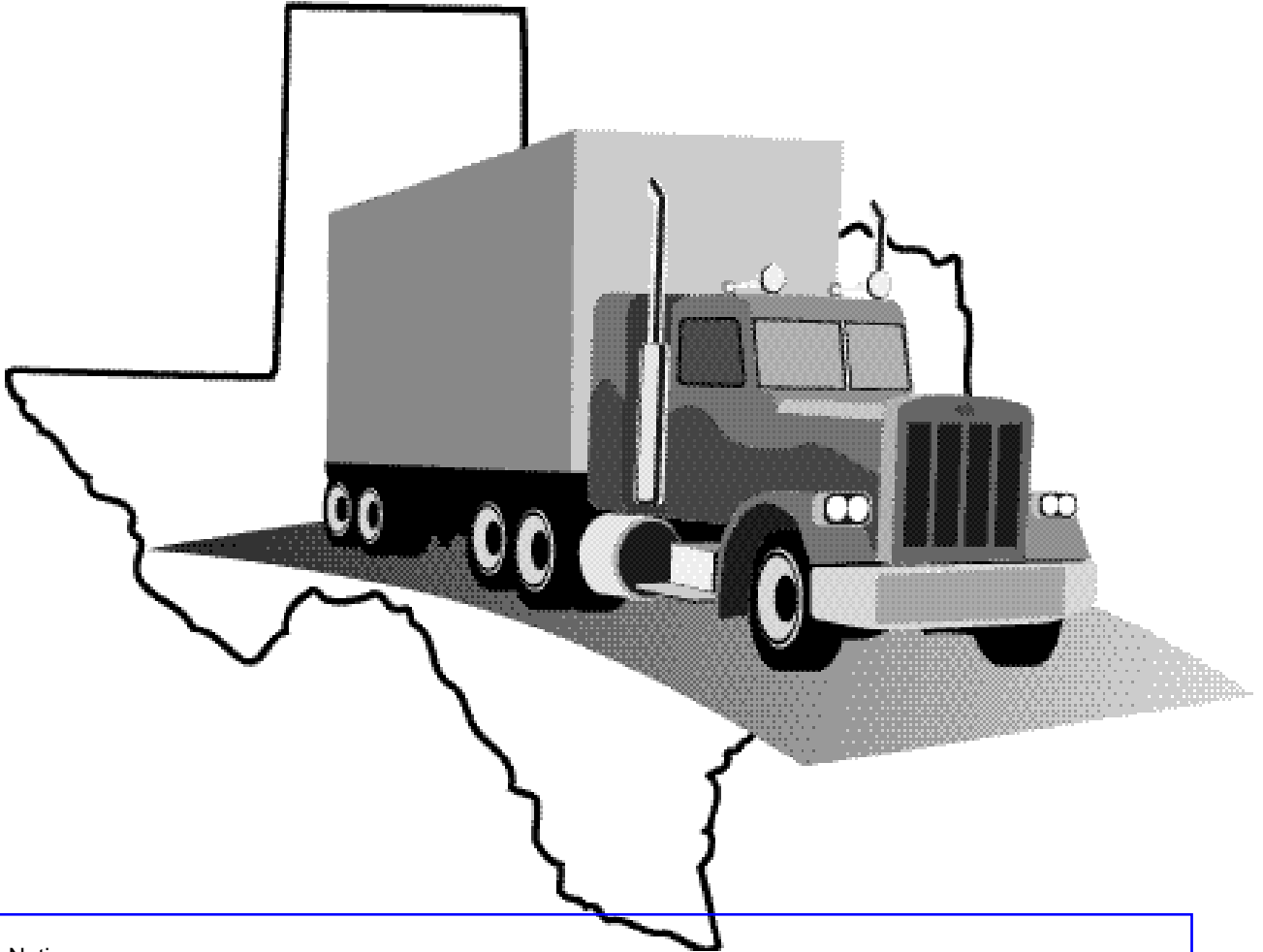


A Texas Motor Carrier's Guide to Highway Safety

Texas Department of Public Safety



Notice:

This guide has been modified by the TSLB to highlight regulations applicable to contract carriers in Texas and is intended for use by our members. Any other use is not authorized.



Texas Highway Patrol Division
Commercial Vehicle Enforcement

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How to use this guide:

The DPS guide is published to help commercial motor vehicle drivers to comply with Federal and Texas regulations. We have modified the guidance to highlight Texas regulations governing railroad crew transportation, commonly called “limo” companies and their drivers. Texas regulation refers to a limo company as a “contract carrier”.

Regulations that are applicable to contract carriers operated in Texas are underlined. Regulations that don’t apply are crossed-out.

Moving the cursor over a portion of text that is underlined or crossed out will reveal additional comments in a pop-up note. Please note that not every portion of underlined or crossed-out text will have an associated comment.

While we have made every effort to ensure that this guide is accurate, the final authority for interpretation and enforcement is the Texas Department of Public Safety.



Texas Highway Patrol Division
Commercial Vehicle Enforcement

Part 1 - Introduction

Purpose

The Texas Department of Public Safety produces this pamphlet to provide basic compliance guidance to support the Federal Motor Carrier Safety Regulations (FMCSR).

Our goal is to secure safe transportation of passengers and cargo on the nation's highways, through the coordinated effort of Federal and State agencies along with voluntary safety compliance by Texas motor carriers and related trade associations to:

- Reduce commercial vehicle accidents;
- Reduce fatalities, injuries, and property losses involving commercial motor vehicles; and
- Reduce the occurrence of hazardous materials transportation incidents.

Safety compliance translates into saved lives, decreased injuries, and reduction of property loss.

About the Contents

Twelve of the sixteen sections in this pamphlet highlight information from specific parts of the FMCSRs. You may reproduce and distribute any or all of the material contained in this booklet. You may also obtain further information from the Federal Motor Carrier Safety Administration's (FMCSA) website at www.fmcsa.dot.gov and the Texas Administrative Rules at www.sos.state.tx.us (Title 37, Part 1, Chapter 4, Subchapter B).

Disclaimer

Although we made every effort to assure the completeness and accuracy of the information in this booklet, it is not intended to take the place of published agency regulations. This booklet paraphrases the FMCSR published in Title 49 of the U.S. Code of Federal Regulations. Do not use the contents as a substitute for the official text. The regulations issued by the U.S. Department of Transportation (USDOT) and its operating administrations are published in the Federal Register and compiled in the U.S. Code of Federal Regulations. Likewise, Texas Motor Carrier Safety Regulations are published under 37 TEX. ADMIN. CODE, Chapter 4, and are subject to changes as may be published from time to time in the Texas Register.

Motor carriers, drivers, and shippers are responsible for understanding and complying with the Federal Motor Carrier Safety Regulations (FMCSRs) and Texas regulations.

A handwritten signature in black ink, appearing to read "D. Palmer".

Captain David L. Palmer
Manager, Motor Carrier Bureau

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Texas DPS Administrative Rules

Title 37	Public Safety and Corrections
Part 1	Texas Department of Public Safety
Chapter 4	Commercial Vehicle Regulations and Enforcement Procedures
Subchapter A	Regulations Governing Hazardous Materials
Rule 4.1	Transportation of Hazardous Materials

(a) The director of the Texas Department of Public Safety incorporates, by reference, the Federal Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 107 (Subpart G), 171 - 173, 177, 178, and 180, including all interpretations thereto, for commercial vehicles operated in intrastate, interstate, or foreign commerce, as amended through October 1, 2005. All other references in this section to the Code of Federal Regulations also refer to amendments and interpretations issued through October 1, 2005.

(b) Explanations and Exceptions.

(1) Certain terms when used in the federal regulations as adopted in subsection (a) of this section will be defined as follows:

(A) the definition of motor carrier will be the same as that given in Texas Transportation Code, §643.001(6);

(B) hazardous material shipper means a consignor, consignee, or beneficial owner of a shipment of hazardous materials;

(C) interstate or foreign commerce will include all movements by commercial motor vehicle, both interstate and intrastate, over the streets and highways of this state;

(D) department means the Texas Department of Public Safety;

(E) regional highway administrator means the director of the Texas Department of Public Safety or the designee of the director;

(F) farm vehicle means any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agriculture products, farm machinery, and farm supplies to or from a farm or ranch; and

(G) private carrier means any person not included in the terms "common carrier by motor vehicle" or "contract carrier by motor vehicle" who transports by commercial motor vehicle property of which the person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent or bailment, or in furtherance of commerce.

(2) All references in Title 49, Code of Federal Regulations, Parts 107 (Subpart G), 171 - 173, 177, 178, and 180 made to other modes of transportation, other than by motor vehicles operated on streets and highways of this state, will be excluded and not adopted by this department.

(3) Regulations adopted by this department, including the federal motor carrier safety regulations, will apply to farm tank trailers used exclusively to transport anhydrous ammonia from the dealer to the farm. The usage of non-specification farm tank trailers by motor carriers to transport anhydrous ammonia must be in compliance with Title 49, Code of Federal Regulations, §173.315(m).

(4) The reporting of hazardous material incidents as required by Title 49, Code of Federal Regulations, §171.15 and §171.16 for shipments of hazardous materials by highway is adopted by the department.

(5) Regulations adopted by this department, including the federal motor carrier safety regulations, will apply to an intrastate motor carrier transporting a flammable liquid petroleum product in a cargo tank. The usage of non-specification cargo tanks by motor carriers for the intrastate transportation of flammable liquid petroleum products must be in compliance with Title 49, Code of Federal Regulations, §173.8.

(6) Regulations and exceptions adopted herein are applicable to all drivers and vehicles transporting hazardous materials in interstate, foreign, or intrastate commerce.

(7) Nothing in this section shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

(8) Penalties assessed for violations of the regulations adopted herein will be based upon the provisions of Texas Transportation Code, Chapter 644, and §4.16 of this title (relating to Administrative Penalties, Payment, Collection and Settlement of Penalties).

(9) A peace officer certified, in accordance with §4.13 of this title (relating to Authority to Enforce, Training and Certificate Requirements), to enforce the Federal Hazardous Material Regulations, as adopted in this section, may declare a vehicle out-of-service using the North American Standard Hazardous Materials Out-of-Service Criteria as a guideline.

Source Note: The provisions of this §4.1 adopted to be effective March 9, 2004, 29 TexReg 2376; amended to be effective August 31, 2004, 29 TexReg 8375; amended to be effective January 4, 2005, 29 TexReg 12235; amended to be effective May 22, 2005, 30 TexReg 3030; amended to be effective September 22, 2005, 30 TexReg 6064; amended to be effective January 24, 2006, 31 TexReg 404

TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 1 TEXAS DEPARTMENT OF PUBLIC SAFETY
CHAPTER 4 COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES
SUBCHAPTER B REGULATIONS GOVERNING TRANSPORTATION SAFETY
RULE §4.11 **General Applicability and Definitions**

(a) General. The director of the Texas Department of Public Safety incorporates, by reference, the Federal Motor Carrier Safety Regulations, Title 49, Code of Federal Regulations, Parts 40, 380, 382, 385, 386, 387, 390 - 393, and 395 - 397 including all interpretations thereto, as amended through October 1, 2007. All other references in this subchapter to the Code of Federal Regulations also refer to amendments and interpretations issued through October 1, 2007. The rules adopted herein are to ensure that:

- (1) a commercial motor vehicle is safely maintained, equipped, loaded, and operated;
 - (2) the responsibilities imposed on a commercial motor vehicle's operator do not impair the operator's ability to operate the vehicle safely;
 - (3) the physical condition of a commercial motor vehicle's operator enables the operator to operate the vehicle safely; and,
 - (4) the minimum levels of financial responsibility required to be maintained by motor carriers of property or passengers operating commercial motor vehicles in interstate, foreign, or intrastate commerce.
- (b) Terms. Certain terms, when used in the federal regulations as adopted in subsection (a) of this section, will be defined as follows:
- (1) the definition of motor carrier will be the same as that given in Texas Transportation Code, §643.001(6);
 - (2) hazardous material shipper means a consignor, consignee, or beneficial owner of a shipment of hazardous materials;
 - (3) interstate or foreign commerce will include all movements by motor vehicle, both interstate and intrastate, over the streets and highways of this state;
 - (4) department means the Texas Department of Public Safety;
 - (5) director means the director of the Texas Department of Public Safety or the designee of the director;
 - (6) FMCSA field administrator, as used in the federal motor carrier safety regulations, means the director of the Texas Department of Public Safety for vehicles operating in intrastate commerce;
 - (7) farm vehicle means any vehicle or combination of vehicles controlled and/or operated by a farmer or rancher being used to transport agriculture commodities, farm machinery, and farm supplies to or

from a farm or ranch;

(8) commercial motor vehicle has the meaning assigned by Texas Transportation Code, §548.001(1) if operated intrastate; commercial motor vehicle has the meaning assigned by Title 49, Code of Federal Regulations, Part 390.5 if operated interstate;

(9) foreign commercial motor vehicle has the meaning assigned by Texas Transportation Code, §648.001;

(10) agricultural commodity is defined as an agricultural, horticultural, viticultural, silvicultural, or vegetable product, bees and honey, planting seed, cottonseed, rice, livestock or a livestock product, or poultry or a poultry product that is produced in this state, either in its natural form or as processed by the producer, including wood chips. The term does not include a product which has been stored in a facility not owned by its producer;

(11) planting and harvesting seasons are defined as January 1 to December 31; and

(12) producer is defined as a person engaged in the business of producing or causing to be produced for commercial purposes an agricultural commodity. The term includes the owner of a farm on which the commodity is produced and the owner's tenant or sharecropper.

(13) off-road motorized construction equipment includes but is not limited to motor scrapers, backhoes, motor graders, compactors, excavators, tractors, trenchers, bulldozers, and other similar equipment routinely found at construction sites and that is occasionally moved to or from construction sites by operating the equipment short distances on public highways. Off-road motorized construction equipment is not designed to operate in traffic and such appearance on a public highway is only incidental to its primary functions. Off-road motorized construction equipment is not considered to be a commercial motor vehicle as that term is defined in Texas Transportation Code, §644.001.

(c) Applicability.

(1) The regulations shall be applicable to the following vehicles:

(A) a vehicle or combination of vehicles with an actual gross weight, a registered gross weight, or a gross weight rating in excess of 26,000 pounds when operating intrastate;

(B) a farm vehicle or combination of farm vehicles with an actual gross weight, a registered gross weight, or a gross weight rating of 48,000 pounds or more when operating intrastate;

(C) a vehicle designed or used to transport more than 15 passengers, including the driver; and

(D) a vehicle transporting hazardous material requiring a placard.

(E) a motor carrier transporting household goods for compensation in intrastate commerce in a vehicle not defined in Texas Transportation Code, §548.001(1) is subject to the record keeping requirements in Title 49, Code of Federal Regulations, Part 395 and the hours of service requirements specified in this subchapter.

(F) a foreign commercial motor vehicle that is owned or controlled by a person or entity that is domiciled in or a citizen of a country other than the United States.

(G) a contract carrier transporting the operating employees of a railroad on a road or highway of this state in a vehicle designed to carry 15 or fewer passengers.

(2) The regulations contained in Title 49, Code of Federal Regulations, Part 392.9a, and all interpretations thereto, are applicable to motor carriers operating in intrastate commerce and to for-hire interstate motor carriers exempt from economic regulation. The term "operating authority" as used in Title 49, Code of Federal Regulations, Part 392.9a, for the motor carriers described in this paragraph, shall mean compliance with the registration requirements found in Texas Transportation Code, Chapter 643, for vehicles operating in intrastate commerce, or Texas Transportation Code, Chapters 643 or 645, for for-hire interstate motor carriers exempt from economic regulation. For purposes of enforcement of this paragraph, peace officers certified to enforce this chapter, shall verify that a motor carrier is not registered, as required in Texas Transportation Code, Chapters 643 or 645, before placing a motor carrier out-of-service. Motor carriers placed out-of-service under Title 49, Code of Federal Regulations, Part 392.9a may request a review under §4.18 of this chapter. All costs associated with the towing and storage of a vehicle and load declared out-of-service under subsection (c)(2) shall be the responsibility of the motor carrier and not the department or the State of Texas.

(3) All regulations contained in Title 49, Code of Federal Regulations, Parts 40, 380, 382, 385, 386, 387, 390 - 393 and 395 - 397, and all interpretations thereto pertaining to interstate drivers and vehicles are also adopted except as otherwise excluded.

(4) Nothing in this section shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee health and safety.

Source Note: The provisions of this §4.11 adopted to be effective March 9, 2004, 29 TexReg 2376; amended to be effective August 31, 2004, 29 TexReg 8375; amended to be effective January 4, 2005, 29 TexReg 12235; amended to be effective May 22, 2005, 30 TexReg 3031; amended to be effective September 22, 2005, 30 TexReg 6065; amended to be effective January 24, 2006, 31 TexReg 404; amended to be effective May 30, 2006, 31 TexReg 4442; amended to be effective October 1, 2006, 31 TexReg 8109; amended to be effective January 28, 2007, 32 TexReg 245; amended to be effective April 30, 2007, 32 TexReg 2370; amended to be effective August 16, 2007, 32 TexReg 5034; amended to be effective January 2, 2008, 32 TexReg 10056

TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 1 TEXAS DEPARTMENT OF PUBLIC SAFETY
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SUBCHAPTER B REGULATIONS GOVERNING TRANSPORTATION SAFETY
RULE §4.12 Exemptions and Exceptions

(a) Exemptions. Exemptions to the adoptions in §4.11 of this title (relating to General Applicability and Definitions) are made pursuant to Texas Transportation Code, §§644.052 - 644.054, and are adopted as follows:

(1) Such regulations shall not apply to the following vehicles when operated intrastate:

(A) a vehicle used in oil or water well servicing or drilling which is constructed as a machine consisting in general of a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for such purpose or purposes;

(B) a mobile crane which is an unladen, self-propelled vehicle constructed as a machine used to raise, shift, or lower weights;

(C) a vehicle transporting seed cotton; or,

(D) concrete pumps.

(2) Drivers in intrastate commerce will be permitted to drive 12 hours following eight consecutive hours off duty. Drivers in intrastate commerce may not drive after having been on duty 15 hours, following eight consecutive hours off duty. Drivers in intrastate commerce violating the 12 or 15 hour limits provided in this paragraph shall be placed out-of-service for eight consecutive hours. Drivers of vehicles operating in intrastate commerce shall be permitted to accumulate the equivalent of eight consecutive hours off duty by taking a combination of at least eight consecutive hours off duty and sleeper berth time; or by taking two periods of rest in the sleeper berth, providing:

(A) neither rest period in the sleeper berth is shorter than two hours duration;

(B) the driving time in the period immediately before and after each rest period in the sleeper berth, when added together, does not exceed 12 hours;

(C) the on duty time in the period immediately before and after each rest period in the sleeper berth, when added together, does not include any driving time after the 15th hour; and

(D) the driver may not return to driving subject to the normal hours of service requirements in this subsection without taking at least 8 consecutive hours off duty, at least 8 consecutive hours in the sleeper berth, or a combination of at least 8 consecutive hours off duty and sleeper berth time.

(3) Drivers in intrastate commerce who are not transporting placardable hazardous materials and were regularly employed in Texas as commercial vehicle drivers prior to August 28, 1989, are not required to meet the medical standards contained in the federal regulations.

(A) For the purpose of enforcement of this regulation, those drivers who reached their 18th birthday on or after August 28, 1989, shall be required to meet all medical standards.

(B) The exceptions contained in this paragraph shall not be deemed as an exemption from drug and alcohol testing requirements contained in Title 49, Code of Federal Regulations, Parts 40 and 382.

(4) The maintenance of a driver's record of duty status is not required if the vehicle is operated within a 150 air-mile radius of the driver's normal work reporting location if:

(A) the driver returns to the normal work reporting location and is released from work within 12 consecutive hours;

(B) the driver has at least 8 consecutive hours off duty separating each 12 hours on duty and

(C) the motor carrier that employs the driver maintains and retains for a period of 6 months true and accurate time and business records which include the following information:

(i) the time the driver reports for duty each day;

(ii) the total number of hours the driver is on duty each day;

(iii) the time the driver is released from duty each day;

(iv) the total time on duty for the preceding seven days in accordance with Title 49, Code of Federal Regulations, Part 395.8(j)(2) for drivers used for the first time or intermittently; and

(v) the motor carrier maintains business records that provide the date, time, quantity, and location of the delivery of a product or service, including delivery tickets or sales invoices.

(5) The provisions of Title 49, Code of Federal Regulations, Part 395 shall not apply to drivers transporting agricultural commodities in intrastate commerce for agricultural purposes within a 150 air-mile radius from the source of the commodities or the distribution point for the farm supplies during planting and harvesting seasons.

(6) Unless otherwise specified, a motor carrier transporting household goods for compensation in intrastate commerce in a vehicle not defined in Texas Transportation Code, §548.001(1) is subject to the record keeping requirements in Title 49, Code of Federal Regulations, Part 395 and the hours of service requirements specified in this subchapter.

(7) Unless otherwise specified, a contract carrier is subject only to Title 49, Code of Federal Regulations, Part 391, except 391.11(b)(4) and Subpart E, Parts 393, 395, and 396, except §396.17.

(b) Exceptions. Exceptions adopted by the director of the Texas Department of Public Safety not specified in Texas Transportation Code, §644.053, are as follows:

(1) Title 49, Code of Federal Regulations, Part 393.86, requiring rear-end protection shall not be applicable provided the vehicle was manufactured prior to September 1, 1991 and is used solely in intrastate commerce.

(2) Drivers of vehicles under this section operating in intrastate transportation shall not be permitted to drive after having worked and/or driven for 70 hours in any consecutive seven-day period. A driver may restart a consecutive seven-day period after taking 34 or more consecutive hours off-duty. Drivers in intrastate transportation violating the 70 hour limit provided in this paragraph will be placed out-of-service until no longer in violation.

(3) Drivers of vehicles operating in intrastate transportation claiming the 150 air mile radius exemption in subsection (a)(4) of this section must return to the work reporting location; be released from work within 12 consecutive hours; and have at least 8 consecutive hours off-duty separating each 12 hours on-duty.

(4) Title 49, Code of Federal Regulations, Part 391.11(b)(1), is not adopted for intrastate drivers. The minimum age for an intrastate driver shall be 18 years of age. Intrastate drivers in violation of this paragraph shall be placed out-of-service until no longer in violation.

(5) Title 49, Code of Federal Regulations, Part 391.11(b)(2), is not adopted for intrastate drivers. ~~An intrastate driver must have successfully passed the examination for a Texas Commercial Driver's License and be a minimum age of 18 years old.~~

(6) Texas Transportation Code, §547.401 and §547.404, concerning brakes on trailers weighing 15,000 pounds gross weight or less take precedence over the brake requirements in the federal regulations for trailers of this gross weight specification unless the vehicle is required to meet the requirements of Federal Motor Vehicle Safety Standard No. 121 (Title 49, Code of Federal Regulations 571.121) applicable to the vehicle at the time it was manufactured.

(7) Title 49, Code of Federal Regulations, Part 390.23 (Relief from Regulations), is adopted for intrastate motor carriers with the following exceptions:

(A) Title 49, Code of Federal Regulations, Part 390.23(a)(2) is not applicable to intrastate motor carriers making emergency residential deliveries of heating fuels or responding to a pipeline emergency, provided the carrier:

(i) documents the type of emergency, the duration of the emergency, and the drivers utilized; and

(ii) maintains the documentation on file for a minimum of six months. An emergency under this paragraph is one that if left unattended would result in immediate serious bodily harm, death or substantial property damage but does not include routine requests to re-fill empty propane gas tanks.

(B) The requirements of Title 49, Code of Federal Regulations, Parts 390.23(c)(1) and (2), for intrastate motor carriers shall be:

(i) the driver has met the requirements of Texas Transportation Code, Chapter 644; and

(ii) the driver has had at least eight consecutive hours off-duty when the driver has been on duty for 15 or more consecutive hours, or the driver has had at least 34 consecutive hours off duty when the driver has been on duty for more than 70 hours in seven consecutive days.

(8) Title 49, Code of Federal Regulations, Part 380, (Subparts A - D), is not adopted for intrastate motor carriers and drivers. Title 49, Code of Federal Regulations, Part 380 (Subpart E) is adopted for intrastate motor carriers and drivers. Intrastate motor carriers and drivers must complete the

requirements of Title 49, Code of Federal Regulations, Part 380.500 on or before July 31, 2005.

(9) In accordance with §4132 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETA-LU) (Pub. L. 109-59), the hours of service regulations in this subchapter are not applicable to utility service vehicles that operate in either interstate or intrastate commerce. Utility service vehicles are those vehicles operated by public utilities, as defined in the Public Utility Regulatory Act, the Gas Utility Regulatory Act, the Texas Water Code, Title 49, Code of Federal Regulations, Part 395.2, or other applicable regulations, and charged with the responsibility for maintaining essential services to the public to protect health and safety.

Source Note: The provisions of this §4.12 adopted to be effective March 9, 2004, 29 TexReg 2376; amended to be effective August 31, 2004, 29 TexReg 8375; amended to be effective January 4, 2005, 29 TexReg 12235; amended to be effective January 24, 2006, 31 TexReg 404; amended to be effective May 30, 2006, 31 TexReg 4442; amended to be effective October 1, 2006, 31 TexReg 8109; amended to be effective January 28, 2007, 32 TexReg 245; amended to be effective August 16, 2007, 32 TexReg 5034



DPS OFFICE DIRECTORY

TITLE	DIVISION	ADDRESS	CITY	PHONE #
Major	THP/Headquarters	PO Box 4087	Austin, TX 78773	512-424-2815
Captain	THP/Headquarters	PO Box 4087	Austin, TX 78773	512-424-2728
Inspector	Director's Staff	PO Box 4087	Austin, TX 78773	512-424-2137
Captain	THP/MCB	PO Box 4087	Austin, TX 78773	512-424-2053
Lieutenant	THP/MCB/Safety	PO Box 4087	Austin, TX 78773	512-424-2880
Lieutenant	THP/MCB/New Entrant	PO Box 4087	Austin, TX 78773	512-424-2851

Dallas Region 1

Captain	THP/CVE	350 W. IH-30	Garland, TX 75043	214-861-2220
Lieutenant	THP/CVE	350 W. IH-30	Garland, TX 75043	214-861-2221
1A1 – Sgt.	THP/CVE	350 W. IH-30	Garland, TX 75043	214-861-2222
1A2 – Sgt.	THP/CVE	PO Box 130040	Tyler, TX 75713	903-939-6006
1A3 – Sgt.	THP/CVE	624 NE Loop 820	Hurst, TX 76053	817-299-1381
1A4 – Sgt.	THP/CVE	1906 N. Jefferson	Mt. Pleasant, TX 75455	903-572-3139
1A5 – Sgt.	THP/CVE	PO Box 1084	Queen City, TX 75572	903-796-4782

Houston Region 2

Captain	THP/CVE	12230 West Road	Houston, TX 77065	281-517-1260
Lieutenant	THP/CVE	12230 West Road	Houston, TX 77065	281-517-1261
(A4,A5,A6)				
Lieutenant	THP/CVE	12230 West Road	Houston, TX 77065	281-517-1262
(A1,A2,A3)				
2A1 – Sgt.	THP/CVE	12230 West Road	Houston, TX 77065	281-517-1259
2A2 – Sgt.	THP/CVE	P.O. Box 240	Richmond, TX 77406	281-633-5408
2A3 – Sgt.	THP/CVE	344 SH 75, Ste 200	Huntsville, TX 77340	936-435-0474
2A4 – Sgt.	THP/CVE	5420 Decker Dr	Baytown, TX 77520	281-424-0315
2A5 – Sgt.	THP/CVE	7200 Eastex Hwy	Beaumont, TX 77708	409-924-5444
2A6 – Sgt.	THP/CVE	2809 S. John Redditt	Lufkin, TX 75904	936-634-5553

Corpus Christi Region 3

Captain	THP/CVE	1922 S. Padre Island Dr	Corpus Christi, TX 78416	361-698-5630
Lieutenant	THP/CVE	1922 S. Padre Island Dr	Corpus Christi, TX 78416	361-698-5631
3A1 – Sgt.	THP/CVE	1922 S. Padre Island Dr	Corpus Christi, TX 78416	361-698-5632
3A2 – Sgt.	THP/CVE	6502 S. New Braunfels	San Antonio, TX 78223	210-531-2247
3A3 – Sgt.	THP/CVE	8802 N. Navarro	Victoria, TX 77904	361-575-2543
3A4 – Sgt.	THP/CVE	209 S. Teel	Devine, TX 78016	830-665-8035
3A5 – Sgt.	THP/CVE	300 S. Johnson	Alice, TX 78332	361-668-8296
3A6 – Sgt.	THP/CVE	Rt. 1 Box 181	Riviera, TX 78379	361-296-3391

MIDLAND REGION 4 A

Captain	THP/CVE	2405 S. Loop 250 West	Midland, TX 79703	432-498-2181
Lieutenant (A1,A3)	THP/CVE	2405 S. Loop 250 West	Midland, TX 79703	432-498-2182
Lieutenant (A2,A4)	THP/CVE	1600 W. Loop 306	San Angelo, TX 76904	325-223-6538
4A1 – Sgt	THP/CVE	2405 S. Loop 250 West	Midland, TX 79703	432-498-2183
4A2 – Sgt.	THP/CVE	2720 Industrial Blvd	Abilene, TX 79605	325-795-4060
4A3 – Sgt.	THP/CVE	2302 W. Dickinson	Ft. Stockton, TX 79735	432-336-3414
4A4 – Sgt.	THP/CVE	1600 W. Loop 306	San Angelo, TX 76904	325-223-6539

EL Paso Region 4 B

Captain	THP/CVE	11612 Scott Simpson	El Paso, TX 79936	915-849-4032
Lieutenant	THP/CVE	11612 Scott Simpson	El Paso, TX 79936	915-849-4031
4B1 – Sgt.	THP/CVE	11612 Scott Simpson	El Paso, TX 79936	915-849-4030
4B2 – Sgt.	THP/CVE	650 Gateway N.	El Paso, TX 79905	915-838-7800
4B3 – Sgt.	THP/CVE (Ysleta POE)	615 S. Americas Ave	El Paso, TX 79907	915-858-7031
4B4 – Sgt.	THP/CVE (Bota POE)	650 Gateway N.	El Paso, TX 79905	915-838-7715
4B5 – Sgt.	THP/CVE (Ysleta POE)	615 S. Americas Ave	El Paso, TX 79907	915-885-5823

Lubbock Region 5

Captain	THP/CVE	1302 Mac Davis Lane	Lubbock, TX 79401	806-472-2730
Lieutenant	THP/CVE	1302 Mac Davis Lane	Lubbock, TX 79401	806-472-2731
5A1 – Sgt.	THP/CVE	1302 Mac Davis Lane	Lubbock, TX 79401	806-472-2733
5A2 – Sgt.	THP/CVE	5505 N. Central Frwy	Wichita Falls, TX 76306	940-851-5531
5A3 – Sgt.	THP/CVE	4200 Canyon Drive	Amarillo, TX 79109	806-468-1330
5A4 – Sgt	THP/CVE	1700 Ave F, N.W.	Childress, TX 79201	940-937-2548

Waco Region 6

Captain	THP/CVE	1617 E. Crest Drive	Waco, TX 76705	254-759-7167
Lieutenant	THP/CVE	1617 E. Crest Drive	Waco, TX 76705	254-759-7168
6A1 – Sgt	THP/CVE	1617 E. Crest Drive	Waco, TX 76705	254-759-7169
6A2 – Sgt	THP/CVE	9000 IH 35 N.	Austin, TX 78753	512-997-4120
6A3 – Sgt.	THP/CVE	1900 W. Spring Street	Palestine, TX 75803	903-729-3124 x111
6A4 – Sgt.	THP/CVE	1400 IH 35 N.	San Marcos, TX 78666	512-353-7000 x3

McAllen Region 8 A

Captain	THP/CVE	1414 N. Bicentennial	McAllen, TX 78501	956-984-5690
Lieutenant (A1,A2,A6)	THP/CVE	1414 N. Bicentennial	McAllen, TX 78501	956-984-5649
Lieutenant (A3,A4,A5,A7,A8)	THP/CVE	1414 N. Bicentennial	McAllen, TX 78501	956-984-5745
8A1 – Sgt.	THP/CVE	1414 N. Bicentennial	McAllen, TX 78501	956-984-5676
8A2 – Sgt.	THP/CVE (Pharr POE)	301 Capote Central Ave	Pharr, TX 78577	956-782-9261
8A3 – Sgt.	THP/CVE	1630 N. Sunshine Strip	Harlingen, TX 78550	956-423-1160
8A4 – Sgt.	THP/CVE	2301 Courage St.	Brownsville, TX 78521	956-541-4619
8A5 – Sgt.	THP/CVE	609 S. FM 509	Los Indios, TX 78567	956-399-5473
8A6 – Sgt.	THP/CVE	301 Capote Central Ave	Pharr, TX 78577	956-782-9261

8A7 – Sgt.	THP/CVE	2301 Courage St.	Brownsville, TX 78521	956-541-4619
8A8 – Sgt.	THP/CVE	369 S. FM 509	Los Indios, TX 78567	956-399-5473

Laredo Region 8 B

Captain	THP/CVE	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-728-2278
Lieutenant	THP/CVE	1901 Bob Bullock Loop	Laredo, TX 78043-9701	956-728-2261

(B1,B2,B3,B4,B5)

Lieutenant	THP/CVE	4362 FM 1472	Dolores, TX 78045	830-775-3569
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(B6,B7,B8,B9)

8B1 – Sgt.	THP/CVE	1901 Bob Bullock Loop	Laredo, TX 78043	956-728-2210
8B2 – Sgt.	THP/CVE (World Trade)	1901 Bob Bullock Loop	Laredo, TX 78043	956-795-1373
8B3 – Sgt.	THP/CVE (Columbia)	1901 Bob Bullock Loop	Laredo, TX 78043	956-417-5638
8B4 – Sgt.	THP/CVE (World Trade)	1901 Bob Bullock Loop	Laredo, TX 78043	956-795-1373
8B5 – Sgt.	THP/CVE (Columbia)	1901 Bob Bullock Loop	Laredo, TX 78043	956-417-5638
8B6 – Sgt.	THP/CVE	2012 Veterans Blvd.	Del Rio, TX 78840	830-775-3569
8B7 – Sgt.	THP/CVE	555 S Monroe	Eagle Pass, TX 78852	830-757-5325
8B8 – Sgt.	THP/CVE	32 Foster Maldonado	Eagle Pass, TX 78852	830-757-4683
8B9 – Sgt.	THP/CVE	555 S. Monroe	Eagle Pass, TX 78852	830-775-3555



Important Websites

* Hyperlinks marked with an “**” have an underscore (“_”) where the underlined space appears.

Texas Department of Public Safety

www.txdps.state.tx.us

Federal Motor Carrier Safety Administration (FMCSA) official website:

www.fmcsa.dot.gov

Nearest FMCSA field office:

www.fmcsa.dot.gov/aboutus/aboutus.htm

Texas Department of Transportation (TXDOT)

<http://www.dot.state.tx.us/>

How do I start a trucking business?

www.fmcsa.dot.gov/factsfigs/formspubs.htm

<http://www.dot.state.tx.us/mcd/onestop/>

Where can I find the federal safety regulations and interpretations?

www.fmcsa.dot.gov/rulesregs/fmcsrhome.htm

Where can I find a copy of “A Texas Motor Carrier’s Guide to Highway Safety”?

<http://www.txdps.state.tx.us/lw/Publications/index.htm>

Where can I download a copy of the Texas drug testing forms?

<http://www.txdps.state.tx.us/lw/Publications/index.htm>

Where can I find information on farming operations?

<http://www.txdps.state.tx.us/lw/cmvlaw/cmvlaw.asp>

Where can I obtain the booklet “A Texas Guide to Farm Vehicle Compliance”?

http://www.txdps.state.tx.us/lw/cmvlaw/Farm/Farm_Guide.doc*

How do I obtain a US DOT number?

www.fmcsa.dot.gov/factsfigs/formspubs.htm or call 1-800-832-5660

How do I obtain a hazardous materials registration number?

<http://www.hazmat.dot.gov/regs/register/inetreghelp.htm>

or <http://safer.fmcsa.dot.gov/>

How do I obtain a Texas DOT (TXDOT) number?

<http://www.dot.state.tx.us/mcd/onestop/> or call 1-800-299-1700

Where can I find descriptive statistics concerning the truck and bus industry?

<http://ai.volpe.dot.gov>

How can I obtain data about a motor carrier, broker, or freight forwarder’s application, insurance and process agent?

<http://www.fmcsa.dot.gov/>

Where can I file forms and pay fees for registration, insurance and fines?

<http://safer.fmcsa.dot.gov/>

How can I obtain my motor carrier profile? Where can I find detailed information about my company’s safety performance? Where can I find my motor carrier safety ratings, inspections and accident summary data?

http://www.safersys.org/CSP_Subscribe.asp*

How can I change the name and address of my business online?***

<http://www.fmcsa.dot.gov/registration-licensing/online-registration/onlineregdescription.htm>* then select

“Online Registration and Licensing System”

How do I report safety violations?

www.fmcsa.dot.gov/pdfs/saftviolationrpt.pdf

Where can I find the latest information about safety programs?

www.fmcsa.dot.gov/safetyprogs/saftprogs.htm

How can I learn about the “No-Zone Program?”

www.nozone.org

Where can I find consumer information about the transportation of household goods?

www.fmcsa.dot.gov/factsfigs/moving.htm

Where can I find consumer information about the transportation of hazardous materials?

<http://hazmat.dot.gov/>

How can I obtain the latest research and analysis on truck and bus safety?

<http://www.fmcsa.dot.gov/> and <http://ai.volpe.dot.gov/>

Texas State Law

www.state.tx.us (select Government, then Laws, then Codes)

Secretary of State (Texas Administrative Code)

<http://www.sos.state.tx.us/>

International Fuels Tax Agreement information (Texas Comptroller of Public Accounts)

<http://www.window.state.tx.us/taxinfo/fuels/ifta.html>

To Obtain Forms:

Texas Department of Transportation (TXDOT):

1-800-299-1700

<http://www.dot.state.tx.us/mcd/onestop/form106.htm>

- Original Texas Motor Carrier Application
- Additional Motor Carrier Equipment Report
- Vehicle Replacement
- Supplemental Motor Carrier Application
- Application for Single State Registration
- Overweight Permits
- Application for Single State Registration for MEXICO

United States Department of Transportation (USDOT):

<http://www.fmcsa.dot.gov/factsfigs/forms.htm>

- Commercial/Consumer Complaint Form
- Crash Cost Worksheet
- Do-It-Yourself
- Education and Technical Assistance Program
- Form OP-1 (MX)
- Form OP-2
- Hazardous Materials Incident Report (Form F 5800.1)
 - Guidance For Preparing Hazardous Materials Incident Reports
- Medical Examination Report Form
- Motor Carrier Licensing Forms
- Motor Carrier Safety Assistance Program
- NASS Crash Data Collection Forms
- PRISM Brochure
- Skill Performance Evaluation (SPE)
- USDOT Number Application Form (MCS-150, MCS-150A, MCS-150B)



Texas Highway Patrol Division

Commercial Vehicle Enforcement

How to Obtain Manuals and Forms

The Department does not stock or supply manuals and forms. The forms or books you will need may be obtained from printing firms, state motor carrier associations, or other sources including, but not confined to those listed below.

The Department is informing you of sources to obtain this information. This is not a recommendation or endorsement of the following organizations.

J.J. Keller & Associates

PO Box 368
Neenah WI 54957-0368
1-800-327-6868
www.jjkeller.com

Label Master

5724 North Pulaski Road
Chicago IL 60646-6796
1-800-621-5808
www.labelmaster.com

Texas Motor Transportation Association (TMTA)

700 E 11th Street
Austin TX 78701
1-800-727-7135
www.tmta.com

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Part 3 - Carriers of Passengers

Historically, the predecessor agencies of the FMCSA only regulated “for-hire” transportation of passengers with a vehicle designed to transport more than 15 passengers, including the driver.

Private motor carriers of passengers (PMCPs) became subject to the FMCSRs on January 1, 1995. They are separated into two groups (business or non-business) and are exempt from certain requirements of the FMCSRs.

Motor carriers operating vehicles designed or used to transport 9 to 15 passengers (including the driver) for compensation became subject to three regulatory standards on February 12, 2001.

Effective November 10, 2003: The definition of a CMV now includes "Small Passenger" carrying vehicles. Motor carriers operating CMVs designed or used to transport 9 to 15 passengers (including the driver), in interstate commerce must comply with FMCSR Parts 390 through 396 when they are directly compensated for such services when the vehicle is operated outside of a 75 air mile radius of the driver's normal work reporting location. The drivers and vehicles operated by motor carriers in this type of operation are subject to the same safety requirements imposed upon motor coach operations with the exception of the commercial driver's license, controlled substance and alcohol testing regulations. Motor carriers operating CMVs designed or used to transport 9 to 15 passengers (including the driver) within a 75 air mile radius, whether for direct or indirect compensation are subject only to FMCSR Parts 390.15, 390.19 390.21(a) and 390.21(b)2.

Although the interstate Hours of Service Requirements for motor carriers of property changed on January 4, 2004 and again on October 1, 2005: The hours of service requirements for motor carriers of passengers will remain as they have been in been in the past. Drivers may drive no longer than 10 hours without 8 consecutive hours off duty or sleeper berth time if equipped with sleeper berth meeting the requirements as defined by FMCSR 393.76. Sleeper berth and off duty time can be combined to acquire the 8 consecutive hours and the sleeper berth time can be split to obtain the required 8 hours. Drivers cannot drive after 15 hours total combined time of “on duty not driving” and “driving time” without 8 consecutive hours off duty/sleeper berth time.

Note: Intrastate hours of service rules in Texas are the same for motor carriers of both property and passengers (37 TAC 4.12).

Types of Motor Carriers of Passengers

For-hire Carriers

Three factors must be present before a motor carrier of passengers is classified as a “for-hire” carrier:

1. The motor carrier provides interstate transportation of passengers for a commercial purpose;
2. The motor carrier is compensated, either directly or indirectly, for the transportation service provided; and
3. The transportation service is generally available to the public at large.

Examples of for-hire transportation of passengers include inter-city bus service, charter bus service,

canoe rental company bus service, and hotel bus service.

Business PMCPs

Business PMCPs provide private interstate and/or intrastate transportation of passengers in the furtherance of a commercial purpose. These include companies that use buses to transport their own employees and professional musicians who use buses for concert tours. Commercial businesses that provide passenger transportation to the general public are not business PMCPs. They are considered “For-hire” and are already subject to the FMCSRs.

~~Non-business PMCPs~~

Non-business PMCPs provide private, interstate and/or intrastate transportation of passengers that is not in the furtherance of a commercial purpose. These include churches, private schools, scout groups, and other charitable organizations that may purchase or lease buses for the private transportation of their respective groups.

Churches, other charitable organizations, or private associations, that offer charter bus service to the general public with the intent to make a profit are not Non-business PMCPs. They are considered “For-hire” and are already subject to the FMCSRs.

Applicability of FMCSRs

Table 3-1 - FMCSRs Applicable to Business PMCPs

PART	REGULATORY TOPIC	APPLICABLE
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability & Definitions	Yes
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver's Hours of Service	Yes
396	Inspection, Repair and Maintenance	Yes

Exemptions - Business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Road test requirements of Part 391

~~Table 3-2 FMCSRs Applicable to Non-Business PMCPs~~

PART	REGULATORY TOPIC	APPLICABLE
382	Controlled Substances and Alcohol Use and Testing	Yes
383	Commercial Driver's License	Yes
387	Financial Responsibility (Insurance/Surety)	No
390	General Applicability & Definitions	Partial
391	Qualifications of Drivers	Partial
392	Driving of Commercial Motor Vehicles	Yes
393	Parts and Accessories	Yes
395	Driver's Hours of Service	Partial
396	Inspection, Repair and Maintenance	Partial

Exemptions - Non-business PMCPs are not subject to:

- Minimum levels of financial responsibility
- Subpart C of Part 391
- Subpart D of Part 391
- Subpart F of Part 391
- Most paper work and record-keeping requirements of Parts 390, 391, 395, and 396.

Financial Responsibility For To Motor Carriers Of Passengers

49 CFR Part 387, Subpart B outlines minimum levels of financial responsibility (insurance) applicable to "for-hire" carriers transporting passengers in interstate commerce.

The following chart summarizes the applicability of the minimum levels of financial responsibility regulations to passenger carriers.

Table 3-3

Size of Vehicle	"For-hire" Passenger Carrier	<u>Business</u> <u>PCMPs</u>	Non-business PCMPs
Vehicle with a seating capacity of 16 or more	\$5,000,000 insurance coverage required	Not Subject	Not Subject
Vehicle with a seating capacity of 15 or less	\$1,500,000 insurance coverage required	<u>Not Subject</u>	Not Subject

Exemptions - Minimum Financial Responsibility Regulations do not apply to:

A motor vehicle transporting only school children and teachers to and from school

- A motor vehicle providing taxicab service, having a seating capacity of less than 7 passengers, and
- not operating on a regular route or between specified points

A motor vehicle carrying less than 16 individuals in a single daily round trip to commute to and from

- work

Frequently Asked Questions

1. Are PMCPs required to mark their vehicles in accordance with 49 CFR Part 390.21?

Yes.

~~2. Are non-business PMCP drivers required to be medically examined?~~

No. Section 391.68(c) specifically states that much of Sections 391.41 and 391.45, which require a driver to be medically examined and to have a medical examiner's certificate on his/her person, do not apply to non-business PMCPs. However, non-business PMCP drivers are subject to the minimum physical qualification standards found in Section 391.41 (b) (1)-(13).

Non-business PMCPs should become familiar with the minimum physical qualification standards found in Section 391.41 and the driver waiver conditions of Section 391.49.

Non-business PMCP drivers may be placed out-of-service during terminal, en route, or destination inspections if they are required by Section 391.41 to have a waiver and do not possess one.

~~3. Are non-business PMCP drivers subject to the driver's hours of service regulations?~~

Yes. However, they are not required to prepare or maintain records of duty status. Non-business PMCP driver's hours of service will be evaluated by enforcement officers during terminal, en route, and destination inspections based on evidence available at the inspection location.

It is recognized that some individuals who volunteer to drive for non-business PMCPs may also drive for other motor carriers and in that capacity are required to maintain a record of duty status. All on-duty time performed for a non-business PMCP must be recorded on the records of duty-status submitted to that driver's regularly employing motor carrier.

~~4. Are non-business PMCPs required to have their vehicles inspected?~~

Yes. In accordance with Section 396.17.

~~Applicability of the FMCSRs to School Bus Transportation~~

Table 3-4

Entity Type	School To Home or Home to School	Extracurricular School Activities
Public School Transporting Students	Not Subject	Not Subject
Private School Transporting Pre-Primary, Primary and Secondary Students	Not Subject	Subject as Non-Business PMCP's
Private School Transporting Post-Secondary Students	Subject as Non-Business PMCP's	Subject as Non-Business PMCP's
"For Hire" Contractors Transporting Pre-Primary, Primary and Secondary Students	Not Subject	Subject as "For Hire Carriers"
"For Hire" Contractors Transporting Post-Secondary Students	Subject as "For Hire Carriers"	Subject as "For Hire Carriers"

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Part 391 - Qualification of Drivers

Relief from regulations during emergencies

Relief from Parts 390-399 of the FMCSRs may be granted during declared emergencies to any motor carrier who provides emergency assistance under 390.23. However, motor carriers must still ensure that all drivers of CMVs meet the minimum qualifications specified in Part 391.

Driver Requirements - Interstate (391.11)

(b) Except as provided in Subpart G of this part, a person is qualified to drive a motor vehicle if he/she —

~~(b)(1) Is at least 21 years old;~~

~~(b)(2) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;~~

(b)(3) Can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he/she drives;

~~(b)(4) Is physically qualified to drive a commercial motor vehicle in accordance with Subpart E — Physical Qualifications and Examinations of this part;~~

~~(b)(5) Has a currently valid commercial motor vehicle operator's license issued only by one State or jurisdiction;~~

(b)(6) Has prepared and furnished the motor carrier that employs him/her with the list of violations or the certificate as required by §391.27;

(b)(7) Is not disqualified to drive a commercial motor vehicle under the rules in §391.15; and

(b)(8) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with §391.31, or has presented an operator's license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test in accordance with §391.33.

Driver Requirements - Intrastate

A driver in intrastate commerce must be at least 18 years of age, ~~and may possess an intrastate-only medical waiver endorsement on a commercial driver's license.~~

Driver Qualification File (391.51)

Every motor carrier must have a qualification file for each regularly employed driver. The file must include:

- **DRIVER'S APPLICATION FOR EMPLOYMENT** A person will not be allowed to drive CMV unless he/she has completed and signed an application for employment.
- **INQUIRY TO STATE AGENCIES-3 YEARS** The driver's driving record for the preceding three years.
- **DRIVER'S ROAD TEST CERTIFICATE OR EQUIVALENT** A person must not be allowed to drive a CMV until he/she has successfully completed a road test and has been issued a certificate, or a copy

of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to Section 391.33.

- **ANNUAL REVIEW OF DRIVING RECORD** At least once every 12 months, a motor carrier must review the driving record of each driver. A note complying with 391.25(c)(2) regarding this review shall be included in the Driver's Qualification File.
- **ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS** At least once every 12 months, a motor carrier must require each driver that it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances during the previous 12 months. Drivers who provided information required by Section 383.31 need not repeat the information in this annual list of violations.
- ~~**MEDICAL EXAMINATIONS** The driver must pass a medical examination conducted by a licensed health care professional. A driver must be issued a Medical Examiner's Certificate, which must be carried at all times and must be renewed every two years.~~
- ~~**TEXAS MEDICAL EXAMINATIONS** Texas drivers who are not transporting placardable amounts of hazardous material and were regularly employed in Texas as commercial vehicle drivers prior to August 28, 1989 are not required to meet the medical standards set out in the federal regulations.~~
- ~~Drivers born after 08-28-1971 must meet all medical standards.~~

Driver investigation history file (391.53)

(a) After October 29, 2004, each motor carrier must maintain records relating to the investigation into the safety performance history of a new or prospective driver pursuant to paragraphs (d) and (e) of §391.23. This file must be maintained in a secure location with controlled access.

(a)(1) The motor carrier must ensure that access to this data is limited to those who are involved in the hiring decision or who control access to the data. In addition, the motor carrier's insurer may have access to the data, except the alcohol and controlled substances data.

(a)(2) This data must only be used for the hiring decision.

(b) The file must include:

(b)(1) A copy of the driver's written authorization for the motor carrier to seek information about a driver's alcohol and controlled substances history as required under §391.23(d).

(b)(2) A copy of the response(s) received for investigations required by paragraphs (d) and (e) of §391.23 from each previous employer, or documentation of good faith efforts to contact them. The record must include the previous employer's name and address, the date the previous employer was contacted, and the information received about the driver from the previous employer. Failures to contact a previous employer, or of them to provide the required safety performance history information, must be documented.

(c) The safety performance histories received from previous employers for a driver who is hired must be retained for as long as the driver is employed by that motor carrier and for three years thereafter.

(d) A motor carrier must make all records and information in this file available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative, or an authorized third party, upon request or as part of any inquiry within the time period specified by the requesting representative.

~~Physical requirements (Part 391, Subpart E, Sections 391.41 to 49)~~

~~49 C.F.R. 391.41(a) A person shall not drive a commercial motor vehicle unless he/she is physically qualified to do so and, except as provided in §391.67, has on his/her person the original, or a photographic copy, of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle.~~

~~Section 391.41 provides a complete list of physical requirements. Some examples include:~~

- ~~• Has no loss of a foot, a leg, a hand, or an arm~~
- ~~• Has no established medical history or clinical diagnosis of diabetes requiring insulin for control~~
- ~~• Has no clinical diagnosis of any disqualifying heart disease~~
- ~~• Has no clinical diagnosis of high blood pressure~~
- ~~• Has no clinical diagnosis of epilepsy~~
- ~~• Has 20/40 vision or better with corrected lenses~~
- ~~• Has distant binocular acuity of at least 20/40 in both eyes~~
- ~~• Has the ability to recognize the colors (red, green and amber) of traffic signals~~
- ~~• Has hearing to perceive a forced whisper~~
- ~~• Has no history of drug use~~
- ~~• Has no clinical diagnosis of alcoholism~~

~~Medical Exemptions~~

~~There are exemptions to a disqualification for certain physical defects if the individual is otherwise qualified to drive.~~

~~Texas Vision and Limb Waivers (37 TAC 16.9 and 16.14)~~

~~The Department may provide a waiver for a person who is otherwise disqualified under Title 49, Code of Federal Regulations, Part 391.41(b)(1), (b)(2) or (b)(10), FOR INTRASTATE DRIVING ONLY, provided that the intrastate driver meets the vision or limb waiver standards as set by this Department. For further information, you may call the Department's License Issuance Bureau, Technical Support (512) 424-5089.~~

~~The Department MAY NOT provide a waiver under Title 49, Code of Federal Regulations, Part 391.41(b)(1), (b)(2) or (b)(10) for an interstate driver.~~

Limited Exemptions (391.61 to 391.69)

The following specific conditions and types of drivers are exempt from specific record keeping requirements:

Drivers regularly employed before January 1, 1971 (391.61)

Drivers who have been regular employees of a motor carrier for a continuous period that began before January 1, 1971 are exempt from:

- Applications for employment
- Road Tests

~~Multiple employer drivers (391.63)~~

~~*Multiple employer drivers* - If a motor carrier employs a person as a driver on any basis, the motor carrier must have on file the driver's name, social security number, identification number, type, issuing state of his/her motor vehicle operator's license, medical certificate, road test and certificate, and controlled substance test results, even if that driver's primary employment is with another carrier. The motor carrier must keep this information until three years after employment of the multiple employer driver ceases.~~

~~Drivers furnished by other motor carriers – A motor carrier using a driver regularly employed by another motor carrier must have on file a signed written certificate that includes the driver's name and signature, certification of the driver's full qualifications, and expiration date of the driver's medical examiner's certificate.~~

Disqualifying offenses (391.15)

A driver is disqualified from operating a commercial motor vehicle on public highways, for the following offenses:

- Revocation, suspension, or withdrawal of an operator's license
- Conviction or forfeiture of bond for the following criminal offenses while driving a CMV:
 - o Driving a CMV while under the influence of alcohol.
 - o Driving a CMV while under the influence of a disqualifying drug or other controlled substance.
 - o Leaving the scene of an accident that involves a CMV.
 - o Using a CMV to commit a felony.
 - o Using a CMV to violate an Out-of-Service Order.

Penalties (See Tables Under Part 383)

- A first offender is disqualified for one year following conviction or forfeiture.
- For a second offense within three years, a driver is disqualified for three years.

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Part 393 - Parts and Accessories Necessary for Safe Operation

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.

Lights (Part 393, Subpart B, Sections 393.9 – 393.26)

All lamps and reflectors for CMVs manufactured after March 7, 1989 must meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No.108 (49 CFR 571.108) in effect on the date of manufacture. Certain trailers manufactured on or after December 1, 1993, must have retro-reflective sheeting or additional reflex reflectors to make them more visible to other motorists at nighttime and under other conditions of reduced visibility. Trailers manufactured before December 1, 1993 must be retrofitted with retro-reflective sheeting or additional reflectors by June 1, 2001.

Lamps and reflectors on CMVs manufactured on or prior to March 7, 1989 must meet either the requirements of Part 393 or of FMVSS No.108 that were in effect on the date of manufacture.

Must be Operable, Unobstructed 393.9

All required lamps must light on request at an inspection and must light when required during regular operation of the vehicle. Auxiliary lamps that are not required need not be operable.

Lamps and reflective materials must not be obscured by the tailboard, or by any part of the load, or its covering by dirt, or other added vehicle or work equipment, or otherwise. Except conspicuity treatments (reflective material used for making you conspicuous or obviously visible to other motorists) at the front end of a vehicle may be obscured by part of a load being transported.

Lamp Mounting 393.25

All lamps must be permanently and securely mounted on a permanent part of the vehicle. The exceptions are temporary lamps, such as those used in a drive-away/tow-away operation or mounted on projecting loads. Temporary lamps must be securely attached.

Stop Lamps 393.25

All stop lamps on a CMV must activate when the service brakes are applied.

Brakes (Part 393, Subpart C, Sections 393.40 – 393.55)

Required Brake Systems 393.40

Each commercial motor vehicle must have brakes adequate to stop and hold the vehicle or combination of motor vehicles. Each commercial motor vehicle must meet the applicable service, parking, and emergency brake system requirements provided in this section.

CMVs must be equipped with the following brake systems:

- A *service brake system* that meets the requirements of Section 393.52.
- A *parking brake system* that meets the requirements of Section 393.41.

- An emergency brake system that conforms to the requirements of Section 393.52 and consists of either (1) emergency features of the service brake system or (2) a system separate from the service brake system.

NOTE: Older vehicles need to meet additional requirements. See the regulation for details.

Brakes On All Wheels 393.42 (Federal)

Every CMV must be equipped with brakes acting on all wheels, with the following exceptions:

- ~~Trucks and truck tractors with three or more axles, manufactured before July 25, 1980, are not required to have steering axle brakes.~~
- ~~Vehicles being towed in a drive-away/tow-away operation. (However, the towed vehicle must have brakes in operation if the brakes on the towing vehicle are not capable of stopping the combination vehicle under the conditions covered by Section 393.52.)~~
- ~~Any full trailer, semi-trailer, or pole trailer having a gross weight of 3,000 pounds or less, provided the trailer weight does not exceed 40 percent of weight of the towing vehicle.~~
- ~~Brakes are not required on the steering axle of a three-axle dolly steered by a co-driver.~~
- ~~Loaded house moving dollies, specialized trailers and dollies used to transport industrial furnaces, reactors and similar motor vehicles are not required to be equipped with brakes, provided they travel at 20mph or less, and can stop within 40 feet at the speed they are actually traveling.~~

~~Texas Exception: (TAC Title 37, Part 1, Chapter 4, Subchapter B, Rule §4.12(b)(6)).~~

- Texas Transportation Code, §547.401 and §547.404, concerning brakes on trailers weighing 15,000 pounds gross weight or less take precedence over the brake requirements in the federal regulations for trailers of this gross weight specification unless the vehicle is required to meet the requirements of Federal Motor Vehicle Safety Standard No. 121 (Title 49, Code of Federal Regulations 571.121) applicable to the vehicle at the time it was manufactured.

~~Brakes on Trailers – Transportation Code, Sec. 547.401.~~

- Except as provided by Subsection (b), a motor vehicle, trailer, semitrailer, pole trailer, or combination of those vehicles shall be equipped with brakes that comply with this chapter.
- A trailer, semitrailer, or pole trailer is not required to have brakes if:
 - o its gross weight is 4,500 pounds or less; or
 - o its gross weight is heavier than 4,500 pounds but not heavier than 15,000 pounds, and it is drawn at a speed of not more than 30 miles per hour. (V.A.C.S. Art. 6701d, Secs. 132 (part), Subsec. (c), Subdiv. 1, Paras. a, b.) History Leg. H. Stats. 1995 74th Leg. Sess. Ch. 165, effective September 1, 1995.

~~Breakaway and Emergency Braking 393.43~~

Every vehicle used to tow a trailer equipped with brakes must have a means of maintaining the operation of the brakes on the towing vehicle in the event that the trailer breaks away from the towing vehicle. Among the other requirements:

- Every truck or truck tractor equipped with air brakes, when used to tow other vehicles equipped with air brakes, must be capable of activating (manually and automatically) the emergency features of the trailer brakes. The brakes must apply automatically when the towing vehicle air supply pressure is between 20 and 45 psi. The manual control must be operable by the driver from the driver's seat, with seat belt in use.
- Every trailer is required to be equipped with brakes that apply automatically if the trailer breaks away from the towing vehicle*. The brakes must remain in the applied position for at least 15 minutes.

*These requirements do not apply to vehicles in drive-away/tow-away operations.

Brake Tubing and Hose

Safe and reliable operation of a vehicle's brakes depends upon adequate protection of the tubing and hoses from mechanical and other damage.

- Design and construction of brake tubing and hose must ensure proper, adequate, and continued functioning.
- Installation must ensure proper functioning of the hose.
- Length and flexibility must accommodate all normal motions of the parts to which the hose is attached.
- Protection against mechanical damage must include protection against chafing, kinking, and mechanical damage.
- Protection from high temperature must include protection from or in a location away from exhaust pipes and other sources of high temperatures.

Brake Warning Devices

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.

Anti-lock Brakes

Certain CMVs must be equipped with anti lock braking systems that meet the requirements of FMVSS No.105 (49 CFR 571.105) concerning hydraulic brake systems, and FMVSS No.121 (49 CFR 571.121) concerning air brake systems. The rules apply to:

- Truck-tractors manufactured on or after March 1, 1997;
- Air-braked single-unit trucks, buses, and trailers (including converter dollies) manufactured on or after March 1, 1998; and
- Hydraulic-braked trucks and buses manufactured on or after March 1999.

Automatic Brakes

- Each CMV manufactured on or after October 20, 1993, and equipped with a hydraulic brake system, must be equipped with an automatic brake adjustment system that meets the requirements of FMVSS No.105.
- ~~Each CMV manufactured on or after October 20, 1994, and equipped with an air brake system, must be equipped with an automatic brake adjustment system that meets the requirements of FMVSS No.121.~~
- ~~Air-braked vehicles manufactured on or after October 20, 1994, and equipped with an external automatic adjustment mechanism, must be equipped with an automatic brake adjustment indicator that meets the requirements of FMVSS No.121.~~

Windshield Condition (Part 393, Subpart D, Sections 393.60 - 393.63)

A vehicle's windshield must be free of discoloration and cracks in the area extending from the top of the steering wheel to within two inches of the top of the windshield.

~~Fuel Systems (Part 393, Subpart E, Sections 393.65 - 393.69)~~

Each fuel system must be located so that:

- No part of the system extends beyond the widest part of the vehicle.
- No part of a fuel tank is forward of the front axle or a power unit.
- Fuel lines do not extend between a towed vehicle and the towing unit while the combination is in motion.
- No part of the fuel system of a bus manufactured on or after January 1, 1973, is located within or above the passenger compartment.

~~Coupling Devices (Part 393, Subpart F, Sections 393.70 and 393.71)~~

These sections provide requirements for the attachment and location of the fifth wheel and requirements for the towing of full trailers. In addition, requirements for saddle mount operations are provided.

~~Cargo Securement (Sections 393.100-393.136)~~

Cargo must be loaded and secured so that it will not shift or fall off the vehicle. The cargo securement regulations include minimum strength requirements for securement devices and requirements for protection against longitudinal and lateral movement of the cargo.

Tires (393.75)

No tire that is in use on a CMV may have any of the following defects:

- Body ply or belt material exposed through the tread or sidewall
- Tread or sidewall separation
- Audible leak (or flat)
- A cut exposing the ply or belt material
- A tread groove pattern depth of less than 4/32 of an inch (front tires) or 2/32 of an inch (other tires)
- Re-grooved tires on front wheels of trucks or truck tractors which have a load carrying capacity equal to or greater than 8.25-20 8-ply rating tires
- Re-grooved, recapped, or re-treaded tires on the front wheels of buses are prohibited.

~~Sleeper Berths (393.76)~~

~~A sleeper berth must not be installed on a trailer and must be located in or adjacent to the cab. An exit door at least 18" high by 36" wide must lead directly into the cab. There are special provisions for sleeper berths installed before 1975.~~

~~Sleeper berths must be:~~

- ~~equipped with adequate sheets and blankets, and a mattress and springs or innerspring mattress.~~
- ~~adequately ventilated.~~
- ~~located so as to protect occupants against exhaust heat and fumes and fuel leaks, and~~
- ~~A mandatory restraint system must withstand at least 6,000 lbs. of force applied toward the front of the vehicle.~~

Exhaust Systems (393.83)

Exhaust systems must meet the following requirements:

- The exhaust system and discharge must be located where it is not likely to burn or damage the electrical wiring, the fuel supply, nor 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.

~~For trucks and truck tractors, the exhaust system must discharge at a location to the rear of the cab, or above and near the rear of the cab.~~

~~For a bus powered by a gasoline engine, the exhaust pipe must discharge at a point no farther forward than six inches forward of the rearmost part of the bus.~~

~~For a bus powered by diesel or other fuel (not gasoline), the exhaust pipe must discharge either~~

- ~~At a point no farther forward than 15 inches forward of the rearmost part of the bus, or~~
- ~~To the rear of all doors or windows designed to be open (not including emergency exits).~~

Rear End Protection (393.86)

Every CMV must be equipped with either bumpers or other devices that prevent the under ride of another vehicle. Tractors, pole trailers, and drive-away/tow-away vehicles are exempt. Certain trailers manufactured on or after January 26, 1998 must have rear impact guards that meet FMVSS Nos. 223 & 224. See Texas Exception -Adm. Rule 4.12 (b) (1).

Seat Belts (393.93)

CMVs must be equipped with seats, seat belt assemblies, and seat belt anchorages as specified in the FMVSS.

Emergency Equipment (393.95)

CMVs must carry the following emergency equipment:

- Fire extinguisher (not required for drive-away/tow-away operations)
- Spare fuses
- Warning devices for stopped vehicles

Fire Extinguishers must be securely mounted and readily accessible for use. Each extinguisher must have a gauge or other indicator that shows whether the extinguisher is fully charged, and a label showing its Underwriters' Laboratories (UL) rating.

The fire extinguisher(s) must meet one of the following standards:

- One extinguisher with a UL rating of 5 B:C or more or
- Two extinguishers each with a UL rating of 4 B:C or more.
- One extinguisher with a UL rating of 10 B:C, if the vehicle is transporting placardable quantities of hazardous material.

Suspension Systems (393.207)

Suspension systems are required to be structurally sound and in safe working order, including the following:

- Axles must be in proper alignment, and no positioning part can be cracked, broken, loose, or missing.
- Adjustable axles must have locking pins in place.
- Leaf springs must not be cracked, broken, missing, or 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.

Steering Systems (393.209)

Steering system must be in proper working order, which includes the following:

- Steering wheel must be properly secured and no cracked or missing spokes.
- Steering wheel lash must meet the requirements of Section 393.209.
- Steering column must be securely fastened.
- Steering system must not have worn or welded universal joints, loose steering gear box, missing bolts, or a loose pitman arm on the steering gear output shaft.
- Power steering unit must not have loose or broken parts, frayed, cracked, or slipping belts, leaks; or insufficient fluid in reservoir.

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Part 395 - Hours of Service of Drivers

~~GENERAL RULE - Property Carriers - Interstate (395.3)~~

~~The following regulations only apply to property carriers and drivers operating in interstate commerce.~~

~~11 Hour Rule (395.3(a)(1))~~

~~Drivers are allowed to drive for 11 hours following 10 consecutive hours off duty.~~

~~14 Hour Rule (395.3(a)(2))~~

~~A motor carrier cannot permit or require a driver to drive beyond the 14th hour after coming on duty, except when a property carrying driver complies with the provisions of 395.1(o) or 395.1(e)(2).~~

- ~~• The 14 hour duty period may not be extended with off duty time for meal stops, fuel stops, and the like.~~
- ~~• For 395.1(o), see 16 Hour Exception below.~~
- ~~• For 395.1(e)(2) see Non-CDL Driver Exception below.~~

~~60 and 70 Hour Rules (395.3(b))~~

~~A motor carrier must not permit or require a driver to drive after having been on duty~~

- ~~• 60 total duty hours in any period of seven consecutive days if the carrier does not operate every day of the week, or~~
- ~~• 70 total duty hours in any period of consecutive eight days if the carrier does operate every day of the week.~~
- ~~• A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.~~

~~16 Hour Exception to the 14 hour rule (395.1(o))~~

~~Drivers may extend the 14 hour on-duty period by 2 additional hours if they:~~

- ~~• Are released from duty at the normal work reporting location for the previous 5 tours the driver has worked,~~
- ~~• Return to the normal work reporting location and are released from duty within 16 hours after coming on duty following 10 consecutive hours of rest, and~~
- ~~• Have not used this exception in the previous 6 consecutive days, except following a 34-hour restart of a 7/8-day period.~~

~~Non-CDL Driver Exception 395.1(e)(2)~~

~~Drivers who drive commercial motor vehicles which do not require a Commercial Driver's License may be exempted from §395.3 and §395.8 and ineligible to use the provisions of §395.1(e)(1), (g) and (o) if:~~

- ~~(e)(2)(i) The driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under part 383 of this subchapter;~~
- ~~(e)(2)(ii) The driver operates within a 150 air mile radius of the location where the driver reports to and is released from work, i.e., the normal work reporting location;~~
- ~~(e)(2)(iii) The driver returns to the normal work reporting location at the end of each duty tour;~~

- ~~(e)(2)(iv) The driver has at least 10 consecutive hours off duty separating each on-duty period;~~
- ~~(e)(2)(v) The driver does not drive more than 11 hours following at least 10 consecutive hours off duty;~~
- ~~(e)(2)(vi) The driver does not drive:~~
 - ~~(e)(2)(vi)(A) After the 14th hour after coming on duty on 5 days of any period of 7 consecutive days; and~~
 - ~~(e)(2)(vi)(B) After the 16th hour after coming on duty on 2 days of any period of 7 consecutive days;~~
- ~~(e)(2)(vii) The driver does not drive:~~
 - ~~(e)(2)(vii)(A) After having been on duty for 60 hours in 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week;~~
 - ~~(e)(2)(vii)(B) After having been on duty for 70 hours in 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week;~~
- ~~(e)(2)(viii) Any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.~~
- ~~(e)(2)(ix) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:~~
 - ~~(e)(2)(ix)(A) The time the driver reports for duty each day;~~
 - ~~(e)(2)(ix)(B) The total number of hours the driver is on duty each day;~~
 - ~~(e)(2)(ix)(C) The time the driver is released from duty each day;~~
 - ~~(e)(2)(ix)(D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently. The driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under part 383 of this subchapter;~~

~~Sleeper Berth Exception (395.1(g))~~

~~Drivers may split on-duty time by using a sleeper berth period, but must comply with the hours of service rules. These drivers may accumulate the equivalent of 10 consecutive hours off duty by taking two periods of rest, provided:~~

- ~~(g)(1)(i)(A) Must, before driving, accumulate~~
 - ~~(1) At least 10 consecutive hours off duty;~~
 - ~~(2) At least 10 consecutive hours of sleeper berth time;~~
 - ~~(3) A combination of consecutive sleeper berth and off-duty time amounting to at least 10 hours;~~
- ~~or~~
- ~~(4) The equivalent of at least 10 consecutive hours off duty if the driver does not comply with paragraph (g)(1)(i)(A)(1), (2), or (3) of this section;~~
- ~~(g)(1)(i)(B) May not drive more than 11 hours following one of the 10-hour off-duty periods specified in paragraph (g)(1)(i)(A)(1)-(4) of this section; and~~
- ~~(g)(1)(i)(C) May not drive after the 14th hour after coming on duty following one of the 10-hour off-duty periods specified in paragraph (g)(1)(i)(A)(1)-(4) of this section; and~~
- ~~(g)(1)(i)(D) Must exclude from the calculation of the 14-hour limit any sleeper berth period of at least 8 but less than 10 consecutive hours.~~
- ~~(g)(1)(ii) Specific requirements. The following rules apply in determining compliance with paragraph (g)(1)(i) of this section:~~
 - ~~(g)(1)(ii)(A) The term "equivalent of at least 10 consecutive hours off duty" means a period of~~
 - ~~(1) At least 8 but less than 10 consecutive hours in a sleeper berth, and~~
 - ~~(2) A separate period of at least 2 but less than 10 consecutive hours either in the sleeper berth or off-duty, or any combination thereof.~~
 - ~~(g)(1)(ii)(B) Calculation of the 11-hour driving limit includes all driving time; compliance must be re-calculated from the end of the first of the two periods used to comply with paragraph (g)(1)(ii)(A) of this section.~~

~~(g)(1)(ii)(C) Calculation of the 14-hour limit includes all time except any sleeper berth period of at least 8 but less than 10 consecutive hours; compliance must be re-calculated from the end of the first of the two periods used to comply with the requirements of paragraph (g)(1)(ii)(A) of this section.~~

~~Industry Exceptions [395.1(l), (m) and (n) and 49 U.S.C. 31136 Notes - Exemptions From Requirements Relating to Commercial Motor Vehicles and Their Operators]~~

~~The regulation and the note to the federal statute list various industries which are exempt from some or all of the hours of service regulations. Please consult with the FMCSA if one of the following applies to you:~~

- ~~• Transportation of agricultural commodities and farm supplies.~~
- ~~• Transportation and operation of ground water well drilling rigs~~
- ~~• Transportation of construction materials and equipment~~
- ~~• Snow and ice removal~~
- ~~• Operators providing transportation to movie production sites~~

~~Note: Effective August 10, 2005, utility service vehicles are exempt from hours of service regulations by federal statute, which preempts state and local law~~

GENERAL RULE - Passenger Carriers - Interstate (395.5)

The following regulations only apply to passenger carriers and drivers operating in interstate commerce.

10 Hour Rule

Drivers are allowed to drive for 10 hours following 8 consecutive hours off duty.

15 Hour Rule

A motor carrier cannot permit or require a driver to drive after 15 hours are spent on duty following 8 consecutive hours off-duty.

60 and 70 Hour Rules

A motor carrier must not permit or require a driver to drive after having been on duty

- 60 total duty hours in seven days
- 70 total duty hours in eight days

GENERAL RULE - All Carriers - Intrastate In Texas (37 TAC 4.12)

12 Hour Rule (37 TAC 4.12(a)(2))

Drivers are allowed to drive for 12 hours following 8 consecutive hours off duty.

15 Hour Rule (37 TAC 4.12(a)(2))

A motor carrier cannot permit or require a driver to drive after 15 hours are spent on duty following 8 consecutive hours off-duty.

NOTE: Drivers in intrastate commerce violating the 12 or 15 hour limits shall be placed out-of-service for eight consecutive hours.

70 Hour Rule (37 TAC 4.12(b)(2))

- A motor carrier must not permit or require a driver to drive after having been on duty
- 70 total duty hours in seven days
 - A driver may restart a 7 consecutive day period after taking 34 or more consecutive hours off-duty.

Hours of Service Documentation

Driver's Record of Duty Status (395.8)

Every driver shall prepare a record of duty status (Driver's daily log) in his/her own handwriting for each 24-hour period, unless operating under the 150 air-mile radius exemption.

Failure to complete or retain the log, or knowingly falsifying logs or other reports, makes the driver and/or carrier liable to prosecution.

Submitting/Retaining Duty Status Log (395.8(i))

The driver must submit the original log sheet to the employing carrier within 13 days after completion. When a motor carrier uses a driver initially or intermittently, that carrier must obtain from him/her a signed statement giving the total time on duty for the preceding 7 days and the time at which he/she was last relieved of duty. Records of duty status must be maintained for a minimum of 6 months at the carrier's principal place of business, with all supporting documents.

Automatic On-Board Recording Devices (395.15)

Alternatively, motor carriers may require a driver to use an automatic on-board recording device to record duty status. The driver must still have in his/her possession records of duty status in automated or written form, for the previous 7 consecutive days. The driver must sign all hard copies of the driver's record of duty status.

Every motor carrier, its officers, drivers, agents, representatives, and employees directly concerned with inspection or maintenance of CMVs must comply and be conversant with these rules.

100 Air-mile Radius Exemption - Interstate (395.1(e)(1))

A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if **all** of the following requirements are met:

- (e)(1)(i) The driver operates within a 100 air-mile radius of the normal work reporting location;
- (e)(1)(ii) The driver, except a driver-salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;
- (e)(1)(iii)(A) A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
- (e)(1)(iii)(B) A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty;
- (e)(1)(iv)(A) A property-carrying commercial motor vehicle driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; or
- (e)(1)(iv)(B) A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 consecutive hours off duty; and
- (e)(1)(v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:
 - (e)(1)(v)(A) The time the driver reports for duty each day;

- (e)(1)(v)(B) The total number of hours the driver is on duty each day;
- (e)(1)(v)(C) The time the driver is released from duty each day; and
- (e)(1)(v)(D) The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.

150 Air-mile Radius Exception - Intrastate Texas (37 TAC 4.12(a)(4) & (b)(3))

- A driver is exempt from maintaining the driver's daily log requirements of Section 395.8 if **all** of the following requirements are met:
- The driver operates within a 150 air-mile radius of the normal work reporting location.
- The driver returns to the work reporting location and is released from work within 12 consecutive hours.
- Each 12 hours on duty are separated by at least 8 consecutive hours off duty.
- The driver does not exceed a maximum of 12 hours driving time following 8 consecutive hours off duty.
- The motor carrier that employs the driver maintains and retains for a period of six months accurate and true time records that show:
- The total number of hours the driver is on duty each day.
- The time the driver reports for duty each day.
- The time the driver is released from duty each day.
- The total time for the preceding seven days for first-time or intermittent drivers.

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Part 396 - Inspection, Repair, and Maintenance

General Requirements (396.3(a))

Every carrier shall systematically inspect, repair, and maintain all commercial motor vehicles under its control.

Record Keeping Requirements (396.3(b))

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

- Identifying information, including company number, make, serial number, year, and tire size
- A schedule of inspections to be performed, including type and due date
- Inspection, repair, and maintenance records
- Records of tests conducted on buses with push-out windows, emergency doors, and marking lights.

Retention Requirements (396.3(c))

These records must be retained for one year at the location where the vehicle is garaged, and maintained for six months after the vehicle leaves the carrier's control (via sale, trade-in, or scrap).

Roadside Inspection Reports (396.9(d))

Any driver who receives a roadside inspection report must deliver it to the motor carrier.

Certification of Roadside Inspection Reports

An official of the motor carrier is to examine the roadside inspection report and ensure that any violations or defects noted on the report are corrected. Within 15 days after the inspection, the carrier must sign the completed roadside inspection report to certify that all violations have been corrected, and then return it to the indicated address. A copy must be retained for 12 months from the date of inspection.

Post-Trip Inspection Report (396.11)

Every carrier must require its drivers to prepare a daily written post-trip inspection report at the end of each driving day. Every driver is responsible for preparing such a report for each vehicle driven. This report must cover at least the following parts and accessories:

- Service brakes (including trailer brake connections)
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wipers
- Rearview mirrors
- Coupling devices
- Wheels and rims
- Emergency equipment

The report must list any condition that the driver either found or had reported to him/her that would affect safety of operation or cause a breakdown. If no defect or deficiency is reported or found, the report should state this. The driver must sign the report in all cases. Before dispatching the vehicle again, a carrier shall ensure that a certification has been made as to any defect or deficiency, that they have been corrected, or state those deficiencies do not require immediate correction. Carriers must keep the original post-trip inspection report and the certification of repairs for at least three months from the date of preparation.

Before starting out on the next trip, the driver must be satisfied that the motor vehicle is in safe operating condition. If the last vehicle inspection report notes any deficiencies, the driver must review and sign to acknowledge that necessary repairs have been completed.

Exceptions (396.11(d))

The rules in this section shall not apply to:

- a private motor carrier of passengers (non-business);
- a drive-away towaway operation, or
- any motor carrier operating only one commercial motor vehicle.

Periodic Inspection (396.17)

Every CMV, including each segment of a combination vehicle requires periodic inspection that must be performed at least once every 12 months. At a minimum, inspections must include all items enumerated in the Minimum Periodic Inspection Standards of the FMCSR except if the motor carrier is subject to a mandatory state inspection.

Note: The term commercial motor vehicle includes each vehicle in a combination vehicle. For example, for a tractor semitrailer, full trailer combination, the tractor, semitrailer, and the full trailer (including the converter dolly if so equipped) shall each be inspected.

Documentation (report, sticker, or decal) of the most recent periodic inspection must be kept on the vehicle (396.17(e)).

Periodic inspection recordkeeping requirements (396.21)

(a) The qualified inspector performing the inspection shall prepare a report which:

(a)(1) Identifies the individual performing the inspection;

(a)(2) Identifies the motor carrier operating the vehicle;

(a)(3) Identifies the date of the inspection;

(a)(4) Identifies the vehicle inspected;

(a)(5) Identifies the vehicle components inspected and describes the results of the inspection, including the identification of those components not meeting the minimum standards set forth in Appendix G to this subchapter; and

(a)(6) Certifies the accuracy and completeness of the inspection as complying with all the requirements of this section.

(b)(1) The original or a copy of the inspection report shall be retained by the motor carrier or other entity who is responsible for the inspection for a period of fourteen months from the date of the inspection report. The original or a copy of the inspection report shall be retained where the vehicle is either housed or maintained.

(b)(2) The original or a copy of the inspection report shall be available for inspection upon demand of an authorized Federal, State or local official.

~~(b)(3) **Exception.** Where the motor carrier operating the commercial motor vehicles did not perform the commercial motor vehicle's last annual inspection, the motor carrier shall be responsible for obtaining the original or a copy of the last annual inspection report upon demand of an authorized Federal, State, or local official.~~

~~**Inspector Qualification (396.19)**~~

~~Motor carriers must ensure that persons performing annual inspections are qualified as follows:~~

- ~~• understand the inspection standards of Part 393 and Appendix G of the FMCSR~~
- ~~• be able to identify defective components~~
- ~~• have knowledge and proficiency in methods, procedures, and tools.~~

~~Inspectors may have gained experience or training by:~~

- ~~• completing a State or Federal training program, or earning a State or Canadian Province qualifying certificate in commercial motor vehicle safety inspections~~
- ~~• a combination of other training or experience totaling at least a year.~~

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

~~**Equivalent to Periodic Inspection (396.17 – 396.23)**~~

~~A commercial motor vehicle (CMV) registered in Texas (having a Texas license plate) must meet periodic inspection requirements through the Texas, or another approved state, CMV inspection program. The following equivalents listed in the federal regulations only apply to carriers in states without a mandatory inspection program:~~

- ~~• Self inspection by qualified employee; or~~
- ~~• Third party inspection by qualified individual~~

~~**Brake Inspector Qualification (396.25)**~~

~~The motor carrier is responsible for ensuring that all inspections, maintenance, repairs, and service to brakes of commercial motor vehicles comply with these regulations. The carrier must ensure that the employees responsible for brake inspection, maintenance, service, or repairs meet minimum brake inspector qualifications.~~

~~The brake inspector must:~~

- ~~• understand and be able to perform the brake service and inspection.~~
- ~~• know the methods, procedures, tools and equipment needed; and~~
- ~~• be qualified to perform brake service or inspection by training and/or experience.~~

~~Qualifying brake training or experience includes successful completion of:~~

- ~~• a State, Canadian Province, Federal agency, or union training program;~~
- ~~• a State approved training program;~~
- ~~• training that led to attainment of a State or Canadian Province qualifying certificate to perform assigned brake service or inspection tasks, including passage of CDL air brake tests in the case of a brake inspection; or~~
- ~~• one year of brake related training, experience, or combination of both.~~

~~Motor carriers must maintain evidence of brake inspector qualification at the principal place of business or the location where the inspector works. Evidence must be retained for the period during which the brake inspector is employed in that capacity, and for one year thereafter.~~

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