

# **MOTOR CARRIER – CFR / US CODE SUMMARY**

## **Federal Motor Carrier Safety Administration Motor Vehicle Compact**

### **Subpart A—General applicability and definitions**

#### **§390.5 Definitions.**

***Driver** means any person who operates any commercial motor vehicle.*

**Employee** means any individual, other than an employer, who is employed by an employer and who in the course of his or her employment directly affects commercial motor vehicle safety. Such term includes a driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle), a mechanic, and a freight handler. Such term does not include an employee of the United States, any State, any political subdivision of a State, or any agency established under a compact between States and approved by the Congress of the United States who is acting within the course of such employment.

**Employer** means any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a State, or an agency established under a compact between States approved by the Congress of the United States.

**For-hire motor carrier** means a person engaged in the transportation of goods or passengers for compensation.

**Highway** means any road, street, or way, whether on public or private property, open to public travel. “Open to public travel” means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than **restrictions based on size, weight, or class of registration**. Toll plazas of public toll roads are not considered restrictive gates.

Interstate commerce means trade, traffic, or transportation in the United States—

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

Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term “interstate commerce.”

**Motor carrier** means a for-hire motor carrier or a private motor carrier. The term includes a motor carrier’s agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of subchapter B, this definition includes the terms employer and exempt motor carrier.

**Motor vehicle** means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Motor Carrier Safety Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

**Multiple-employer driver** means a driver, who in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier.

**Person** means any individual, partnership, association, corporation, business trust, or any other organized group of individuals.

*Private motor carrier means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier.*

*Private motor carrier of passengers (business) means a private motor carrier engaged in the interstate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large.*

*Private motor carrier of passengers (nonbusiness) means private motor carrier involved in the interstate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business).*

**Operating authority** means the registration required by 49 U.S.C. 13902, [49 CFR part 365](#) , [49 CFR part 368](#) , and [49 CFR 392.9a](#).

**Operator** — *See driver.*

**Single-employer driver** means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis.

**State** means a State of the United States and the District of Columbia and includes a political subdivision of a State.

**United States** means the 50 States and the District of Columbia.

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

### **§395.2 Definitions.**

As used in this part, the following words and terms are construed to mean

**Driving time** means all time spent at the driving controls of a commercial motor vehicle in operation.

**On duty time** means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. **On-duty time** shall include:

- (1) All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
- (2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All driving time as defined in the term **driving time**;
- (4) All time, other than **driving time**, in or upon any commercial motor vehicle except time spent resting in a **sleeper berth**;

[Code of Federal Regulations]

[Title 49, Volume 5]

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[Page 457-461]

**TITLE 49--TRANSPORTATION**

## CHAPTER III--FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

### PART 395\_HOURS OF SERVICE OF DRIVERS--Table of Contents

#### Sec. 395.1 Scope of rules in this part.

(a) **General.** (1) The rules in this part apply to all motor carriers and drivers, except as provided in paragraphs (b) through (q) of this section.

(j) **Travel time--(1)** When a property-carrying commercial motor vehicle driver at the direction of the motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time must be counted as on-duty time unless the driver is afforded at least 10 consecutive hours off duty when arriving at destination, in which case he/she must be considered off duty for the entire period.

[[Page 461]]

(2) When a passenger-carrying commercial motor vehicle driver at the direction of the motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time must be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off duty when arriving at destination, in which case he/she must be considered off duty for the entire period.

#### Subpart A—General §571.3 Definitions.

(a) Statutory definitions. All terms defined in section 102 of the Act are used in their statutory meaning.

(b) Other definitions. As used in this chapter—

**Act** means the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718).

**Driver** means the occupant of a motor vehicle seated immediately behind the steering control system.

**Motor home** means a multi-purpose vehicle with motive power that is designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: Cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110–125 volt electrical power supply and/or an LP gas supply.

**Passenger car** means a motor vehicle with motive power, except a low-speed vehicle, multipurpose passenger vehicle, motorcycle, or trailer, designed for carrying 10 persons or less.

**Recreation vehicle trailer** means a trailer, except a trailer designed primarily to transport cargo, designed to be drawn by a vehicle with motive power by means of a bumper, frame or fifth wheel hitch and designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110–125 volt electrical power supply and/or propane. “Recreation vehicle trailer” includes trailers used for personal purposes, commonly known as “sport utility RVs” or “toy haulers,” which usually have spacious rather than incidental living quarters and provide a cargo area for smaller items for personal use such as motorcycles, mountain bikes, all terrain vehicles (ATVs), snowmobiles, canoes or other types of recreational gear.

**School bus** means a bus that is sold, or introduced in interstate commerce, for purposes that include carrying students to and from school or related events, but does not include a bus designed and sold for operation as a common carrier in urban transportation.

## **Subpart A—Exemptions**

### **§372.107 Definitions.**

As used in the regulations in this part, the following terms shall have the meaning shown:

*(e) Interstate transportation —The term “interstate transportation” means transportation by motor vehicle in interstate or foreign commerce subject to the FMCSA’s jurisdiction as set forth in 49 U.S.C. 13501.*

(g) A motor carrier that registers its vehicles in a State that participates in the Performance and Registration Information Systems Management (PRISM) program (authorized under section 4004 of the Transportation Equity Act for the 21st Century [(Public Law 105-178, 112 Stat. 107)]) is exempt from the requirements of this section, provided it files all the required information with the appropriate State office.

## **Subpart A—General applicability and definitions**

### **§390.7 Rules of construction.**

(a) In [Part 325](#) of Subchapter A and in this subchapter, unless the context requires otherwise:

(a)(1) Words imparting the singular include the plural;

(a)(2) Words imparting the plural include the singular;

(a)(3) Words imparting the present tense include the future tense.

(b) In this subchapter the word—

(b)(1) **Officer** includes any person authorized by law to perform the duties of the office;

(b)(2) **Writing** includes printing and typewriting;

(b)(3) **Shall** is used in an imperative sense;

(b)(4) **Must** is used in an imperative sense;

(b)(5) **Should** is used in a recommendatory sense;

(b)(6) **May** is used in a permissive sense; and

(b)(7) **Includes** is used as a word of inclusion, not limitation.

[53 FR 18052, May 19, 1988, as amended at 60 FR 38744, July 28, 1995]

## **Subpart B—General requirements and information**

### **§390.9 State and local laws, effect on.**

Except as otherwise specifically indicated, Subchapter B of this chapter is **not intended to preclude States or subdivisions thereof from establishing or enforcing State or local laws relating to safety**, the compliance with which would not prevent full compliance with these regulations by the person subject thereto.

HOWEVER, those State or local laws relate to safe operation of commercial motor vehicles ONLY! See below.

## TITLE 49--TRANSPORTATION

### CHAPTER III--FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

#### PART 395\_HOURS OF SERVICE OF DRIVERS--Table of Contents

Sec. **395.1** Scope of rules in this part.

(2) The exceptions from Federal requirements contained in paragraphs (l) and (m) of this section do not preempt State laws and regulations **governing the safe operation of commercial motor vehicles**.

### **§392.1 Scope of the rules in this part.**

Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of commercial motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.

[53 FR 18057, May 19, 1988, as amended at 60 FR 38746, July 28, 1995]

## **Subpart B—Driving of vehicles**

### **§392.16 Use of seat belts.**

A commercial motor vehicle which has a seat belt assembly installed at the driver's seat shall not be driven unless the driver has properly restrained himself/herself with the seat belt assembly.

[35 FR 10860, July 3, 1970, as amended at 60 FR 38747, July 28, 1995]

### **§392.2 Applicable operating rules.**

Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, if a regulation of the Federal Motor Carrier Safety Administration imposes a higher standard of care than that law, ordinance or regulation, the Federal Motor Carrier Safety Administration regulation must be complied with.

[35 FR 7800, May 21, 1970, as amended at 60 FR 38746, July 28, 1995]

## **Subpart A—Single State Registration System**

### **§367.4 Requirements for registration.**

*(a) Except as provided in paragraph (c)(1) of this section with regard to a carrier operating under temporary authority, only a motor carrier holding a certificate or permit issued by the Secretary under 49 U.S.C. 13902 shall be required to register under these standards.*

*(b) A motor carrier operating in interstate or foreign commerce in one or more participating States under a certificate or permit issued by the Secretary shall be required to register annually with a single registration State, and such registration shall be deemed to satisfy the registration requirements of all participating States.*

*(c) A motor carrier must file, or cause to be filed, the following with its registration State:*

*(c)(1) Copies of its certificates and/or permits. A carrier must supplement its filing by submitting copies of any new operating authorities as they are issued.*

## **Subpart A—Single State Registration System**

### **§367.1 Definitions.**

(a) **The Secretary.** The Secretary of Transportation.

(b) **Motor carrier and carrier.** A person authorized to engage in the transportation of passengers or property, as a common or contract carrier, in interstate or foreign commerce, under the provisions of [49 U.S.C. 13902](#).

(c) **Motor vehicle.** A self-propelled or *motor driven vehicle operated by a motor carrier in interstate or foreign commerce under authority issued by the Secretary.*

(d) **Principal place of business.** A single location that serves as a motor carrier's headquarters and where it maintains or can make available its operational records.

(e) **State.** A State of the United States or the District of Columbia.

[58 FR 28933, May 18, 1993. Redesignated at 61 FR 54707, Oct. 21, 1996, as amended at 62 FR 15420, Apr. 1, 1997]

## US CODES

### **49 USC § 13902. Registration of motor carriers**

#### **(b) Motor Carriers of Passengers.—**

**(1) Registration of private recipients of governmental assistance.—** The Secretary shall register under subsection (a)(1) a private recipient of governmental assistance to provide special or charter transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier of passengers if the Secretary finds that the recipient meets the requirements of subsection (a)(1), unless the Secretary finds, on the basis of evidence presented by any person objecting to the registration, that the transportation to be provided pursuant to the registration is not in the public interest.

**(3) Intrastate transportation by interstate carriers.—** *A motor carrier of passengers that is registered by the Secretary under subsection (a) is authorized to provide regular-route transportation entirely in one State as a motor carrier of passengers if such intrastate transportation is to be provided on a route over which the carrier provides interstate transportation of passengers.*

**(5) Jurisdiction over certain intrastate transportation.—** *Subject to section 14501 (a), any intrastate transportation authorized by this subsection shall be treated as transportation subject to jurisdiction under subchapter I of chapter 135 until such time as the carrier takes such action as is necessary to establish under the laws of such State rates, rules, and practices applicable to such transportation, but in no case later than the 30th day following the date on which the motor carrier of passengers first begins providing transportation entirely in one State under this paragraph.*

**(7) Civil actions.**— Either the Secretary or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

**(8) Limitation on statutory construction.**— This subsection shall not be construed as affecting the requirement for all foreign motor carriers and foreign motor private carriers operating in the United States to comply with all applicable laws and regulations pertaining to fitness, safety of operations, financial responsibility, and *taxes imposed by section 4481 of the Internal Revenue Code of 1986.*

**(g) Motor Carrier Defined.**— In this section and sections 13905 and 13906, the term “motor carrier” includes foreign motor private carriers.

#### 49 USC § 13501. General jurisdiction

The Secretary and the Board have jurisdiction, as specified in this part, over transportation by motor carrier and the procurement of that transportation, to the extent that passengers, property, or both, are transported by motor carrier—

**(1)** between a place in—

**(A)** a State and a place in another State;

**(B)** a State and another place in the same State through another State;

**(C)** the United States and a place in a territory or possession of the United States to the extent the transportation is in the United States;

**(D)** the United States and another place in the United States through a foreign country to the extent the transportation is in the United States; or

**(E)** the United States and a place in a foreign country to the extent the transportation is in the United States; and

**(2)** in a reservation under the exclusive jurisdiction of the United States or on a public highway.

#### 49 USC 14501

**(a) Motor Carriers of Passengers.**—

**(1) Limitation on state law.**— *No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to—*

*(A) scheduling of interstate or intrastate transportation (including discontinuance or reduction in the level of service) provided by a motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route;*

**(c) Motor Carriers of Property.—**

**(1) General rule.—** Except as provided in paragraphs (2) and (3), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier (other than a carrier affiliated with a direct air carrier covered by section 41713 (b)(4)) or any motor private carrier, broker, or freight forwarder with respect to the transportation of property.

*49 USC § 13505. Transportation furthering a primary business*

*(a) In General.— Neither the Secretary nor the Board has jurisdiction under this part over the transportation of property by motor vehicle when—*

*(1) the property is transported by a person engaged in a business other than transportation; and*

*(2) the transportation is within the scope of, and furthers a primary business (other than transportation) of the person.*

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[NOT MEANT TO BE INCLUSIVE – reader is advised to do further research for accuracy, completeness and timeliness of presented items.]