

# New Federal DOT regulations for small passenger-carrying motor carriers



The Federal Motor Carrier Safety Administration (FMCSA) announced on Monday, February 1, 2010 in the *Federal Register* a final rule concerning the applicability of certain Federal Motor Carrier Safety Regulations for small passenger-carrying motor carriers transporting between 9 and 15 passengers, including the driver, in interstate commerce for direct compensation. Compliance is required no later than June 1, 2010. Many states have adopted the Federal Motor Carrier Safety regulations in their entirety, or with some slight modifications, for intrastate passenger-carrying motor carriers. Complete Federal regulations can be found on the Federal Motor Carrier Safety Regulation website at <http://www.fmcsa.dot.gov/>.

## Safety fitness procedures

Some rules found in Part 385 previously applied to small passenger-carrying motor carriers operating within a 75 mile radius. The new rule now includes regulations making those small passenger carriers subject to compliance reviews and safety ratings. Small passenger-carrying motor carriers receiving an unsatisfactory safety rating will be prohibited from operation of commercial motor vehicles for the transportation of passengers in interstate commerce. In addition, these motor carriers will be ineligible to contract or subcontract with any Federal agency for transportation of passengers in interstate commerce.

## General safety rules

Under the rules of Part 390, small passenger-carrying motor carriers affected by the new rule must comply with the marking requirements of equipment, as listed in Part 390.21 b, c, and d. This regulation requires compliance including, but not limited, to:

- Mark the vehicle with the USDOT number and the legal name or a single trade name of the motor carrier
- Prohibit use or possession of radar detectors
- Require seatbelts be used

## Qualifications of drivers

Major areas of impact are in Part 391 concerning driver qualification requirements and documents generated from three major tasks associated with the driver qualification file:

- Driver hiring
- Annual review of driving record
- Safety history

Motor carriers must also retain medical examinations and certifications. Medical examinations are required for new driver applicants prior to hiring and for all commercial vehicle drivers a minimum of every two years.

## Driving of commercial motor vehicles

The rules in Part 392 include general prohibitions against the use of alcohol, drugs and other substances while operating a CMV or operation of a CMV while ill or fatigued. Other requirements include, but not limited to:

- Ensuring a CMV is safely stopped
- Implementing fueling precautions
- Prohibiting drivers from engaging in distracted driving behaviors and bans texting on cell phones while driving

## Parts and accessories necessary for safe operation

Under Part 393 motor carriers must comply concerning parts and accessories necessary for safe operation of CMVs and developing discernable maintenance inspection and repair intervals to address the condition of safety related components, including, but not limited to:

- Lamps
- Reflective devices
- Electrical wiring
- Windshields
- Fuel systems
- Emergency equipment

## Hours of service of drivers

Part 395 establishes limits on how long a commercial vehicle driver may drive. This limit states no more than 10 hours following eight consecutive hours off duty. The regulations also prohibit drivers from the following:

- Driving for any period after having been on duty 15 hours following eight consecutive hours off duty
- No motor carrier shall permit or require and no driver of a passenger-carrying commercial motor vehicle can drive for any period after:
  - Having been on duty 60 hours in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
  - Having been on duty 70 hours in any period of eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.

## Inspection, repair, and maintenance

In Part 396 of the regulations every motor carrier must ensure that their fleet complies with this section and addresses:

- Inspection and records of motor vehicles in operations including driver vehicle inspection reports
- Periodic inspections guidelines
- Record keeping requirements
- Inspector qualifications

Finally, safety fitness evaluation regulations are changing in 2010. Motor carrier safety fitness will be determined using the Comprehensive Safety Analysis (CSA) system. Information will be updated each month based on safety performance measurements for drivers and motor carriers following roadside inspections, accidents, onsite compliance reviews and driver moving violations. For small passenger-carrying motor carriers, moving citations and accidents are more likely to occur than roadside inspections. Be aware that a poor motor carrier safety rating in either one of those categories could trigger investigations and potentially revocation of operating authority. CSA 2010 implementation will be completed for all states by December 31, 2010.

For additional information, visit the U.S. Department of Transportation Federal Motor Carrier Safety Administration website at: <http://csa2010.fmcsa.dot.gov/>

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