings [392.10 / 392.11 / 392.12](#)

Drivers of CMVs transporting certain hazardous materials or passengers are **required to stop** before crossing railroad tracks. Those drivers may not shift gears while crossing the tracks.

All other drivers must:

- **Slow down** when crossing.
- Ensure that before they drive onto railroad tracks they **have enough space** to drive completely through the crossing without stopping.

### Unauthorized Passenger [392.60](#)

Unless authorized in writing by the motor carrier no driver shall transport any person on any CMV other than a bus. The written authorization need not be carried in the vehicle.

### Radar Detectors [392.71](#)

No driver shall use a radar detector or drive a CMV equipped with one.

### Texting [392.80](#)

No driver shall engage in texting while driving.\*

### Cell Phones [392.82](#)

No driver shall use a hand-held mobile telephone while driving \*

\*For purposes of this section only (texting/cell phones), driving means operating a commercial motor vehicle with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved

## Part 393 — Parts and Accessories Necessary for Safe Operation

the vehicle to the side of, or off, a highway (as defined in [FMCSR 390.5](#)) and halted in a location where the vehicle can safely remain stationary.

### USDOT Registration [392.9b](#)

You must register with the US Department of Transportation **before** operating your CMV as defined in FMCSR 390.5. You must get, and keep active, a USDOT number.

### Identification Reports [390.19](#)

To apply for a USDOT number and register with the USDOT apply at the [Federal Motor Carrier Safety Administration website](#).

You must update your USDOT number every two years.

Every CMV must be equipped with certain standard equipment. Other optional equipment or accessories are permitted only if these items do not decrease the operational safety of the vehicle.

**Note:** See the periodic inspection items and standards prescribed in Appendix G to Subchapter B.

### Brakes

## Part 393 — Parts and Accessories Necessary for Safe Operation

### Brake Systems [393.40 / 393.41](#)

CMVs must be equipped with the following brake systems which must meet the braking requirements of [FMCSR Part 393](#) and/or [Federal Motor Vehicle Safety Standards \(FMVSS\) Part 571](#) as applicable.

- Service brakes.
- Parking brakes.
- Emergency brakes.

### Brakes on all Wheels [393.42 / 393.48](#)

Every CMV must be equipped with brakes acting on all wheels. Exceptions are as follows:

- Trucks and truck tractors with three or more axles, manufactured before July 25, 1980, are not required to have steering axle brakes. The vehicle must meet the braking requirements of 393.52.
- Vehicles being towed in a driveaway-towaway operation. The combination must meet the requirements of 393.52.
- Any trailer with a gross weight of 3,000 pounds or less provided the trailer weight does not exceed 40 percent of the weight of the power unit.
- Three-axle dollies, steered by a co-driver (tillerman), are not required to have steering axle brakes.
- Loaded housemoving dollies, specialized trailers and dollies transporting furnaces, reactors, and similar vehicles, provided the combination does not exceed 20 mph. The combination must be able to stop within 40 feet.

## Part 393 — Parts and Accessories Necessary for Safe Operation

### **Breakaway and Emergency Braking [393.43](#)**

Every power unit and its trailer must be equipped with the following emergency braking systems.

#### **Power Unit**

- **Tractor Protection:** The power unit must have adequate service brakes to stop the power unit in the event of a trailer breakaway.
- **Trailer Emergency Brakes:** Each power unit with air brakes must have both a manual and an automatic system for setting the emergency brakes on a trailer with air brakes.\*

#### **Trailer**

- **Breakaway:** Every trailer required to have brakes must be equipped with brakes that apply automatically if the trailer breaks away from the power unit.\*

\*Does not apply to driveaway-towaway operations.

### **Brake Components**

All brake components (including those identified below) must be installed, maintained and protected to prevent damage and ensure proper functioning of the brake systems.

- Brake tubing and hoses — 393.45.
- Brake chambers, slack adjusters, linings/pads, drums/rotors — 393.47.
- Reservoirs — 393.50.

### **Brake Warning Devices and Gauges [393.51](#)**

Buses, trucks and truck-tractors must be equipped with a signal that provides a warning to the driver when a failure occurs in the vehicle's service brake system. This signal requirement covers hydraulic brake systems, air brake systems, vacuum brake systems and hydraulic brakes applied or assisted by air or vacuum.

### **Automatic Brake Adjusters and Adjustment Indicators [393.53](#)**

The following CMVs must be equipped with automatic brake adjusters:

- Hydraulic-braked vehicles manufactured on or after October 20, 1993.
- Air-braked vehicles manufactured on or after October 20, 1994 must also have brake adjustment indicators.

### **Antilock Brake Systems (ABS) [393.55](#)**

Each antilock brake system must include ABS malfunction indicators. The following CMV's must be equipped with antilock brake systems. This does not apply to driveaway-towaway operations.

- Truck-tractors manufactured on or after March 1, 1997.
- All other vehicles with air brakes manufactured on or after March 1, 1998.

## Part 393 — Parts and Accessories Necessary for Safe Operation

- Hydraulic-braked trucks and buses manufactured on or after March 1, 1999.
- Each antilock brake system must include ABS malfunction indicators.

### Coupling Devices

#### General Requirements 393.70

Coupling devices include:

- Fifth wheel assemblies.
- Drawbars/tow-bars and drawbar eyes.
- Pintle hooks.
- Turntables.
- Safety devices.
- Saddle- mounts. See [393.71](#) for driveaway-towaway (saddle-mount) operations.

Coupling devices:

- Properly secured and allow for proper alignment between the towing vehicle and the towed vehicle.
- Free of excessive wear and cracks. No securement bolts or rivets are allowed to be loose or missing.

#### Fifth Wheel Assemblies 393.70(b)

Every fifth wheel assembly must have a locking device to prevent separation or excessive play of the upper and lower halves of the fifth wheel. The locking device shall apply automatically on coupling.

The upper and lower fifth wheel halves must be located to allow for equal weight distribution on the axles of the towed and towing vehicles.

#### Full Trailers 393.70(c)

The tow-bar used to tow a full trailer must have a locking device to prevent separation of the towed and towing vehicles.

The tow-bar eye and pintle hook must not have excessive play nor be repaired by welding.

#### Safety Devices 393.70(d)

Every full trailer and converter dolly must have safety device(s) to prevent separation of the towed and towing vehicles in the event of a tow-bar failure. The safety devices must meet the following requirements:

- Not be attached to the pintle hook or other attachment device.
- Have an ultimate breaking strength equal to the weight of the towed vehicle.

## Part 393 — Parts and Accessories Necessary for Safe Operation

- Prevent the tow-bar from dropping to the ground in case the tow-bar fails or becomes disconnected. The safety device must not have excess slack.

### Number of Safety Devices

A hinged/swiveled tow-bar, full trailer or converter dolly must have one of the following:

- Two separate chains/cables running along both sides of the tow-bar.
- A bridle ('Y') system with two attachments at the towed vehicle and one attachment at the towing vehicle. When a single cable is used, a thimble and twin-base cable clamps are used to form the front bridle eye.
- Two pairs of chains/cables. One pair from the towed vehicle to the rear of the tow-bar. The other pair from the towing vehicle to the front of the tow-bar.
  - The chains/cables must extend beyond any bolts, rivets, etc. used to connect structural members of the tow-bar.
  - For an extendible tow-bar, a stop must be used to prevent separation of the movable part of the tow-bar.

A fixed tow-bar, converter dolly requires a single chain/cable used down the centerline of the tow-bar. The device may be attached to any location along the tow-bar.

### Emergency Equipment

#### Emergency Equipment [392.8](#) / [393.95](#)

CMVs must carry the following emergency equipment:

- Fire extinguisher.
- Spare fuses.
- Warning devices for stopped vehicles.

#### Fire Extinguishers [393.95](#)

Fire extinguishers must be securely mounted and readily accessible. Each extinguisher must have a gauge or other indicator that shows whether the extinguisher is fully charged and a label displaying one of the following Underwriters' Laboratories (UL) ratings:

- One extinguisher - 5 B:C or more.
- Two extinguishers - 4 B:C or more each.
- One extinguisher - 10 B:C or more, if the vehicle is transporting placarded hazardous materials.

## Part 393 — Parts and Accessories Necessary for Safe Operation

**Note:** Does not apply to vehicles towed in driveaway-towaway operations.

### **Warning Devices for Stopped Vehicles** **392.22 / 392.24 / 392.25 / 393.95**

CMVs must be equipped with one of the following types of warning devices:

- Three reflective triangles.
- At least six fuses or three liquid-burning flares.  
**Exception** for vehicles transporting explosives (1.1, 1.2, 1.3), flammable liquid (3) or flammable gas (2.1) in cargo tanks or compressed gas as a fuel.

### **Placement of Warning Devices**

The three warning devices must be placed as follows except where special rules apply:

- One on the traffic side, ten feet from the vehicle (in the direction of approaching traffic).
- One 100 feet away from the vehicle in the center of the traffic lane or shoulder where the vehicle is stopped (in the direction of approaching traffic).
- One 100 feet away from the vehicle in the center of the traffic lane or shoulder where the vehicle is stopped (in the direction away from approaching traffic.)

### **Hazard Warning Flashers** **392.22**

A CMV stopped upon a highway or shoulder must activate the vehicle's hazard warning flashers immediately. The driver must leave the flashers on until the warning devices are in place. The flashers must again be used while the warning devices are being picked up before the movement of the vehicle.

### **Fuel System**

#### **General Requirements** **393.65**

Each fuel system must meet the following requirements.

- Fuel systems, including fuel tanks and fuel lines, must be properly secured in a workmanlike manner and be free of leaks.
- No part of the system may extend beyond the widest part of the vehicle.
- No part of the fuel system of a bus may be located within or above the passenger compartment.
- See [393.69](#) for propane system requirements.

#### **Fuel Lines** **393.65**

Each fuel line(s) must be located so that:

## Part 393 — Parts and Accessories Necessary for Safe Operation

- The lines do not extend more than two inches below the fuel tanks unless enclosed in a protective housing.
- Diesel fuel crossover, return and withdrawal lines which extend below the bottom of the tank must be protected.
- The lines do not extend between a towed vehicle and the towing unit while the combination is in motion.

### **Fuel Tanks** **393.65 / 393.67**

Fuel tanks must meet the following requirements.

- No part of a fuel tank may be located forward of the front axle of a power unit or extend beyond the widest part of the vehicle.
- Fuel spilled while fueling must not contact the exhaust or electrical system.
- Fill pipe openings must be located outside the passenger compartment and sealed with a tightly fitted cap.
- See [393.69](#) for natural gas container requirements.

Drains and Bottom Fittings must:

- Not extend more than 3/4 of an inch below the bottom of the fuel tank.
- Be protected against damage from impact.

### **Lights**

#### **General Requirements** **[393.11](#) / [571.108](#)**

FMCSR Part 393.11 and [FMVSS Part 571.108](#) specify the required color, position and types of lamps and reflectors for CMVs. Requirements are in:

- Hazard warning Signals — 393.19.
- Clearance Lamps — 393.22.
- Turn Signals — 393.22.
- Head Lamps — 393.24.
- Stop Lamps — 393.25.
- Driveaway-Towaway Operations — 393.17.

#### **Must be Operable** 393.9

All required lamps shall be capable of being operated at all times.

#### **Lamp Mounting and Visibility** **392.33 / 393.9 / 393.25**

All lamps must be permanently and securely mounted to the vehicle or projecting load. The lamps must be visible under normal conditions.

## Part 393 — Parts and Accessories Necessary for Safe Operation

**Conspicuity Systems 393.11 / 393.13 / 393.26** Certain vehicles must have retroreflective sheeting or reflex reflectors to make them more visible to other motorists under conditions of reduced visibility.

### Miscellaneous Parts and Accessories

**Cab and Body Components 393.203** Cab and body components must meet the following requirements:

- **Cab doors and door parts** shall not be missing or broken. Doors shall not sag or be wired shut or secured in the closed position to prevent opening.
- **Bolts or brackets securing the cab or body** of the vehicle to the frame shall not be loose, broken or missing.
- **Hood** must be securely fastened.
- **Seats** must be securely mounted.
- **Front bumper** must not be missing, loosely attached or protruding beyond the confines of the vehicle so as to create a hazard.

**Exhaust Systems 393.83 / 393.84** Exhaust systems must meet the following requirements:

- The exhaust system and discharge must be located where they are not likely to damage the electrical wiring, fuel supply or any combustible part of the vehicle.
- The discharge from the exhaust system must not be located immediately below the fuel tank or the fuel tank filler pipe.
- The exhaust system may not be temporarily repaired with patch or wrap material.
- The exhaust pipe and mufflers must be securely fastened to the vehicle.
- The exhaust system may not leak or discharge at any point forward of or directly below the driver or sleeper compartment. Floors must be substantially constructed and free of holes that allow entrance of fumes and gases.

### Location of Discharge

Trucks and truck tractors must discharge at a location to the rear of the cab or above and near the rear of the cab.

Buses (gasoline-powered) must discharge at or within 6 inches forward of the rearmost part of the bus.

Buses (other fuels) must discharge either:

- At or within 15 inches forward of the rearmost part of the bus.

## Part 393 — Parts and Accessories Necessary for Safe Operation

- To the rear of all doors or windows designed to be open not including emergency exits.

**Frames 393.201** Frames, cross members and securement devices (bolts, etc.) shall not be cracked, loose, sagging, broken or missing. No holes shall be drilled in the top or bottom rail flanges nor shall any welding be done on the frame or chassis, except as specified by the manufacturer.

### **Rear End Protection 393.86**

Every CMV **must** be equipped with a rear impact guard, bumper or other device that prevents the under ride of another vehicle. The impact guard must be substantially constructed and attached to the vehicle. This does not apply to:

- Truck-Tractors — 390.5.
- Pole Trailers — 390.5.
- Pulpwood Trailers — 393.5.
- Low Chassis Vehicles — 393.5.
- Special Purpose Vehicles — 393.5.
- Wheels Back Vehicles — 393.5.
- Driveaway-Towaway Operations — 390.5.

Dimensions and locations required are based on the date the impact guard was manufactured.

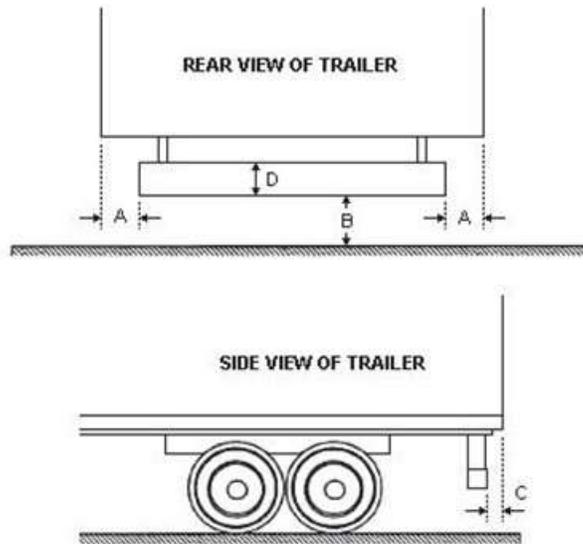
<b>Impact Guard Measurements</b>	<b>Code<sup>1</sup></b>	<b>Manufactured before 1/26/98<sup>2</sup></b>	<b>Manufactured on or after 1/26/98<sup>3</sup></b>
Width	A	18 inches maximum	4 inches maximum
Height	B	30 inches maximum	22 inches maximum
Rear Surface	C	24 inches maximum	12 inches maximum
Cross-Sectional Vertical Height	D	n/a	3.94 inches minimum

<sup>1</sup> Letters correspond with the measurements labeled in the figures below.

<sup>2</sup> Impact guard required only when the height from the ground to the vehicle chassis is greater than 30 inches when the vehicle is empty.

<sup>3</sup> Impact guard must be labeled under specifications in [393.86\(a\)\(6\)](#) / [571.223](#).

## Part 393 — Parts and Accessories Necessary for Safe Operation



### Seat Belts [392.16](#) / [393.93](#) / [ORS 811.210](#) / [815.055](#)

CMVs must be equipped with seats, seat belt assemblies and seat belt anchorages as specified in [FMVSS Part 571](#). A driver must not drive before correctly restraining him/herself. Seat belts are required for passengers riding in property-carrying vehicles when passengers are sitting in a seat where seat belt assemblies have been installed.

### Sleeper Berths [393.76](#)

Each sleeper berth:

- Must meet minimum dimension requirements.
- Not be installed in or on a trailer and must.
- Be located in or adjacent to the cab.
- Have an exit doorway or opening at least 18 inches high by 36 inches wide and that leads directly into the cab.
- Be equipped with an adequate mattress, bed clothing, and blankets.
- Be properly ventilated and located so as to protect occupants against exhaust heat, fumes, fuel leaks, dust, and rain.
- Have a means provided to prevent ejection of the occupants from the sleeper berth during vehicle deceleration.

### Steering System [393.209](#)

Steering systems must be in proper working order as follows:

- **Steering wheel** must be properly secured, not have any cracked or missing spokes and turn freely in both directions.
- **Steering wheel lash (free play)** must not exceed certain parameters.
- **Steering column** must be securely fastened.

## Part 393 — Parts and Accessories Necessary for Safe Operation

- **Steering gear box** must be securely attached and not cracked. The pitman arm must not be loose on the steering gear output shaft. The yolk-coupling of the steering column must not be loose on the steering gear input shaft.
- **Attachments** (including ball and socket joints, universal joints, clamps, bolts and nuts) shall not be worn, loose or welded.
- **Tie rods and drag links** shall not be worn or bent.
- **Power steering systems** must not have loose or broken parts; Frayed, cracked or slipping belts; Leaks or insufficient fluid in the reservoir.

### **Suspension System** **393.207**

Suspension systems must be structurally sound and in proper working order as follows:

- **Axles** must be in proper alignment and no positioning part shall be cracked, broken, loose or missing.
- **Adjustable axles** must have locking pins in place.
- **Leaf springs** must not be cracked, broken, missing nor shifted out of position.
- **Coil springs** must not be cracked or broken.
- **Torsion bars** must not be cracked or broken.
- **Air suspensions** must support the vehicle in a level position and must not leak.

### **Tires** **393.75**

Tires used on CMVs must meet specific safety standards. No tire may have any of the following defects:

- Body ply or belt material cut or otherwise exposed through the tread or sidewall.
- Tread or sidewall separation.
- Flat or audible leak.
- Have less than the minimum tread depth on:
  - Front axle of 4/32 inch minimum.
  - Other axles of 2/32 inch minimum.
- Carry a weight greater than the rated capacity for that tire. This includes an underinflated tire.
- Mounted or inflated so that it comes in contact with any part of the vehicle including an adjacent tire.
- Front axle:
  - Re-grooved tires on trucks or truck tractors which have a load-carrying capacity equal to or greater than 4,920 pounds.

## Part 393 — Parts and Accessories Necessary for Safe Operation

- Mixing bias and radial tires on the same axle.
- Re-grooved, recapped or retreaded tires on buses.

### **Wheels 393.205**

Wheels must meet the following conditions

- **Wheels, rims and hubs** shall not be cracked or broken.
- **Stud or bolt holes** shall not be elongated (out of round).
- **Nuts or bolts** shall not be missing or loose.
- **Lock or side rings** shall not be bent, broken, cracked or improperly seated.

### **Windshields 393.60 / 393.78 / 393.79**

A vehicle's windshield (including both left and right sides, if split windshield) must be free of discoloration, intersecting cracks and damage greater than 3/4 inch in diameter. Wipers and defroster must be in proper working order.

#### **Affected Area**

Lowest: Top of the steering wheel.

Highest: Two inches below top of the windshield.

Sides: One inch from left and right sides of each windshield.

# Part393 — Cargo Securement

## Cargo Securement

### General Requirement [393.100](#) / [393.106](#)

The cargo loaded on a CMV must be contained or secured to prevent the load from leaking, blowing, falling from the vehicle or shifting to an extent that would affect the vehicle's stability. Cargo likely to roll must be restrained by chocks, cradles or other devices to prevent rolling.

### Securement System Standards [393.104](#) / [393.112](#)

All securement devices and systems (tiedowns, anchor points, walls, stakes, chocks, etc.) must be in good working order, properly secured and free of damage that would adversely affect the cargo securement. Tiedowns must meet certain manufacturing standards. Edge protection (defined in 393.5) must be used wherever a tiedown would be subject to abrasion or cutting.

### Cargo Inspection [392.9](#)

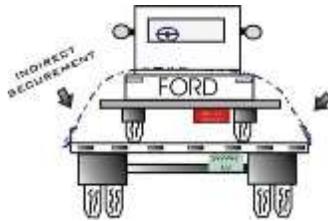
The driver must ensure that the cargo is properly distributed and secured. Accessory equipment (tarps, tailgate, spare tire, etc.) must be secured. The driver must examine and adjust/change the cargo securement as necessary:

- Before driving.
- Within the first 50 miles.
- At the next change of duty status, after 3 hours of driving or after driving 150 miles (whichever occurs first).

### Working Load Limit [393.5](#) / [393.102](#) / [393.106](#) / [393.108](#)

Working load limit (WLL) is the maximum load that may be applied to a component of a cargo securement system during normal service. The securement devices must have an Aggregate WLL (defined in 393.5) capable of preventing cargo movement in the forward, rearward, sideways and vertical directions. The WLL of a tiedown is determined by the manufacturer's markings or, if not available, by the WLL tables in 393.108.

### Indirect Securement



The tiedown goes from an anchor point on the vehicle through, over or around the cargo and attaches to another anchor point on the other side of the vehicle.

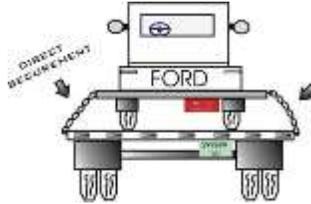
The assigned WLL is the entire WLL determined by the manufacturer's marking or by the WLL tables.

## Part 393 — Cargo Securement

### Direct Securement

The tiedown goes from an anchor point on the vehicle:

- To an attachment point on the cargo.
- Through, over or around the cargo and attaches to another anchor point on the same side of the vehicle.



The assigned WLL is **one-half** of the WLL determined by the manufacturer's marking or by the WLL tables.

The assigned *aggregate WLL* of all devices used to secure cargo must be at least one-half times the **weight** of the cargo.

**Example:** If the cargo weighs 30,000 pounds, the assigned *aggregate WLL* of all devices used to secure the cargo must be at least 15,000 pounds.

### General Provisions [393.110](#)

In addition to meeting WLL requirements, the number of tiedowns required to secure cargo is dependent on the **length** of the cargo.

If No Front End Structure or Cargo to Prevent Forward Movement:

Length of Cargo	Weight of Cargo	Minimum Number of Tiedowns
5 feet or less	1,100 pounds or less	1
	Over 1,100 pounds	2
Over 5 feet Up to 10 feet	n/a	2
Over 10 feet	n/a	2 tiedowns for first 10 feet plus 1 tiedown for each extra 10 foot length or fraction thereof. <b>Example:</b> 25 feet = 4 tiedowns.

With Front End Structure or Cargo to Prevent Forward Movement:

- One tiedown for each extra 10 foot length or fraction thereof.  
**Example:** 25 feet = 3 tiedowns.
- See 393.114 for front end structure requirements.

## Part 393 — Cargo Securement

### Special Purpose Vehicles 393.5 / 393.110

The length requirements of 393.110 do not apply to vehicles transporting cargo which must be secured by special methods because of its design, size, shape or weight. However, the cargo must be properly secured.

**Examples:** Crane booms, trusses and boats.

### Commodity-Specific Rules 393.106

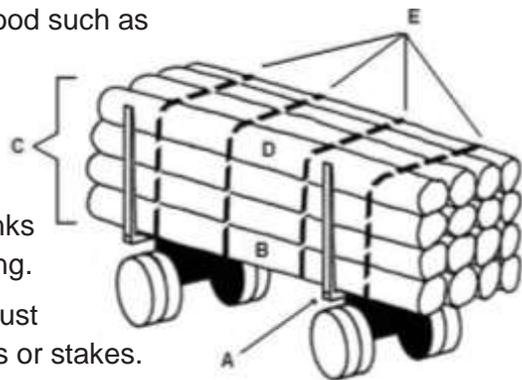
Additional rules apply to certain types of cargo (shown in bold) and take precedence over the general requirements.

- Logs — 393.116.
- Dressed lumber or similar building products — 393.118.
- Metal coils — 393.120 (defined in 393.5).
- Paper rolls — 393.122.
- Concrete pipe – 393.124.
- Intermodal containers — 393.126.
- Automobiles, light trucks, and vans — 393.128.
- Heavy vehicles, equipment, and machinery — 393.130.
- Flattened or crushed vehicles — 393.132.
- Roll-on/roll-off or hook lift containers — 393.134 (defined in 393.5).
- Large boulders — 393.136.
- Baled hay and straw.

### Logs 393.116

"Logs" include round processed wood such as utility poles and peeler cores. The following requirements apply to all log loads with exceptions:

- The logs must be solidly packed and cradled with bunks or stakes (**A**) to prevent rolling.
- The outer bottom logs (**B**) must rest solidly against the bunks or stakes.
- Each outside log (**C**) must have one end touching a bunk or stake and the other end touching, or at least extending beyond, the other bunk or stake.
- The center of each highest outside log (**D**) must be below the top of each bunk or stake.
- The logs must be secured by **two** tiedowns or wrappers with the following exceptions:
  - Log truck/pole trailers: **Two** additional wrappers are required when any logs rise above the bunks.



## Part 393 — Cargo Securement

- Logs 27 feet or longer: **Four** evenly-spaced wrappers (**E**) are required under [OR OSHA rule OAR 437-007-1010](#).
- Shortwood loaded lengthwise: Allowed **one** tiedown/wrapper for any middle stack blocked in the front and rear by structures or other shortwood stacks. "Shortwood" includes logs up to 16 feet in length as defined in [393.5](#).
- The aggregate WLL of all tiedowns/wrappers used to secure the logs loaded on a flatbed or frame vehicle (defined in 393.5) must be at least **1/6** times the total weight of the logs.
- **Exceptions:** Loads of less than five processed logs and logs that are unitized by banding all the logs together may be secured under the general requirements of [393.100](#) to 393.114. See 393.116 for additional rules for pole trailers and shortwood logs loaded crosswise.

### Dressed Lumber or Similar Building Products [393.118](#)

#### Bundles One or Two Tiers High

Bundles must be secured with **tiedowns over the top tier**.

#### Bundles Three or More Tiers High

Bundles require tiedowns over the **top tier plus one** of the following:

- **Stakes** on the vehicle sides to prevent lateral movement.
- **Blocking** or **friction devices** between tiers to prevent lateral movement.
- **Tiedowns over the middle tier**. If more than three tiers, the maximum height of the middle tier that is secured may not exceed six feet above the deck of the vehicle.\*
- Tiedowns over the second tier from the bottom.\*
- Tiedowns over each tier.
- Loaded in a **sided vehicle** (defined in 393.5) or **container** of adequate strength. This does not include curtain vans or tautliners.

\*Spacers are allowed under specifications in 393.118(d)(3).

#### Notes:

- 1) All tiedowns required above must be secured under the general requirements of 393.100 to 393.114. At least two tiedowns are required for bundles two or more tiers high and longer than five feet.
- 2) 393.118 Does not apply to non-bundles such as glue-laminated beams. Glue-laminated beams must be secured with tiedowns over the top tier under the general requirements of 393.100 to 393.114.

## Part 393 — Cargo Securement

### Intermodal Containers 393.126

#### Container Chassis Vehicle (defined in 393.5)

Each container must be secured to the chassis with **securement devices** or **integral locking devices** at all lower corners that cannot come open while the vehicle is in transit.

- The front and rear of the container must be secured independently.
- The securement devices must not allow the container to shift in any direction more than 1/2 inch.

#### Loaded Container on Non-Chassis Vehicle

All lower corners of the container must rest upon the vehicle. The container must be secured to the vehicle with devices that cannot come open while the vehicle is in transit.

- The front and rear of the container must be secured independently.
- The container must be secured by **one** of the following:
  - Chains, wire ropes or locking devices fixed to all lower corners.
  - Crossed chains fixed to all upper corners.

#### Empty Container on Non-Chassis Vehicle

The container need not have all lower corners resting on the vehicle as long as the container:

- Is balanced on the vehicle.
- Does not overhang more than five feet at the front or rear of the vehicle and does not interfere with the vehicle's maneuverability.
- Is secured to prevent shifting in any direction.

### Heavy Vehicles, Equipment, and Machinery [393.130](#)

Loads less than 10,000 pounds may be secured according to the general requirements of 393.100 to 393.114 or 393.128. The following applies to vehicles, equipment and machinery individually weighing 10,000 pounds or more.

- Equipment with crawler tracks or wheels must be secured with at least **four** tiedowns attached as close as possible to the front and rear of the vehicle.\*
- Accessory equipment (e.g., shovels, buckets) must be lowered and secured to the vehicle or lowered and locked in place to prevent shifting during transport.
- Articulated vehicles must be restrained to prevent articulation while in transit.

\*See the following securement arrangements that are also permitted.

## Part 393 — Cargo Securement

Two individual tiedowns sharing one anchor point on the equipment or one anchor point on the vehicle, as long as the anchor point is strong enough.



A single chain is used as two tiedowns when the chain acts independently on each side of the equipment.

Each side of the tiedown must have two attachment points and one adjustment mechanism.



### Flattened or Crushed Vehicles 393.132

**Synthetic webbing** is not allowed for securing the vehicles. **Exception:** Webbing may be used to connect wire rope or chain to anchor points on the CMV as long as it does not come in contact with the flattened or crushed vehicles.

Containment walls/system, if used, must:

- Extend to the full height of the load.
- Block against cargo movement.
- Prevent liquids from leaking and loose vehicle parts from falling from the flattened or crushed vehicles.

There are four options for securement:

Containment Walls	Tiedowns Per Vehicle Stack
All 4 Sides	0
3 Sides — front, rear and one side	2
2 Sides — front and rear	3
None	4

### Baled Hay and Straw **393.102(c): FMCSA Memorandum**

The following meets or exceeds the performance requirements of the FMCSR. Tiedowns are exempt from the aggregate WLL found in 393.106(d), provided they meet the WLL requirements below.

#### **Bale Placement**

Loads must be well-balanced and positioned on the vehicle so the load is stable without tiedowns.

## Part 393 — Cargo Securement

Small Bales — See diagram 1 below.

- **Sides of load:** Outside bales must not be placed in the same direction in more than two successive tiers **(A)** except one bale above and below a tier up to three tiers in succession **(B)**.
- Bales in the top tier must be loaded crosswise to the vehicle **(C)**.
- No bale must be loaded vertically.

### Big Bales

- **Sides of load:** Outside bales must not be placed in the same direction in more than three successive tiers.
- **Load projection:** Bales may extend over the truck cab provided they are supported, interlocked with other bales, and do not obstruct the driver's view. No bales may extend:
  - Beyond the vehicle bed between a truck and trailer or semi-trailer and trailer.
  - More than one-third the bale length beyond the rear of the bed surface on a single vehicle or the last vehicle in a combination of vehicles.

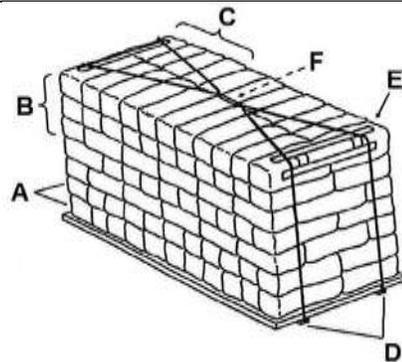
### **Longitudinal Tiedowns**

The load must be unitized with two longitudinal tiedowns, each having a minimum WLL of 2,100 pounds and secured with a tightening device **(F)** **(I)**. The tiedowns must be applied over V-boards **(E)**, or big bales may use the alternate method below.

**Diagram 1**

**V-Boards (big or small bales):**

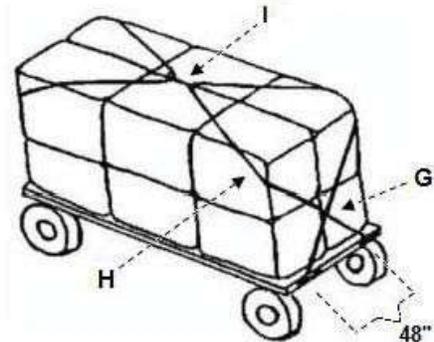
Two tiedowns must be anchored at the front and rear near the corners **(D)**, extended over the top, and crossed or connected with a tightening device at the center **(F)**.



**Diagram 2**

**Alternate Securement (big bales):**

Two tiedowns must be anchored at the front and rear of the load at least 48 inches apart, crossed at the front and rear **(G)**, passed to the outside around the upper corners of the load **(H)** and connected with a tightening device at the top center **(I)**.



## Part 393 — Cargo Securement

### **Lateral Tiedowns**

Each tiedown must have a minimum WLL of 4,000 pounds. Multiple tiedowns may be substituted, provided each has a minimum WLL of 625 pounds with a combined WLL of 4,000 pounds or more. Tiedowns less than two inches in width or diameter must include V-boards.

### Vehicles 32 Feet or Less in Length

One tiedown shall be placed in the center of the length of the vehicle.

### Vehicles Greater Than 32 Feet in Length

Two tiedowns shall be positioned at one-third and two-thirds the length of the vehicle.

**Note:** Bales not unitized by longitudinal tiedowns must be secured according to the general cargo securement requirements of [FMCSR 393.100-114](#).

## Part 395/OAR 740 — Hours of Service of Drivers

The hours of service rules apply to all motor carriers and drivers with some exceptions found in [FMCSR Part 395.1](#) and intrastate exceptions found in [OAR 740-100-0010\(2\)](#).

### Definitions

#### **Driving Time** (Part [395.2](#))

“Driving time” means all time spent at the driving controls of a CMV in operation. This includes time behind the wheel waiting to load or unload and delays on impassable highways.

#### **Off-Duty Time** (Part 395.2)

These conditions must be met before any time is considered “off-duty time”:

- The driver must be relieved of all duty and responsibility for the vehicle, its accessories and any cargo or passengers being transported.
- The duration of relief must be a finite period of sufficient duration to ensure fatigue is significantly reduced.
- The driver must be at liberty to pursue activities of his/her own choosing and be allowed to leave the premises where the CMV is located. The driver may choose to rest in a parked CMV as long as the driver has no responsibilities during the rest period.

A driver may record as off duty up to two hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least eight consecutive hours in the sleeper berth.

#### **On Duty Time** (Part 395.2)

“On duty” time means all time from when a driver begins to work or is ready to work until the time the driver is relieved from work and all responsibility for work. On duty time shall include all time:

- At a plant, terminal, facility or other property of a motor carrier or shipper, on public property or waiting to be dispatched (unless the driver has been relieved from duty by the motor carrier).
- Inspecting, servicing or conditioning any CMV at any time.
- Driving a CMV as defined under Driving Time.
- All time loading or unloading a CMV includes:
  - Supervising.
  - Assisting in the loading or unloading.
  - Attending a CMV being loaded or unloaded.
  - Remaining in readiness to operate the CMV.
  - Giving or receiving receipts for shipments loaded or unloaded.
- All time repairing, getting assistance or remaining in attendance upon a disabled CMV.
- Taking a controlled substances/alcohol test, including travel to and from the testing facility, when directed by a motor carrier.

## Part 395/OAR 740 — Hours of Service of Drivers

- Performing any other work for a motor carrier.
- Performing any compensated work for a person who is not a motor carrier.
- All time in or on a commercial motor vehicle other than:
  - Time spent resting in or on a parked vehicle.  
**Note:** Drivers who haul certain Class 1 explosives must log attendance time as on-duty time);
  - Time spent resting in a sleeper berth; or
  - Up to two hours riding in the passenger seat of a moving property-carrying CMV immediately before or after eight consecutive hours in the sleeper berth.

### Driver's Record of Duty Status

**FMCSR**  
**Part 395.8**

Every driver:

- Shall prepare a record of duty status (driver's daily log) for each 24-hour period unless operating under an exemption.
- Must keep the driver's log current to the *last change of duty status*.
- Must have the current day's log plus the previous 7 consecutive days in his/her possession.
- Must turn in the original log to the motor carrier within 13 days.
  - The motor carrier must keep logs on file for at least six months.
  - Retention periods will be greater if the logs are used for other purpose such as tax reporting.

**Example Log Sheet** (see *explanation of trip* at the end of 395.8):

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(ONE CALENDAR DAY - 24 HOURS)																																																																																																																																																																									
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## Part 395/OAR 740 — Hours of Service of Drivers

### Electronic Logging Device (ELD) [395.20](#)

Beginning December 17, 2019, all drivers required to keep a log book will be required to use an Electronic Logging Device.

ELD devices must be registered with FMCSA and meet very specific requirements as spelled out in FMCSR Part 395, Subpart B. Check the FMCSA [Equipment Registration webpage](#) to see if your ELD is registered.

**Exemptions (Note:** Paper Logs may be required.)

ELDS are not required for drivers:

- Operating under short-haul exemptions — CDL 100 air-miles and return to work reporting location within 12 hours / Non-CDL 150 air miles and return to work reporting location by the end of the work shift. See 395.1(e).
- Of vehicles manufactured before 2000.  
**Note:** Engines older than model year 2000 are also exempt.
- Using paper logs for not more than eight days in any 30 day period.
- In driveaway-towaway operations.
- In commercial driveaway-towaway transportation of motor homes or recreational vehicles where the wheels are on the ground.
- Of property carrying motor vehicles rented for eight days or less. Driver must have rental agreement onboard.
- Livestock and insect haulers (as defined in 49 CFR 395.2).

### Interstate Commerce: Property

#### 11-Hour Rule 395.3(a)(3)(i)

A driver shall not drive more than 11 hours following 10 consecutive hours off duty as shown in the example below.\*

#### Rest Break 395.3(a)(3)(ii)

Driving is not permitted if more than eight hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes as shown in the example below.\*

**Note:** Drivers who are not required to maintain a driver's log are not required to take the rest break mandated by 395.3.

#### 14-Hour Rule 395.3(a)(2)

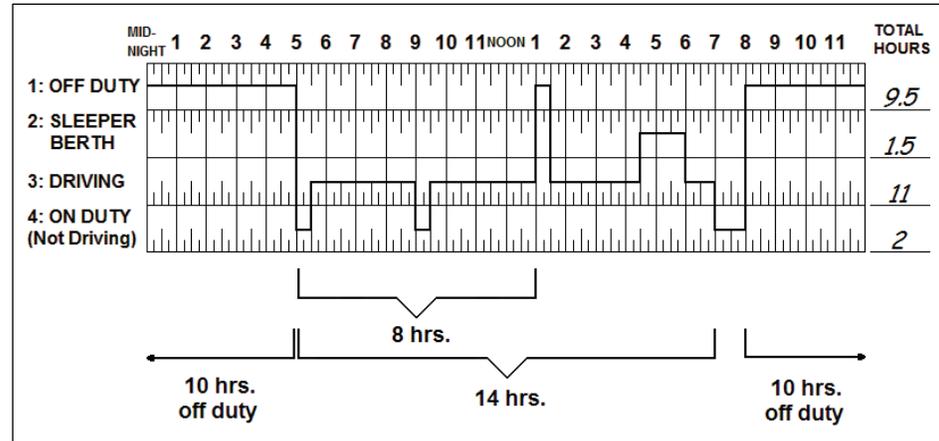
The 14 hours includes all time driving, on duty (not driving), off duty less than 10 hours and sleeper berth less than eight hours. A driver:

- Shall not drive beyond the 14th hour after coming on-duty following 10 consecutive hours off duty.
- May be on duty but may not drive after the 14th hour.

## Part 395/OAR 740 — Hours of Service of Drivers

\* These rules (11-Hour Rule, Rest Break, 14-Hour Rule) apply even if the time periods extend into the following day.

**Example log sheet** for a driver's hours of service.



### Exception: 16-Hour [395.1\(o\)](#)

A driver is exempt from the 14-hour rule time in the current 60/70 hour period if the driver:

- Was released from duty at the normal work-reporting location for the previous five days;
- Returns to the normal work-reporting location and is released from duty within 16 hours.
- Has not used this exception in the last 6 days except after a 34-hour restart.

### Exception: Sleeper Berth Provision [395.1\(g\)\(1\)](#)

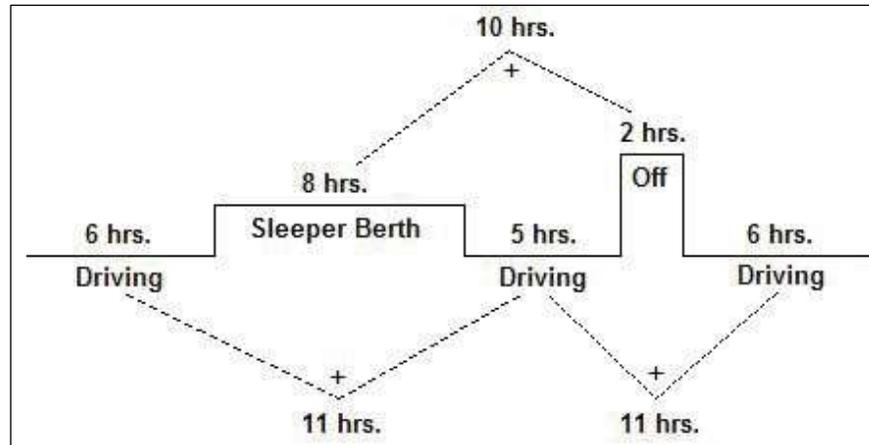
A driver is allowed to take 10 hours sleeper berth/off duty time in two separate **periods** if:

- One period is at least eight but less than 10 hours sleeper berth.
- The other period is at least two but less than 10 hours sleeper berth, off duty or both.

### 11-Hour Rule

The **driving time** just before and after each **period**, when added together, must be **no more than 11 hours**.

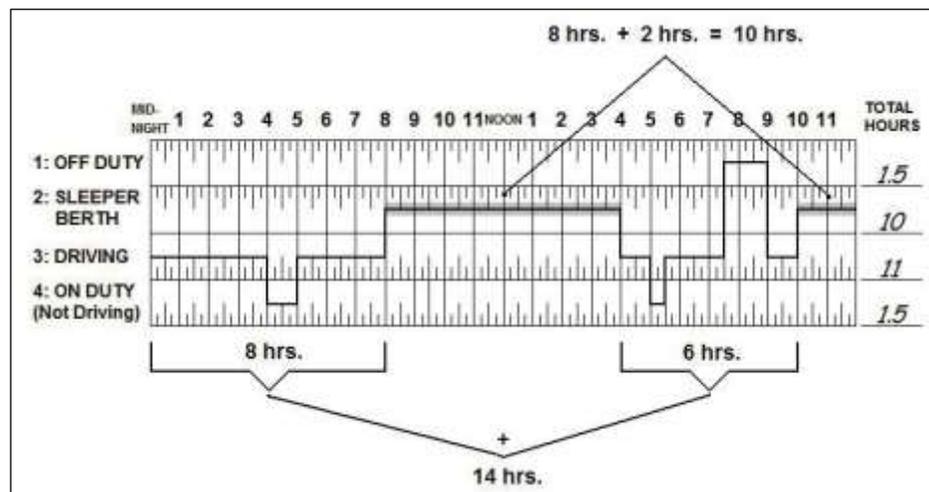
# Part 395/OAR 740 — Hours of Service of Drivers



## 14-Hour Rule

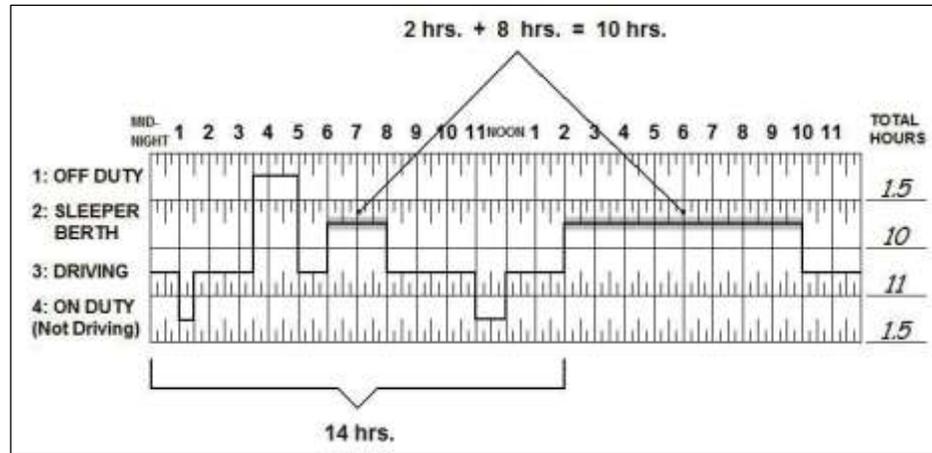
The **total time** just before and after each **period**, when added together, must not result in a driver driving **beyond the 14th hour**.

A period of at least eight hours sleeper berth is not included in the 14 hours.



A period less than eight hours sleeper berth, or less than 10 hours off duty, is included in the 14 hours:

## Part 395/OAR 740 — Hours of Service of Drivers



**Note:** A driver must continue using the sleeper berth provision until the driver has taken at least 10 consecutive hours off duty, sleeper berth or both.

### 60 / 70 Hour Rule [395.3\(b\)](#)

A driver **shall not drive** after being on duty:

- 60 hours in seven consecutive days.
- 70 hours in eight consecutive days.

**Note:** A driver may be **on duty** but **not drive** after the 60th or 70th hour.

A motor carrier who:

- **Does not operate CMVs** every day of the week must use the 60-hour rule.
- **Operates CMVs** every day of the week can choose either the 60-hour or the 70-hour rule.

The following example of a typical 70-hour/8-day recap is located on the inside front cover of a log book or along the right hand margin of each log sheet. This recap is not required but is helpful in tracking hours.

### Example of a Typical 70-Hour / 8-Day Recap

## Part 395/OAR 740 — Hours of Service of Drivers

DAY OF MO.	HOURS WORKED TODAY (TOTAL OF LINES 3 & 4 ON LOG)	70 HOUR / 8 DAY DRIVERS ONLY		
		A	B	C
LAST 7 DAYS OF PRECEDING MONTH	2	TOTAL HOURS ON-DUTY LAST <b>7</b> DAYS	TOTAL HOURS AVAILABLE TOMORROW (70 HOURS MINUS COL. A)	TOTAL HOURS ON-DUTY LAST <b>8</b> DAYS
	12			
	13			
	6			
	8			
	8			
	9			
1	12	68	2	70
2	2	58	12	70
3	12	57	13	70
4	13	64	6	70
5	5	61	9	69
6	9	62	8	70

**Exception:** Drivers may “restart” the 7/8 day period by taking at least 34 consecutive hours off-duty, sleeper berth or both.  
**34-Hour Restart**  
[395.3\(c\)](#)

## Part 395/OAR 740 — Hours of Service of Drivers

DAY OF MO.	HOURS WORKED TODAY (TOTAL OF LINES 3 & 4 ON LOG)	70 HR/8 DAY DRIVERS ONLY		
		A	B	C
LAST 7 DAYS OF PRECEDING MONTH	2	TOTAL HOURS ON-DUTY LAST <b>7</b> DAYS	TOTAL HOURS AVAILABLE TOMORROW (70 HOURS MINUS COL. A)	TOTAL HOURS ON-DUTY LAST <b>8</b> DAYS
	12			
	13			
	6			
	8			
	8			
	9			
1	12	68	2	70
2	0	56	14	68
3	12	12		12
4	13	25		25
5	5	30		30
6	9	39		39

24 hours off plus 10 hours on the following day = 34 hours off duty      Restart 8 day period

### Intrastate Commerce: Property

#### 12-Hour Rule [OAR 740-100-0010 \(2\)\(i\)\(A\)](#)

This rule applies even if the time periods extend into the following day. A driver shall not drive:

- More than 12 hours following 10 consecutive hours off duty.
- If more than eight hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

#### 16-Hour Rule [OAR 740-100-0010 \(2\)\(i\)\(B\)](#)

The 16 hours includes all driving, on duty (not driving), off duty and sleeper berth less than eight hours. This rule applies even if the time periods extend into the following day. A driver:

- Shall not drive beyond the 16th hour after coming on-duty following 10 consecutive hours off duty.
- May be **on duty** but **not drive** after the 16th hour.

#### 70 / 80 Hour Rule [OAR 740-100-0010 \(2\)\(i\)\(C\) and \(D\)](#)

A driver shall not drive after being on duty:

- 70 hours in seven consecutive days.
- 80 hours in eight consecutive days.

**Note:** A driver may be **on duty** but **not drive** after the 70th or 80th hour.

## Part 395/OAR 740 — Hours of Service of Drivers

A motor carrier who:

- **Does not operate CMVs** every day of the week must use the 70-hour rule.
- **Operates CMVs** every day of the week can choose either the 70-hour or the 80-hour rule.

**Note:** Drivers may “restart” the 7/8 day period by taking at least 34 consecutive hours off-duty, sleeper berth, or both.

### 7 or 8-Day Period [390.3](#), Interp’ #24

A driver who begins a trip in **interstate** commerce must continue to comply with the **interstate** hours of service regulations for the next 6 or 7 consecutive days even if the driver operates exclusively **intrastate** during the 6 or 7 days.

### Hazardous Materials OAR 740-100-0010(j)

The **intrastate** hours of service rules do not apply to drivers transporting hazardous materials requiring placarding. Drivers transporting placarded hazardous materials must comply with the Federal interstate hours of service.

### Property vs. Passengers

#### Hours of Service Table

Different hours of service regulations apply to the transportation of property versus passengers. The differences are summarized below.

Property		Passengers
Interstate	Intrastate	Interstate and Intrastate
<a href="#">395.3</a>	<a href="#">OAR 740-100-0010 (2)(i)</a>	<a href="#">395.5</a>
11 hours driving <sup>1</sup>	12 hours driving <sup>1</sup>	10 hours driving <sup>2</sup>
No driving beyond 14th hour <sup>1</sup>	No driving beyond 16th hour <sup>1</sup>	No driving after 15 hours <sup>2</sup>
Includes all time		Includes on-duty time only
16-Hour Exception	n/a	n/a
<b>Sleeper Provision</b> 8 hrs. sleeper + 2 hrs. sleeper/off		<b>Split Sleeper</b> Split 8 hours into two periods. Each period must be at least 2 hours. 15 hours includes on-duty time only.
2 hours counts towards 14 hours	2 hours counts towards 16 hours	

<sup>1</sup> Following **10** consecutive hours off duty.

<sup>2</sup> Following **8** consecutive hours off duty.

## Part 395/OAR 740 — Hours of Service of Drivers

### Exceptions: 24-Hour Restart

**Construction**  
[395.1\(m\)](#) / [395.2](#) Drivers transporting construction materials and equipment may restart their 7/8 day period:

- After taking at least 24 consecutive hours off-duty.
- If they operate to or from a construction site that is within 75 air-miles of their normal work reporting location.

**Note:** Exception not allowed for placarded hazardous materials.

**Well Drilling**  
[395.1\(l\)](#) / [395.2](#) Drivers who transport and operate ground water well drilling rigs may restart their 7/8 day period after taking at least 24 consecutive hours off-duty.

**Utility**  
[395.1\(n\)](#) / [395.2](#) The hours of service regulations do not apply to drivers of **utility service vehicles** used to repair and/or maintain public utility services. See FMCSR 395.2 for a definition of utility service vehicle.

### Exemptions: Time Record

**Short Haul  
100 Air-Mile  
Radius Drivers**  
[395.1\(e\)\(1\)](#) A CDL driver is exempt from completing the driver's daily log if **ALL** of the following are true:

- The driver operates within **100 air-miles** of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within **12 hours**.
- The driver completes a **time card** for each day showing the:
  - Driver's name and date.
  - Time the driver reports for duty, showing AM / PM or recorded in military time.
  - Time the driver is released from duty, showing AM / PM or recorded in military time.
  - Total hours on duty.

**Note:** Time cards must be kept on file for at least six months but need not be in the driver's possession.

**Short Haul  
Non-CDL  
Vehicles**  
[395.1\(e\)\(2\)](#) A driver is exempt from completing the driver's daily log if **ALL** of the following are true:

- The driver operates a property-carrying CMV not requiring a CDL.
- The driver operates within **150 air-miles** of the normal work reporting location.
- The driver returns to the work reporting location and is released from work at the end of each day.

## Part 395/OAR 740 — Hours of Service of Drivers

- The driver completes a **time card** for each day showing the:
  - Time the driver reports for duty.
  - Time the driver is released from duty.
  - Total hours on duty.

**Note:** Interstate drivers using this exemption may drive up to the 16th hour on two days of each 7-day period. Any driver using this exemption may not use the 100 air-mile radius exception or sleeper berth provision.

### **Occasional Drivers 395.8(j)(2)**

A first time or occasional driver must give the motor carrier a signed statement showing the total hours on duty during the last seven days and the last time the driver went off duty.

### **Adverse Driving Conditions 395.1(b) / 395.2**

A driver who encounters **adverse driving conditions** and cannot complete a trip in the maximum time allowed because of those conditions may drive to reach a safe location no more than:

- 13 Hours following 10 consecutive hours off duty (property).
- 12 Hours following 8 consecutive hours off duty (passenger).

**Note:** The **adverse driving conditions** must not have been apparent to the person dispatching the trip. The driver must comply with all other hours of service limits.

### **Agriculture 395.1(k)**

The hours of service regulations do not apply to **any** drivers transporting agricultural commodities within 150 air-miles of the source of the product (farm, ranch, cold storage, feed lot and grain elevator). The same applies to the delivery of supplies and equipment for agricultural use from a wholesale or retail distribution point.

“Agricultural commodity” means non-processed food, feed, fiber or livestock. Farm supplies include machinery or any supplies used on a farm.

### **Utility 395.1(n) / 395.2**

The hours of service regulations do not apply to drivers of **utility service vehicles** used to repair and/or maintain public utility services. See FMCSR [395.2](#) for a definition of utility service vehicle.

### **Travel Time 395.1(j)**

When a driver is traveling (but not driving) at the direction of the motor carrier, such time must be counted as on-duty time unless the driver goes off duty for at least 10 consecutive hours (property) or 8 consecutive hours (passenger) after arriving at the destination. In that case, the travel time is also considered off duty.

## Part 395/OAR 740 — Hours of Service of Drivers

### **General Requirements** **396.3 / 396.7**

Every motor carrier shall systematically inspect, repair and maintain all CMVs (power units and trailers) under its control. Vehicles shall not be operated if they are likely to cause an accident or a breakdown.

### **Maintenance Records**

#### **Information Required** **396.3(b)**

Motor carriers must maintain the following information for every vehicle they have controlled for 30 days or more:

- Description of the vehicle: Company number, Make, Serial number, Year and Tire size.
- Type of routine inspections and maintenance and due date.
- Description and date(s) of all repairs and maintenance performed.
- For buses: records of tests conducted on pushout windows, emergency doors and emergency marking lights.

#### **Retention Period** **396.3(c)**

Maintenance records must be retained for one year at the location where the vehicle is stored and maintained for six months after the carrier sells the vehicle.

### **Driver Inspections**

#### **Pre-Trip Inspection** **392.7 / 396.13**

Each driver shall ensure that the following parts and accessories are in good working order:

- Service and parking brakes.
- Steering system.
- Coupling devices.
- Lights and reflectors.
- Tires.
- Horn.
- Windshield wipers.
- Rearview mirrors.

**Note:** See also 392.8 for emergency equipment, 392.9, for cargo securement and 396.15 for driveaway-towaway operations.

#### **Driver Vehicle Inspection Reports** **396.11 / 396.13**

At the end of each driving day, the driver shall complete a **Driver Vehicle Inspection Report** that:

- Covers all items in the pre-trip inspection plus wheels and emergency equipment.
- Lists any safety-related defects or those likely to cause a breakdown.
- Include three signatures by the following individuals.
  - 1) Driver — At the end of each driving day, certify defects found or that no defects were discovered.
  - 2) Carrier/Mechanic — Before the next trip, certify that defects were repaired.

## Part 395/OAR 740 — Hours of Service of Drivers

- 3) Driver — Before the next trip, acknowledge that the carrier/mechanic signed for the repairs.

The reports must be kept on file for at least three months but need not be in the driver's possession.

Driver vehicle inspection reports are not required for:

- Driveaway-towaway operations.
- A motor carrier operating only one CMV or CMV combination (power unit with trailers).
- Drivers operating property-carrying vehicles when the driver has neither found nor been made aware of any vehicle defects or deficiencies.

### Periodic Inspections

#### General Requirements [396.17](#)

Every commercial motor vehicle, including each unit in a combination, requires a periodic inspection every 12 months. The inspection must include all items described in the Minimum Periodic Inspection Standards ([Part 393](#), Appendix G). Any defective parts or accessories discovered during the inspection shall be repaired promptly.

#### Documentation of Inspection [396.17\(c\)](#) / [396.21](#)

The original or a copy of the periodic inspection report must be retained by the motor carrier for 14 months from the report date. Documentation (report, sticker or decal) of the most recent periodic inspection must be kept on or in the vehicle.

#### Inspection Options [396.17](#) / [396.23](#)

The periodic inspection may be performed by the motor carrier or an outside repair shop.

#### Inspector Qualifications [396.19](#)

If the inspector performing the annual inspection is an employee of the motor carrier or the outside repair shop, the carrier must ensure that the inspector is qualified. To be qualified, the inspector must:

- Understand the inspection criteria in [Part 393](#), Appendix G.
- Have the mechanical knowledge and ability necessary to inspect and identify defective components.

#### Training or Experience

Inspectors must have gained experience or training by **one** of the following:

- Completing a State, Federal or Canadian training program in commercial motor vehicle safety inspections.
- Having at least one year of equivalent training, experience or both.

#### Documentation of Qualifications

Motor carriers must retain evidence of an inspector's qualifications until one year after the inspector ceases to perform inspections for the carrier.

## Part 395/OAR 740 — Hours of Service of Drivers

### Brake Inspections

#### **Brake Inspector Qualifications** **396.25**

Each motor carrier must ensure that any employee responsible for brake inspection, maintenance or repairs has the mechanical knowledge and ability necessary to perform those tasks.

#### **Training or Experience**

Employees must have gained experience or training by **one** of the following:

- Completing a training program sponsored or approved by a State, Federal agency, Canadian Province or labor union in brake servicing or inspection.
- Having at least one year of equivalent brake-related training, experience or both.
- Passing the CDL air brake inspection test.

#### **Documentation of Qualifications**

Motor carriers must retain evidence of a brake inspector's qualifications until one year after the brake inspector ceases to perform inspections for the carrier. No evidence is required for a brake inspector who passed the CDL air brake test.

### Roadside Inspections

#### **Inspection Report** **396.9**

**Driver Responsibility:** A driver who receives an inspection report from an on-highway ODOT-authorized inspector must deliver the report to the motor carrier as soon as possible.

Certification of Repairs – the motor carrier:

- Is to examine the inspection report and ensure that any violations or defects noted on the report are corrected before next dispatch.
- Sign the report to certify that all violations have been corrected.
- Return the report to the department within 15 days after the inspection.

**Record Retention:** A copy of the report must be retained by the motor carrier for 12 months from the date of inspection.

#### **Out-of-Service** **395.13 / 396.9(c)** **/ OAR 740-100-0060**

A **driver** or commercial vehicle placed out-of-service during an on-highway ODOT-authorized inspection must have the out-of-service deficiency or defect corrected as prescribed on the inspection report, before the vehicle may again be operated on the highway.

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