

RiskTopics

USDOT requirements for commercial vehicle operators

Zurich Resilience Solutions – Risk Engineering

Who must comply with the FMCSA's regulations in regard to USDOT number, operating authority, CDL requirements and the related administrative processes? The regulations apply to a wide variety of companies that operate vehicles for primary and secondary parts of their business.

Introduction

The Federal Motor Carrier Safety Regulations (FMCSR) can be cumbersome and confusing, especially for operations that are not entirely motor truck based. Typically, motor carriers that haul freight, as their primary business, are well aware of the requirements needed to operate safely and compliantly. However, many companies operate vehicles as a secondary aspect of their business and can overlook many of the Federal Motor Carrier Safety Administration's (FMCSA's) compliance requirements. Some examples of these types of operations are: utility companies, construction companies and companies that transport passengers.

Discussion

Consequences for violating the regulations

Some companies, unknowingly, operate without proper authority and allow drivers to operate regulated Commercial Motor Vehicles (CMVs) without the proper credentials. Often this practice goes unnoticed by the regulatory authorities. However, should your organization be caught operating without proper authority or allowing a driver to operate a regulated vehicle without a Commercial Driver's License (CDL), the driver and/or vehicle may be put out of service.¹ If your vehicles and drivers are prohibited from operating on the road, your business can be impacted.

The FMCSA can also issue civil penalties to the company for these violations. A fine for transporting goods without proper operating authority is a mandatory minimum fine of \$10,000 for property carriers and \$25,000 for passenger carriers. A driver who violates CDL requirements may face civil and criminal penalties. The employer may also be subject to financial penalties if they knowingly use a driver to operate a CMV without a valid CDL.

In addition, an organization's Compliance Safety Accountability (CSA) system scores can be adversely affected by driver and vehicle violations. For example, drivers receiving violations for not having a CDL will automatically be entered into the CSA data base for a roadside inspection violation. The violation points may increase a motor carrier's likelihood of an intervention.

It is vital that companies are able to identify which FMCSA requirements apply to their operations. Once identified, a comprehensive program should be put into place to help ensure compliance.

Guidance

Is Operating Authority required?

In order to operate commercial motor vehicles, organizations should confirm that they have the appropriate operating authority and/or a USDOT number. Operating authority Motor Carrier (MC) numbers are required if a company transports cargo for a customer or passengers in interstate commerce for compensation.

Organizations that only transport their own cargo for themselves may not require an MC number. According to the FMCSA, organizations are required to obtain a USDOT number if they have a vehicle that:

- 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
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- Is used in transporting material found by the Secretary of Transportation to be hazardous and transported in a quantity requiring placarding.

AND is involved in **interstate** commerce:

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

However, please note that some states require commercial motor vehicle registrants to obtain a USDOT Number even if they only operate intrastate. A list of these states is available from the FMCSA and can be found here: <http://www.fmcsa.dot.gov/registration/do-i-need-usdot-number>³

When do drivers need a CDL?

Gross Vehicle Weight Rating (GVWR) is the first item an organization should review to help ensure that their drivers are qualified to operate equipment. GVWR can be confusing and is one of the main causes of operating without proper licenses. First, an organization must identify their vehicles' GVWR to determine if their drivers need a CDL. It is important to note that the GVWR for each vehicle is established by the truck and trailer manufacturers, not by the company utilizing it. For licensing purposes, a combined GVWR is determined by adding the manufacturer's GVWR Rating of the truck plus the manufacturer's GVWR of the trailer or other towed vehicle. A company may check the GVWR of a vehicle by using the National Highway Traffic Safety Administration (NHTSA) VIN Decoder: <https://vpic.nhtsa.dot.gov/decoder/>

According to the FMCSA:

- **Class A** CDL is required when the Gross **Combined** Vehicle Weight Ratings (GCVWR) of the truck and trailer totals 26,001 or more provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.
- **Class B** CDL is required for any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.
- **Class C** CDL is required for any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designed to **transport 16 or more passengers**, including the driver, or is placarded for hazardous materials. Please note that bench seats cannot be removed to “lessen” the vehicles occupancy. ⁴

A common misunderstanding of the requirements has to do with trailers with a GVWR in excess of 10,000 pounds when the combined GVWR does not exceed 26,000 pounds. Under these circumstances, a CDL may not be required by FMCSA regulations provided that the vehicle is not placarded for hazardous materials.

Please note that individual states may impose additional or varied requirement that drivers in their states must have a CDL or other special licensing in specific situations, so please check the requirements in each state where your organization operates. It is also important to note that individual state CDL licensing requirements may not apply to drivers from other states.

Organizations that have drivers requiring a CDL and operate interstate must adhere to all Federal regulations which include but are not limited to: maintaining a Driver Qualification file, Medical Cards, annual motor vehicle record (MVR) review and Drug & Alcohol Testing. Many states have adopted the Federal regulations and require that intrastate drivers operating equipment over 26,001 are also required to adhere to the same criteria.⁴

Non-CDL Commercial Motor Vehicle Requirements

Companies that operate equipment in interstate commerce with vehicle weights **between 10,001 and 26,001** and are not hauling hazardous materials, may not need their drivers to have CDL's but may be required to maintain a Driver Qualification file on each driver and each driver should have a Medical Card.⁷ Additionally, such companies may become subject to many of the Federal regulations including vehicle inspection and maintenance, hours of service and requirements for vehicle parts and accessories.

Please note that organizations operating in intrastate commerce need to inquire with each state specifically, as some states do not use the same 10,001 pound criterion found in the FMCR's.

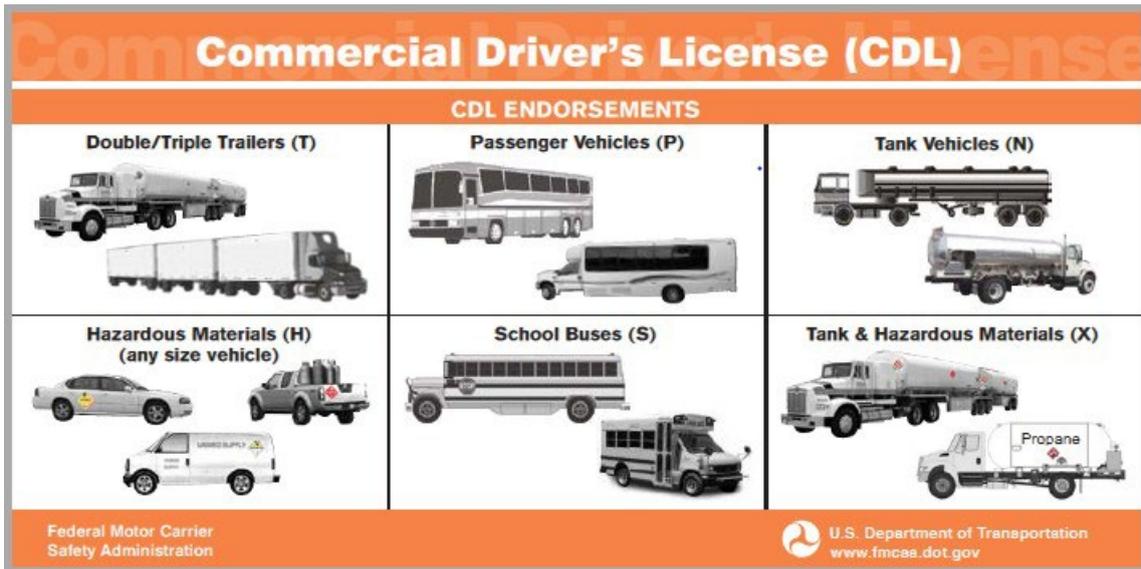


Figure 1 – FMCSA illustration indicating when a CDL is required

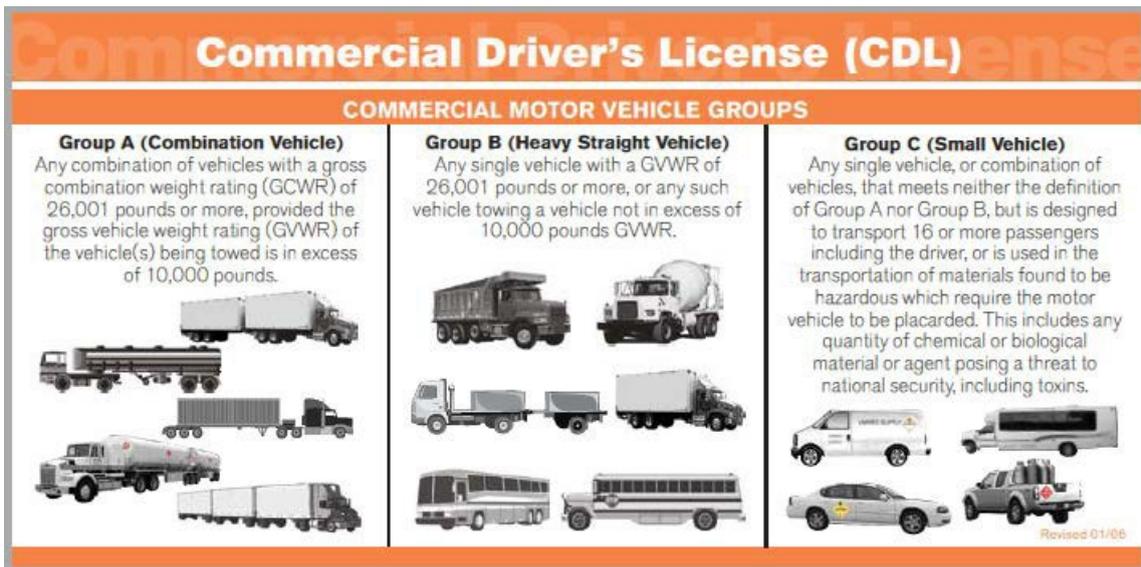


Figure 2 –FMCSA illustration indicating the type of Commercial Driver's License required by type of vehicle

Implementing a DOT-regulated program

The FMCSA website offers a step-by-step list to help organizations properly register for operating authority.⁷ Please use this link to get started: <http://www.fmcsa.dot.gov/registration/getting-started>

A next step is making a list of all of the employees who may drive a commercial motor vehicle for your company and determining what size and types of vehicles they may operate. This can help you to identify whether special licensing may be required or additional FMCSA regulations may apply.

Conclusion

Once an organization has the proper authority and recognizes how they may be regulated, the next step is to create and implement a comprehensive Fleet Safety Program. For assistance developing a fleet safety

program, contact your Zurich Risk Engineer or see the Zurich Fleet Program Toolkit, which can be accessed via this link:

[Zurich Fleet Program Toolkit](#)

As with any written program, the foundation must be built upon management support. The organization's senior leadership should allocate sufficient staff and financial resources required to manage and support the overall motor vehicle safety program.

The National Safety Council (NSC) indicates that there are four main elements of a fleet safety program:

- Establish management standards and policies
- Recording fleet safety program results including collisions and injuries
- Selecting, training and supervising employees
- Encouraging and rewarding improved performance through awards, recognition and other interest-sustaining activities.

Organizations have the ultimate responsibility to ensure that they and their drivers are operating safely and compliantly. It is imperative that organizations take a proactive approach to help accomplish this task.

References

¹"What Happens If I Operate without Authority?" Federal Motor Carrier Safety Administration, United States Department of Transportation, 8 Sept. 2015, www.fmcsa.dot.gov/faq/what-happens-if-i-operate-without-authority.

²"What Happens If I Operate without Authority?" Federal Motor Carrier Safety Administration, United States Department of Transportation, 8 Sept. 2015, www.fmcsa.dot.gov/faq/what-happens-if-i-operate-without-authority.⁴ Federal Motor Carrier Safety Administration. *Do I Need a USDOT Number?*. Web 3 November 2014. < <http://www.fmcsa.dot.gov/registration/do-i-need-usdot-number> >.

³"Do I Need a USDOT Number?" Federal Motor Carrier Safety Administration, United States Department of Transportation, 9 Jan. 2014, www.fmcsa.dot.gov/registration/do-i-need-usdot-number.

⁴Federal Motor Carrier Safety Administration. *Commercial Driver's License Standards; Requirements and Penalties (Guidance)*. Web 3 November 2014. < <http://www.fmcsa.dot.gov/regulations/title49/section/383.91?guidance> >.

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