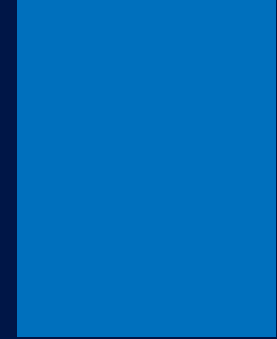


Federal Motor Carrier Safety Regulations Compliance



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

2023 North Carolina Department of Revenue Motor Carrier Seminars



Today's Agenda



U.S. Department of Transportation
Federal Motor Carrier Safety Administration



Part 1

Do I need a
USDOT



Obtaining
a
US DOT

Registration



Operating
Authority

Part 2

Compliance

Do I need a USDOT Number?

- Any commercial motor vehicle used on a highway in interstate commerce to transport passengers or property ;
- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

How do I get a USDOT Number?

- Effective 12/12/2015 **all** applications for a USDOT must be submitted online
- <https://portal.fmcsa.dot.gov/UrsRegistrationWizard/>
- Applications must be completed and submitted within 30 days of starting

URS Implementation Timeline

- December 12, 2015:
 - Only new, first-time applicants file through URS.*
 - Existing entities use current registration processes.
- URS Launch Date: **To Be Determined**
 - All new and updated registrations are completed through URS (paper forms no longer accepted).
 - The USDOT number will become the sole identifier
 - All new applicants are required to pay for safety registration as a separate registration, a fee of \$300.
 - Insurance filings required for existing private HM and exempt for-hire carriers.
 - Service of process agent filings (BOC-3) required for existing private and exempt for-hire carriers.

*Excludes non-North American and Mexican long-haul carriers.


Applications


United States Department of Transportation

FMCSA
Federal Motor Carrier Safety Administration

Welcome to the Unified Registration System.

Are you a New Applicant or a Returning Applicant?

 **NEW APPLICANT**

 **RETURNING APPLICANT**

- Applicants can return to complete application, but applications must be completed within 30 days

Do I need operating authority?

In general, companies that do the following are required to have interstate Operating Authority (MC number) in addition to a DOT number:

- Operate as for-hire carriers (for a fee or other compensation)
- Transport passengers in interstate commerce
- Transport federally-regulated commodities or arranging for their transport, in interstate commerce

USDOT Number and Operating Authority

- You must have a USDOT Number and Operating Authority before beginning transportation
- 23 Different Types of Authority, most common is property
- Operating Authority takes approximately 3-5 weeks
 - Must have insurance company provide required forms to FMCSA
 - Must obtain and file evidence of a process agent

USDOT Number and Operating Authority

- <https://www.fmcsa.dot.gov/registration>

FMCSA
Federal Motor Carrier Safety Administration

Search

About FMCSA Regulations Registration CDL Safety Analysis News

Office of Registration

New Registration Manage Registration Do I need a USDOT Number? Contact Us Alerts

HOW TO Know if You Need Operating Authority: an Overview for New Applicants (FMCSA OFFICIAL VIDEO)

This is the latest video in the "HOW TO" series, which explains the type of Operating Authority you may need according to your business operations

CHECK OUT OUR NEW HOW TO VIDEO! >

Portal Login HOW TO Videos BOC-3 Processing Agents Registration Forms Insurance Requirements USDOT Status

Questions or Comments?

Part 2 - Compliance

How to comply

If subject to a USDOT Number motor carriers must comply with 49 CFR Parts 382-399

- Driver Qualification
- CDL
- Drug and Alcohol Testing
- State and Local Laws
- Hours of Service
- Vehicle Maintenance
- Hazardous Materials

How do I comply?

Obtain copy of the Federal Motor Carrier Safety Regulations and/or Hazardous Materials Regulations

New motor carrier safety planner released

<https://csa.fmcsa.dot.gov/safetyplanner/>

Customized to meet your needs if you login

Easy to read, plain language and includes forms

Valuable resource includes the North Carolina Trucking Association

www.nctrucking.com

49 CFR Part 382

Types of Test

- Pre-Employment
- Post Accident
- Random (25% CST and 10% Alcohol)
- Reasonable Suspicion
- Return to Duty
- Follow-Up Testing

49 CFR Part 383

CDL is required if it meets any of the following:

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of *hazardous materials* as defined in this section.

49 CFR Part 383

Must have proper endorsements

- *Double/Triple Trailers* —a knowledge test;
- *Passenger* —a knowledge and a skills test;
- *Tank vehicle* —a knowledge test;
- *Hazardous Materials* —a knowledge test; and
- *School bus* —a knowledge and a skills test.

Restrictions

- Watch for restrictions on the license (glasses, intrastate only)

49 CFR Part 383

Entry-Level Driver Training (ELDT) Final Rule

- Published in 2016, mandated by Moving Ahead for Progress in the 21st Century Act (MAP-21) Legislation
- Set a Federal standard for mandatory training of entry-level drivers
 - **Establishes** minimum training requirements entry-level drivers and training providers must meet
 - States may have requirements that exceed Federal requirements
- Established the need for the Training Provider Registry (TPR)
- Compliance Date: **February 7, 2022**

[Located in 49 CFR Part 380]

Entry-Level Drivers – Who Is Covered?

The ELDT regulations establish new minimum training standards for entry-level drivers. This includes individuals applying for:

A (1) Class A or (2) Class B commercial driver's license (CDL) for the *first time*

An (3) upgrade of an existing Class B CDL to a Class A CDL

A (4) hazardous materials (H), (5) passenger (P), or (6) school bus (S) endorsement for the *first time*

Key: First Time – Those individuals who have “previously” held the same class of CDL or endorsements; this must be verifiable within Minnesota’s driver’s license history record (i.e., FAST system).

Military: Rule does ***not*** cover individuals for whom States have waived the CDL skills test under 49 CFR 383

Driver Requirements

- Entry-level drivers must complete the applicable training from a registered training provider.
 - Must be completed prior to taking a CDL skills test or, if applying for the hazardous materials (H) endorsement, knowledge test.
 - Individuals who obtain a commercial learner's permit (CLP) **on or after February 7, 2022** will be required to meet the ELDT requirements.
 - Individuals who obtain a CLP before February 7, 2022, are not subject to the new ELDT regulations for obtaining a CDL, so long as they obtain a CDL or endorsement before their CLP (or renewed CLP) expires.

Training Provider Registry – Now Open!

- <https://www.trp.fmcsa.dot.gov>

The screenshot shows the homepage of the Training Provider Registry. At the top, there is a navigation bar with the FMCSA logo and the text 'Federal Motor Carrier Safety Administration'. To the right of the logo is a 'Provider Login' button. Below the navigation bar is a secondary navigation bar with the 'TRAINING PROVIDER REGISTRY' logo and a menu of links: 'Email Sign Up', 'Home', 'Learn', 'Entry-Level Drivers', 'Training Providers', 'Contact', and 'Find Provider'. The main content area features a search bar with three input fields: 'Training Type', 'Location', and 'Provider Name'. Below the search bar is a large heading 'WELCOME TO THE TRAINING PROVIDER REGISTRY' followed by a paragraph of text: 'FMCSA's Training Provider Registry improves highway safety by ensuring that entry-level drivers of commercial motor vehicles (CMVs) complete training as required by the new Entry-Level Driver Training (ELDT) regulations before testing for certain commercial driver's licenses (CDLs) and CDL endorsements. Start a search to find a registered training provider.' At the bottom left, there is a button with an '@' icon and the text 'SIGN UP TO RECEIVE EMAIL UPDATES'. On the right side of the main content area, there is a white box with the heading 'I want to...' and four links: 'Learn which drivers are subject to ELDT', 'Find a training provider', 'Register as a training provider', 'Read frequently asked questions', and 'Check my driver record'.

- Contains the official list of approved entry-level driver training providers.
- Retains a record of drivers that have successfully completed entry-level driver training.

Entry-Level Drivers – Accessing the Information?

- **Who will access information from the Training Provider Registry?**
 - Entry-level **drivers*** will **SEARCH** for a training provider using the list on the Training Provider Registry website.
 - Registered training **providers*** will **SUBMIT** driver certification information to FMCSA after a driver successfully completes training.
 - States will **VERIFY** a driver's completion of required training using data made available by the Training Provider Registry before administering relevant tests.

** **Drivers** do not need to register for the Training Provider Registry. Only training providers will register and provide information to the registry.*

** When registering, **training providers** must self-certify that they meet all requirements in ELDT regulation requirements.*

Training Requirements

- **Entry-level drivers: Must receive training and demonstrate "proficiency" in the following areas:**



THEORY TRAINING

- Lectures, demonstrations, computer-based, online learning, etc.
- May use a simulator
- No minimum number of hours; must score at least 80% on assessment
- Training topics include: *(See 49 CFR Part 380)*
 - Basic Operation
 - Safe Operating Procedures
 - Advanced Operation Procedures
 - Vehicle Systems and Reporting Malfunctions
 - Non-Driving Activities (e.g., Hours of Service)



BEHIND-THE-WHEEL (BTW) TRAINING

- Actual operation of a CMV
- Takes place on a range or public road
- May not use a simulator to meet requirements
- No minimum number of hours, training provider will determine driver's proficiency
- Basic vehicle control skills and mastery of basic maneuvers

Training Requirements

- **Behind The Wheel (BTW) Public Road**
 - Instructors must cover **all** topics listed and “determine and document that each driver-trainee has demonstrated proficiency in all element of the BTW curriculum unless otherwise noted
 - *See Appendices to 49 CFR Part 380*
 - Does **not** allow for “test outs” of skills training on either range or public road
 - Each trainee must successfully complete the **entire** program to successfully operate a CMV

Training Requirements

- Theory and BTW trainings might be delivered by different training providers
 - Both training providers **must** be registered and listed on the Training Provider Registry
 - Both training providers would submit driver training information to FMCSA
- BTW range and BTW public road trainings **must** be provided by the same training provider

Drug and Alcohol Clearinghouse



The Clearinghouse Rules

- **Initial Rule:**
 - Mandated by Congress in MAP-21
 - Published: December 5, 2016
 - Established requirements for the Clearinghouse
 - Implemented: **January 6, 2020**
- **Second rule:**
 - State Driver's Licensing Agency Non-Issuance/Downgrade of Commercial Driver's License
 - Published: October 7, 2021
 - Effective date: November 8, 2021
 - Implementation date: **November 18, 2024**



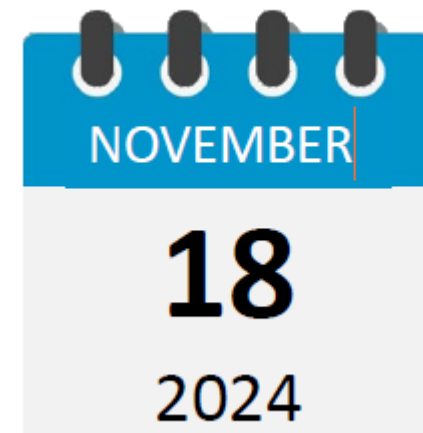
Clearinghouse-II SDLA Requirements

1. Non-Issuance

- State Driver Licensing Agency (SDLA) must query the Clearinghouse prior to issuing, renewing, transferring, or upgrading a CDL or CLP
- SDLA must deny a commercial license transaction (non-issuance) if the Clearinghouse query shows a driver is prohibited



No later than



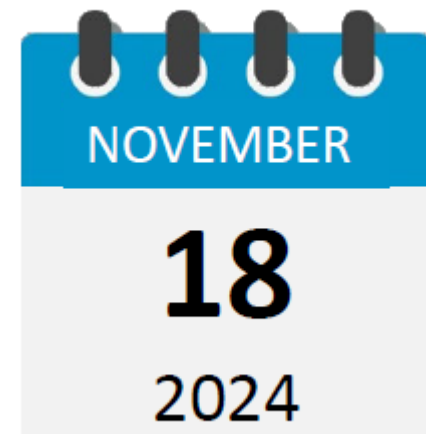
Clearinghouse-II SDLA Requirements

2. Mandatory CDL Downgrade

- SDLA will receive notification of a driver's prohibited status
- SDLA must initiate the process to remove a CLP or CDL privilege (downgrade)
- FMCSA will notify the SDLA if a driver completes return-to-duty process (no longer prohibited)
- FMCSA will notify the SDLA if an erroneously entered violation is removed
 - SDLA must reinstate commercial driving privilege
 - SDLA to expunge driving record accordingly



No later than



Drug Violation Data (as of January, 2023)

Substance	2020	2021	2022	# Tests Identified*
Marijuana Metabolite (Δ^9 -THCA)	29,511	31,085	40,916	101,512
Cocaine Metabolite (BZE)	7,940	8,765	10,953	27,658
Methamphetamine (MET/MAMP)	5,187	5,082	5,569	15,838
Amphetamine (AMP)	4,953	4,904	5,349	15,206
Oxymorphone (OXYM)	1,372	1,276	1,398	4,046
Oxycodone (OXYC)	1,106	1,049	1,130	3,285
Hydrocodone (HYC)	1,082	1,048	1,042	3,172
Hydromorphone (HYM)	1,000	930	965	2,895
Morphine (MOP)	443	353	445	1,241
Codeine (COD)	386	329	444	1,159
6-Acetylmorphine (6-AM)	302	191	177	670
Phencyclidine (PCP)	137	118	138	393
Ecstasy (MDMA)	65	60	68	193
Methylenedioxyamphetamine (MDA)	30	33	45	108
All substances	53,514	55,223	68,639	177,376

Return-to-Duty Process(as of January, 2023)

All Drivers (with at least 1 violation)	166,296
CDL/CLP holders in Prohibited Status	120,345
RTD Process Not Started	91,523
Substance Abuse Professional (SAP) Request Sent	1,086
SAP Designation Confirmed	3,368
SAP Request Declined	739
Initial SAP Assessment Complete	5,498
Determined Eligible for RTD Testing	18,131
CDL/CLP Holders in Not-Prohibited Status*	45,951
RTD Test with Negative Results	38,424
Follow-Up Testing Plan Complete	7,527

Prohibited Drivers

- Why is crucial that FMCSA checks for prohibited drivers during each inspection/contact?
 - Drivers may be operating CMV's while under the influence of Schedule I narcotic(s) endangering the lives of the public
 - Currently - NC has over 1,100 prohibited drivers - third largest number in the country only behind CA and TX

49 CFR Part 391 Driver Qualification

The driver qualification file for a driver must include:

- (1) The driver's application for employment completed in accordance with § 391.21;
- (2) A copy of the motor vehicle record received from each State record pursuant to § 391.23(a)(1);
- (3) The certificate of driver's road test issued to the driver pursuant to § 391.31(e), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to § 391.33;
- (4) The motor vehicle record received from each State driver licensing agency to the annual driver record inquiry required by § 391.25(a);

49 CFR Part 391 Driver Qualification Cont.

- (5) A note relating to the annual review of the driver's driving record as required by § 391.25(c)(2);
- (6) A list or certificate relating to violations of motor vehicle laws and ordinances required by § 391.27;
- (7)(i) The medical examiner's certificate as required by § 391.43(g) or a legible copy of the certificate.
- (8) A Skill Performance Evaluation Certificate obtained from a Field Administrator, Division Administrator, or State Director issued in accordance with § 391.49; or the Medical Exemption document, issued by a Federal medical program in accordance with part 381 of this chapter; and
- (9) A note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by § 391.23(m).

49 CFR Part 396 Vehicle Maintenance

393.3(a) **General.** Every motor carrier and intermodal equipment provider must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to its control.

- (1) Parts and accessories shall be in safe and proper operating condition at all times.

396.3(b) **Required records.** Motor carriers, except for a private motor carrier of passengers (nonbusiness), must maintain, or cause to be maintained, records for each motor vehicle they control for 30 consecutive days. Intermodal equipment providers must maintain or cause to be maintained, records for each unit of intermodal equipment they tender or intend to tender to a motor carrier. These records must include:

- (1) An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;
- (2) A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;
- (3) A record of inspection, repairs, and maintenance indicating their date and nature; and
- (4) A record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.
- (c) **Record retention.** The records required by this section shall be retained where the vehicle is either housed or maintained for a period of 1 year and for 6 months after the motor vehicle leaves the motor carrier's control.

49 CFR Part 396 Vehicle Maintenance

- Must prepare daily vehicle inspection report when defect is discovered
- Annual Vehicle Inspection in accordance with 396.17
- Annual Vehicle Inspection Certification
- Brake Certification

49 CFR Part 395 Hours of Service

- Cannot drive more than 11 hours without 10 consecutive hours off duty
- Cannot drive after having been on duty 14 hours without 10 consecutive hours off duty
- Cannot driver after having been on duty 60/70 in 7 or 8 days
- Must have 34 consecutive hours off duty to reset 60/70 hour rule

Exemptions



Short-haul Exception

Expands the short-haul exception to 150 air-miles and allows a 14-hour work shift to take place as part of the exception.



Adverse Driving Conditions Exception

Expands the driving window during adverse driving conditions by up to an additional 2 hours.

HOS Update Continued



30-Minute Break Requirement

Requires break of at least 30 consecutive minutes after 8 cumulative hours of driving time (instead of on-duty time) and allows an on-duty/not driving period to qualify as the required break.



Sleeper Berth Provision

Modifies the sleeper berth exception to allow a driver to meet the 10-hour minimum off-duty requirement by spending at least 7 hours of that period in the berth combined with a minimum off-duty period of at least 2 hours spent inside or outside the berth, provided the two periods total at least 10 hours. When used together as specified, neither qualify period counts against the 14-hour driving window.

Who is required to use an ELD?

- Interstate CMV drivers currently required to keep RODS
 - Subject to requirements in 49 CFR 395
- Drivers of CMVs defined in 49 CFR 390.5
 - $\geq 10,001$ pounds
 - Placarded hazmat
 - More than 8 or 15 passengers
- 100 and 150 air-mile radius drivers who use paper RODS more than 8 days in any 30-day period

Exemptions

- 100 air-mile radius drivers may continue to use timecards, as allowed by §395.1(e)(1)
- 150 air-mile radius non-CDL freight drivers may continue to use timecards, as allowed by §395.1(e)(2)
- Using paper RODS for not more than 8 days during any 30-day period
- Conducting “drive away-tow away” operations
- Driving vehicle with engine manufactured before year 2000

Important Dates

ELD Rule was effective **December 18, 2017**

AOBRDs must be upgraded or replaced with ELDs within 4 years of the publication of the Final Rule (**December 16, 2019**)

- i.e. AOBRDs compliant with § 395.15 that were installed before the compliance date could be used (grandfathered) for 2 years after the compliance date

National Registry of Certified Medical Examiners (NRCME)

May 21, 2014 – All medical certificates issued on or after compliance date must be issued by certified examiners on the National Registry

Medical Examiners must:

- Be licensed, certified, or registered in accordance with applicable State laws to perform physical examinations
- Complete training meeting core curriculum requirements
- Pass the medical examiner certification test administered by a testing organization that meets FMCSA requirements
- Complete refresher training every 5 years
- Complete recertification testing every 10 years
- Submit monthly reports to FMCSA

National Registry Statistics

- Over 52,000 certified medical examiners
- Over 14,000,000 medical examinations conducted
 - 60.2% - 2-yr card
 - 33.2% - 1-yr card
 - 5.2% - 3-month
 - 1.4% - less than 3 month
- June 22, 2021 – National Registry 2 Compliance Date*

*Update National Registry 2 Compliance date has been moved to June 23, 2025

National Registry

New Forms

- MCSA 5875 Medical Examination Report (MER)
- MCSA 5876 Medical Examination Certificate (MEC)

If alternative form is used must contain all of the required information of the form

Drivers Must:

- Submit MEC to NC DMV each time new card issued
- Make sure information is posted to driver's CDL
- Recommend drivers still carry certificate until posted to CDL

NCDMV Information

NCDMV

Data Capture Imaging Unit

3126 Mail Service Center

Raleigh, NC 27699-3126

MEC's can also be emailed to:

CDLmedical@ncdot.gov

Thank you for your Commitment to Safety

Questions or Comments?