

ASSOCIATED BUILDERS AND CONTRACTORS

SMALLER COMMERCIAL MOTOR VEHICLES

Presented by J. E. Jess Sweere

June 25, 2008



Cross, Gunter, Witherspoon and Galchus, P.C.
Offices in Little Rock – Fort Smith – NW Arkansas

www.cgwg.com

jswere@cgwg.com

COMMERCIAL MOTOR VEHICLE

Any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport property when the vehicle has a **gross vehicle weight rating** or **gross combination weight rating** of **10,001 pounds** or more.



Cross, Gunter, Witherspoon & Galchus
P.C.



GROSS VEHICLE WEIGHT RATING “GVWR”

- 2007 Chevy Silverado 1500HD Crew Cab
 - 8,600#
- 2007 Chevy Silverado 2500HD
 - 9,200#
- 2007 Ford F-250
 - 8,800# to 10,000#



GROSS COMBINATION WEIGHT RATING “GCWR”

- When a trailer is pulled by a motor vehicle, the GVWR of the vehicles are combined to determine the GCWR
- Example:
 - Silverado 1500HD pulling a trailer with a GVWR of 8,000#
 - $GCWR = 8,600 + 8,000 = 16,600\#$
 - This is a commercial motor vehicle!



VEHICLES WITH GVWR OR GCWR GREATER THAN 10,001# BUT LESS THAN 26,001# SUBJECT TO FOLLOWING REGULATIONS:

Title 49 of the Code of Federal Regulations:

Part 385 Safety Fitness Procedures

Part 390 FMCSR; General

Part 391 Qualifications of Drivers

Part 392 Driving

Part 393 Parts and Accessories

Part 395 Hours of Service

Part 396 Inspection, Repair and Maintenance



Title 49 Part 385, 390

Safety Fitness; FMCSR

- Establishes FMCSA procedures for determining safety fitness of carriers
- Establishes safety assurance program for new entrants
- DOT marking procedures (390.21)



Title 49 Part 391

Qualifications of Drivers

- 21 years old
- Read and speak English
- Can safely operate CMV by experience or training
- Physically qualified (391.41-49)
- Provided list of violations (391.27)
- Completed road test (391.31 or 33)

Title 49 Part 392

Driving

- All CMV's must be operated in accordance with local laws, unless FMCSA imposes a higher standard
- Driver must not be under influence of or *possess* alcohol or illegal drugs
- Driver must not be impaired due to fatigue or illness
- Schedule must not require speed in excess of speed limit
- Cargo must be adequately secured, driver must inspect

Title 49 Part 393

Parts and Accessories

- 90 pages of regulations
- Lights, brakes
- Coupling devices
- Emergency devices – fire extinguisher, spare fuses of each type, reflective triangles or fusees
- Protection against shifting cargo



Title 49 Part 395 Hours of Service

- Driver must complete log, unless:
 - Operates within 150 air-mile radius
 - Returns to normal work reporting location
 - Driver has at least 10 consecutive hours off-duty
 - Driver does not drive more than 11 hours
 - Driver does not drive after 14th hour on-duty
 - Driver does not drive after 60 hours in 7 days
 - Employer maintains 6 months time records



Title 49 Part 396

Inspection, Repair & Maintenance

- Annual inspection required by qualified inspector – each vehicle must have decal
- Driver vehicle inspection report must be completed at the end of each day's work
- Driver must perform proper pre-trip inspection including review of previous DVIR
- Proper records must be maintained

INTRASTATE OPERATION OF COMMERCIAL MOTOR VEHICLES

- The Arkansas State Highway Commission enacted regulations in 1997 that adopted the federal DOT regulations as applicable to the intrastate operation of commercial motor vehicles.



EXAMPLES OF ROADSIDE INSPECTION ITEMS

- Mounted Fire Extinguisher
- Reflective Triangles
- Spare Fuses
- Company Markings of Vehicle Door (including DOT number if crossing state lines)
- Current Federal Annual Inspection Stickers on the Truck and Trailer
- Proper Trailer Braking Equipment
- Current DOT Medical Certification of the Driver



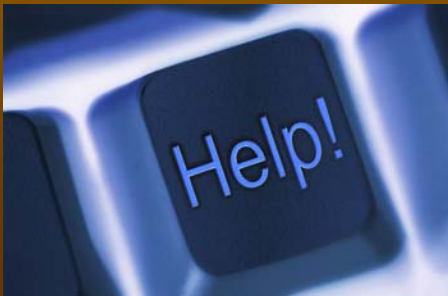
CDL REQUIRED?

- If the GCWR or GVWR of the vehicle exceeds 10,001# but is less than 26,001#, a Commercial Drivers' License is not required.
- If the GCWR or GVWR of the vehicle exceeds 26,001#, the driver is required to have a CDL and is subject to the drug and alcohol testing requirements in listed 49 CFR Parts 40, 382 and 383.



COMPLIANCE ASSISTANCE

- Federal Motor Carrier Safety Administration
 - www.fmcsa.dot.gov
- Cross, Gunter, Witherspoon & Galchus, P.C.
 - www.cgwg.com



Cross, Gunter, Witherspoon & Galchus
P.C.



Questions?
Thank you, and Good Luck!



J. E. Jess Sweere
CROSS, GUNTER, WITHERSPOON & GALCHUS, P.C.
500 President Clinton Avenue, Suite 200
Little Rock, AR 72201
(501) 371-9999
jsweere@cgwg.com

Cross, Gunter, Witherspoon & Galchus
P.C.