

DOT Compliance Assistance Manual

Revised Oct 2017

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Entry-Level Driving Training

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ENTRY LEVEL DRIVER TRAINING

ENTRY-LEVEL DRIVER TRAINING-PART 380

380.500 Compliance date for training requirements for entry-level drivers. (Updated 2022)

- (a) Employers must ensure that each entry-level driver has received the training required by this subpart no later than later February 7, 2022, except as provided in paragraph (b) of this section.
- (b) Each employer must ensure that each entry-level driver who first began operating a CMV in interstate commerce requiring a CDL had this training no later than February 7, 2022.

380.501 Applicability.

All entry-level drivers who drive in interstate commerce and are subject to the CDL requirements of part 383 of this chapter must comply with the rules of this subpart, except drivers who are subject to the jurisdiction of the Federal Transit Administration or who are otherwise exempt under 390.3 (f) of this subchapter.

380.502 Definitions.

- (a) The definitions in part 383 of this chapter apply to this part, except where otherwise specifically noted.
- (b) As used in this subpart:
 - Entry-level driver** is a driver with less than one year of experience operating a CMV with a CDL in interstate commerce.
 - Entry-level driver training** is training the CDL driver receives in driver qualification requirements, hours of service of drivers, driver wellness, and whistle blower protection as appropriate to the entry-level driver's current position in addition to passing the CDL test.

380.503 Entry-level driver training requirements.

Entry-level driver training must include instruction addressing the following areas:

- (a) *Driver qualification requirements.* The Federal rules on medical certification, medical examination procedures, general qualifications, responsibilities, and disqualifications based on various offenses, orders, and loss of driving privileges (part 391, subparts Band E of this subchapter).
- (b) *Hours of service of drivers.* The limitations on driving hours, the requirement to be off-duty for certain periods of time, record of duty status preparation, and exceptions (part 395 of this subchapter). Fatigue countermeasures as a means to avoid crashes.
- (c) *Driver wellness.* Basic health maintenance including diet and exercise. The importance of avoiding excessive use of alcohol. Drivers must go through an approved FMCSA course as described in the following:
- (d) *Whistleblower protection.* The right of an employee to question the safety practices of an employer without the employee's risk of losing a job or being subject to reprisals simply for stating a safety concern (29 CFR part 1978).

Drivers must complete a FMCSA approved course as described below: February 2022

- Theory/classroom training for your trainees.
- Behind the Wheel (BTW) Range training.
- Behind the Wheel (BTW) Road training.
- Registration of the trainees training records (theory and BTW) with the FMCSA Training Provider Registry

380.505 Proof of training.

An employer who uses an entry-level driver must ensure the driver has received a training certificate containing all the information contained in 380.513 from the training provider.

380.507 Driver responsibilities.

Each entry-level driver must receive training required by 380.503.
Current update to training requirements February 7, 2022

380.509 Employer responsibilities.

- (a) Each employer must ensure each entry-level driver who first began operating a CMV requiring a CDL in interstate commerce after July 20, 2003, receives training required by 380.503.
- (b) Each employer must place a copy of the driver's training certificate in the driver's personnel or qualification file.
- (c) All records required by this subpart shall be maintained as required by 390.31 of this subchapter and shall be made available for inspection at the employer's principal place of business within two business days after a request has been made by an authorized representative of the Federal Motor Carrier Safety Administration.

380.511 Employer recordkeeping responsibilities.

The employer must keep the records specified in 380.505 for as long as the employer employs the driver and for one year thereafter.

380.513 Required information on the training certificate.

The training provider must provide a training certificate or diploma to the entry-level driver. If an employer is the training provider, the employer must provide a training certificate or diploma to the entry-level driver. The certificate or diploma must contain the following seven items of information:

- (a) Date of certificate issuance.
- (b) Name of training provider.
- (c) Mailing address of training provider.
- (d) Name of driver.

- (e) A statement that the driver has completed training in driver qualification requirements, hours of service of drivers, driver wellness, and whistle blower protection requirements substantially in accordance with the following sentence:
I certify _____ has completed training requirements set forth in the Federal Motor Carrier Safety Regulations for entry-level driver training in accordance with 49 CFR 380.503.
- (f) The printed name of the person attesting that the driver has received the required training.
- (g) The signature of the person attesting that the driver has received the required training.
- (h) Each employer must place a copy of the driver's training certificate in the driver's personnel or qualification file.
- (i) All record required by this subpart shall be maintained as required by 390.31 of this subchapter and shall be made available for inspection at the employer's principal place of business within two business days after a request has been made by an authorized representative of the Federal Motor Carrier Safety Administration.

SUMMARY

All drivers must have training in the following

1. Driver qualification requirements
2. Hours of service of drivers
3. Driver wellness
4. Whistleblower protection

Employers must provide a training certificate.

CERTIFICATE OF COMPLETION

This will certify that

Has completed the required course of study in
ENTRY-LEVEL DRIVER AWARENESS

Date of issue: _____

Provider name and address

I certify that _____ has completed training requirements set forth in the
Federal Motor Carrier Safety Regulations for entry-level driver
training in accordance with 49 CFR 380.503

Trainer: _____

Signature: _____

DRIVERS QUALIFICATION FILE

DRIVER'S QUALIFICATION FILE-PART 391

Missouri Exemption

307.400 (7) Parts 390-397 shall not apply to commercial motor vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight rating or gross combination weight rating of 26,000 pounds or less.

The following documents should be in a driver's qualification file.

391.21 (b)

- A. Driver's Application for Employment Form** must contain the following information.
1. The name and address of the employing motor carrier.
 2. The applicant's name, address, date of birth and social security number.
 3. The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted.
 4. The date on which the application is submitted.
 5. The issuing state, number and expiration date of each unexpired motor vehicle operator's license or permit that has been issued to the applicant.
 6. The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semi-trailers, full trailers and pole trailers) which he has operated.
 7. A list of all motor vehicle accidents in which the applicant was involved during the 3 years preceding the date application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused.
 8. A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted.
 9. A statement setting forth in detail the facts and circumstances of any denial, revocation or suspension of any license, permit or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation or suspension has occurred.

10. A list of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted, together with the dates he was employed by, and his reason for leaving the employ of each employer. The applicant must also state whether they were subject to the FMCSR's while employed by that previous employer and if the job was designated as a safety sensitive function in any DOT regulated made subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40.
11. For those drivers applying to operate a commercial motor vehicle as defined by Part 383 of this subchapter, a list of the names and addresses of the applicant's employers during the seven-year period preceding the 3 years contained in paragraph (b)(10) of this section for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment reasons for leaving such employment.
12. The following certification and signature line which must appear at the end of the application form and be signed by the applicant:

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

(Date)

(Applicant's Signature)

Note: A motor carrier may require an applicant to provide information in addition to the information required by the employment application.

Before an application is submitted, the motor carrier shall inform the applicant that, in accordance with item 10 above, the applicant's prior employers may be contacted for the purpose of investigating the applicant's background, as required by **391.23**.

391.23

B. Inquiry to previous employers- Each motor carrier shall make an investigation of the driver's employment record during the preceding 3 years. The investigation of the driver's employment record required by paragraph b of this section must be made within 30 days of the date the employee begins. The investigation may consist of personal interviews, telephone interviews, letters or any other method of obtaining information that the carrier deems appropriate. **Each motor carrier must make a written record with respect to each past employer who was contacted, and his comments with respect to the driver. The address, the date he was contacted, and his comments with respect to the driver. The record shall be retained in the motor carrier's files as part of the driver's qualification file.**

C. Inquiry to state agencies-An inquiry into the driver's driving record shall be made for the preceding 3 years to the appropriate state agencies of every state in which the driver held a motor vehicle operator's license or permit during those 3 years. The inquiry must be made within 30 days of the date the driver's employment beings.

391.45

D. Medical Examiner's Certificate-An original or legible photocopy of the medical examiner's certificate of the driver's physical qualification to drive a motor vehicle must be in the driver's qualification file.

The following drivers must be medically examined:

1. Any person who has not been medically examined and certified as physically qualified to operate a commercial motor vehicle.
2. Any driver who has not been medically examined and certified as qualified to operate a commercial motor vehicle during the preceding 24 months.

Note: Drivers having a valid Chauffeurs License on or before May 13, 1988 are not subject to the medical requirements of Part 391.46 *when operating in intrastate commerce only*.

391.25

F. Annual Inquiry and Review of Driving Record

1. Except as provided in subpart G, each motor carrier shall, at least once every 12 months, make an inquiry into the driving record of each driver it employs, covering at least the preceding 12 months. The inquiry shall be to the appropriate state agency of every state in which the driver held a CMV operators license or permit during the time period.
2. Except as provided in subpart G, each motor carrier shall, at least once every 12 months, review the driving record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a motor vehicle pursuant to 391.15. In reviewing a driving record, the motor carrier must consider any evidence that the driver has violated applicable provisions of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. The motor carrier must also consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public.

3. Record Keeping

- a. A copy of the response from each state agency to the inquiry required by paragraph E of this section shall be maintained in the driver's qualification file.
- b. A note including the name of the person who performed the review of the driving record required by paragraph E2 of this section and the date of such review, shall be maintained in the driver's qualification file.

391.27

F. Record of Violation

1. **Each motor carrier shall, at least once every 12 months, require each driver it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances** (other than violations involving only parking) of which the driver has been convicted or on account of which he has forfeited bond or collateral during the preceding 12 months.
2. Each driver shall furnish the list required in accordance with paragraph 1 of this section. If the driver has not been convicted of, or forfeited bond or collateral on account of, any violation which must be listed, he shall certify.
3. The form of the driver's list or certification shall be prescribed by the motor carrier.
4. The motor carrier shall retain the list or certificate required by this section, or a copy of it, in its files as part of the driver's qualification files.

391.31

G. Drivers Road Test and Certification of Road Test.

391.33 Equivalent of road test.

- a. **In place of, and as equivalent to, the road test required by 391.31, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept:**
 1. A valid Commercial Drivers License which has been issued to him by a state that licenses drivers to operate specific categories of motor vehicles and which, under the laws of that state, licenses him after successful completion of a road test in a motor vehicle of the type the motor carrier intends to assign him; or
 2. A copy of a valid certificate of driver's road test issued to him pursuant to 391.31 within the preceding 3 years.
- b. **If a driver presents and a motor carrier accepts, a license or certificate as equivalent to the road test, the motor carrier shall retain a legible copy of the license or certificate in its files as part of the driver's qualification file.**

- c. A motor carrier may require any person who presents a license or certificate as equivalent to the road test to take a road test or any other test of his driving skill as a condition to his employment as a driver

391.61 Drivers Who Were Regularly Employed Before January 1, 1971

I. The following provisions do not apply to drivers employed before January 1, 1971.

391.21 relating to applications for employment

391.23 relating to investigations and inquiries

391.31 relating to road test

391.41: Physical qualifications for drivers.

(a)(1)(i) A person subject to this part must not operate a commercial motor vehicle unless he or she is medically certified as physically qualified to do so, and, except as provided in paragraph (a)(2) of this section, when on-duty has on his or her person the original, or a copy, of a current medical examiner's certificate that he or she is physically qualified to drive a commercial motor vehicle.

(ii) A person who qualifies for the medical examiner's certificate by virtue of having obtained a medical variance from FMCSA, in the form of an exemption letter or a skill performance evaluation certificate, must have on his or her person a copy of the variance documentation when on-duty.

(2) **CDL/CLP exception.** (i) Beginning January 30, 2015, a driver required to have a commercial driver's license or commercial learner permit under part 383 of this chapter, and who submitted a current medical examiner's certificate to the State in accordance with § 383.71(h) of this chapter documenting that he or she meets the physical qualification requirements of this part, **no longer needs to carry on his or her person the medical examiner's certificate specified at § 391.43(h)**, or a copy for more than 15 days after the date it was issued as valid proof of medical certification.

(ii) Beginning July 8, 2015, a driver required to have a commercial learner's permit under part 383 of this chapter, and who submitted a current medical examiner's certificate to the State in accordance with § 383.71(h) of this chapter documenting that he or she meets the physical qualification requirements of this part, no longer needs to carry on his or her person the medical examiner's certificate specified at § 391.43(h), or a copy for more than 15 days after the date it was issued as valid proof of medical certification.

(iii) A CDL or CLP holder required by § 383.71(h) of this chapter to obtain a medical examiner's certificate, who obtained such by virtue of having obtained a **medical variance** from FMCSA, must continue to have in his or her possession the original or copy of that **medical variance** documentation at all times when on-duty.

(3) A person is physically qualified to drive a commercial motor vehicle if:

(i) That person meets the physical qualification standards in paragraph (b) of this section and has complied with the medical examination requirements in § 391.43; or

(ii) That person obtained from FMCSA a medical variance from the physical qualification standards in paragraph (b) of this section and has complied with the medical examination requirement in § 391.43.

(b) A person is physically qualified to drive a commercial motor vehicle if that person—

(1) Has no loss of a foot, a leg, a hand, or an arm, or has been granted a skill performance evaluation certificate pursuant to § 391.49;

(2) Has no impairment of:

(i) A hand or finger which interferes with prehension or power grasping; or

(ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a commercial motor vehicle; or has been granted a skill performance evaluation certificate pursuant to § 391.49.

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;

(4) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a commercial motor vehicle safely;

(6) Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a commercial motor vehicle safely;

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a commercial motor vehicle safely;

(8) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a commercial motor vehicle safely;

(10) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

(11) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

(12)(i) Does not use any drug or substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or other habit-forming drug.

(ii) Does not use any non-Schedule I drug or substance that is identified in the other Schedules in 21 part 1308 except when the use is prescribed by a licensed medical practitioner, as defined in § 382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

(13) Has no current clinical diagnosis of alcoholism.

383.71 and Missouri Statute 302.768 Medical Certification Requirements

1. Any **applicant** for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

- (1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;
- (2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;
- (3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;
- (4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver. The state shall retain the original or copy of the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide an updated medical certificate or variance documents to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

383.95: Restrictions.

(a) **Air brake.** (1) If an applicant either fails the air brake component of the knowledge test, or performs the skills test in a vehicle not equipped with air brakes, the State must indicate on the CLP or CDL, if issued, that the person is restricted from operating a CMV equipped with any type of air brakes.

(2) For the purposes of the skills test and the restriction, air brakes include any braking system operating fully or partially on the air brake principle.

(b) **Full air brake.** (1) If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, the State must indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with any braking system operating fully on the air brake principle.

(2) For the purposes of the skills test and the restriction, air over hydraulic brakes includes any braking system operating partially on the air brake and partially on the hydraulic brake principle.

(c) **Manual transmission.** (1) If an applicant performs the skills test in a vehicle equipped with an automatic transmission, the State must indicate on the CDL, if issued, that the person is restricted from operating a CMV equipped with a manual transmission.

(2) For the purposes of the skills test and the restriction, an automatic transmission includes any transmission other than a manual transmission as defined in § 383.5.

391.51 Files and Records

J. Time required to keep records. Each drivers qualification file shall be retained for as long as a driver is employed and for three years thereafter. The following records may be removed from a drivers qualification file three years after the date of execution.

1. Response of each state agency to the annual driver record inquiry.
2. Note relating to the annual review of the drivers driving record.
3. List or certificate relating to violations of motor vehicle laws.
4. Medical examiners certificate.
5. Letter issued under 391.49 granting a waiver of a physical disqualification.

SUMMARY

The driver's qualification file shall contain the following:

Application for employment – 391.21. Copy of the response by each state agency concerning a drivers driving record – 391.23 (a)(1).

Copy of current driver's license – 391.33.

Operation – restriction on license – 383.95

Response to each state agency to the annual driving record inquiry – 391.25.

Note relating to the annual review of the drivers driving record – 391.25 (c)(2).

List or certificate relating to violations of motor vehicle laws – 391.27.

Physical qualifications – 391.41

Medical examiners certificate or a legible photographic copy of the certificate – 391.43(f).

Letter granting a waiver of a physical disqualification – 391.49.

COMPANY _____ STREET ADDRESS _____
CITY, STATE AND ZIP CODE _____
NAME _____
(FIRST) (MIDDLE) (Maiden Name, if any) (LAST)
ADDRESS _____ HOW LONG? _____
(STREET) (CITY) (STATE & ZIP CODE)
DATE OF BIRTH _____ SOCIAL SECURITY NO. _____ HIRE DATE _____
TELEPHONE NUMBER _____ E-MAIL ADDRESS _____

(STREET)	(CITY)	(STATE & ZIP CODE)	# YEARS
(STREET)	(CITY)	(STATE & ZIP CODE)	# YEARS
(STREET)	(CITY)	(STATE & ZIP CODE)	# YEARS

STATE	LICENSE NO.	TYPE	EXPIRATION DATE

CLASS OF EQUIPMENT	TYPE OF EQUIPMENT (VAN, TANK, FLAT, ETC.)	DATES		APPROX. NO. OF MILES (TOTAL)
		FROM	TO	
STRAIGHT TRUCK				
TRACTOR AND SEMI-TRAILER				
TRACTOR - TWO TRAILERS				
OTHER				

DATES	NATURE OF ACCIDENT (HEAD-ON, REAR-END, UPSET, ETC.)	NUMBER FATALITIES	NUMBER INJURIES	CHEMICAL SPILLS
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>

DATE CONVICTED (month/year)	VIOLATION	STATE OF VIOLATION LOCATION	PENALTY (forfeited bond, collateral and/or points)

EMPLOYMENT RECORD
(ATTACH SHEET IF MORE SPACE IS NEEDED)

Applicants that desire to drive in intrastate/interstate commerce must provide the following information on all employers during the previous three years. You must give the same information for all employers you have driven a commercial motor vehicle for the seven years prior to the initial three years (total of ten years employment record).

Must list the complete mailing address: street number and name, city, state and zip code.

LAST EMPLOYER: NAME _____

ADDRESS _____ PHONE _____

POSITION HELD _____ FROM _____ TO _____ SALARY _____

REASONS FOR LEAVING _____

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. _____

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

SECOND LAST EMPLOYER: NAME _____

ADDRESS _____ PHONE _____

POSITION HELD _____ FROM _____ TO _____ SALARY _____

REASONS FOR LEAVING _____

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. _____

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

THIRD LAST EMPLOYER: NAME _____

ADDRESS _____ PHONE _____

POSITION HELD _____ FROM _____ TO _____ SALARY _____

REASONS FOR LEAVING _____

ANY GAPS IN EMPLOYMENT AND/OR UNEMPLOYMENT MUST BE EXPLAINED. INCLUDE DATES (MONTH/YEAR) AND REASON. _____

Were you subject to the Federal Motor Carrier Safety Regulations (FMCSRs) while employed by the previous employer? Yes ☐ No ☐

Was the previous job position designated as a safety sensitive function in any DOT regulated mode, subject to alcohol and controlled substances testing requirements as required by 49 CFR Part 40? Yes ☐ No ☐

TO BE READ AND SIGNED BY APPLICANT

I authorize you to make sure investigations and inquiries to my personal, employment, financial or medical history and other related matters as may be necessary in arriving at an employment decision. (Generally, inquiries regarding medical history will be made only if and after a conditional offer of employment has been extended.) I hereby release employers, schools, health care providers and other persons from all liability in responding to inquiries and releasing information in connection with my application.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the Company.

"I understand that information I provide regarding current and/or previous employers may be used, and those employer(s) will be contacted, for the purpose of investigating my safety performance history as required by 49 CFR 391.23(d) and (e). I understand that I have the right to:

- Review information provided by current/previous employers;
- Have errors in the information corrected by previous employers and for those previous employers to re-send the corrected information to the prospective employer; and
- Have a rebuttal statement attached to the alleged erroneous information, if the previous employer(s) and I cannot agree on the accuracy of the information."

DATE

APPLICANT'S SIGNATURE

This certifies that I completed this application, and that all entries on it and information in it are true and complete to the best of my knowledge.

DATE

APPLICANT'S SIGNATURE

Note: A motor carrier may require an applicant to provide information in addition to the information required by the Federal Motor Carrier Safety Regulations.

SAFETY PERFORMANCE HISTORY RECORDS REQUEST

PART 1:	TO BE COMPLETED BY PROSPECTIVE EMPLOYEE
<p>I, (Print Name) _____</p> <p style="text-align: center;">First M.I. Last Social Security Number</p> <p>Hereby authorize: _____</p> <p style="text-align: right;">Date of Birth _____</p> <p>Previous Employer: _____ Email: _____</p> <p>Street: _____ Telephone: _____</p> <p>City, State, Zip: _____ Fax No.: _____</p> <p>To release and forward the information requested by section 3 of this document concerning my Alcohol and Controlled Substances Testing records within the previous 3 years from _____.</p> <p style="text-align: center;">(employment application date)</p> <p>To: Prospective Employer: _____</p> <p style="padding-left: 100px;">Attention: _____ Telephone: _____</p> <p style="padding-left: 100px;">Street: _____</p> <p style="padding-left: 100px;">City, State, Zip: _____</p> <p>In compliance with §40.25(g) and 391.23(h), release of this information must be made in a written form that ensures confidentiality, such as fax, email, or letter.</p> <p>Prospective employer's fax number: _____</p> <p>Prospective employer's email address: _____</p> <p>_____</p> <p style="text-align: center;">Applicant's Signature Date</p> <p>This information is being requested in compliance with §40.25(g) and 391.23.</p>	

PART 2:	TO BE COMPLETED BY PREVIOUS EMPLOYER																								
ACCIDENT HISTORY																									
<p>The applicant named above was employed by us. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Employed as _____ from (m/y) _____ to (m/y) _____</p> <p>1. Did he/she drive motor vehicle for you? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what type? Straight Truck <input type="checkbox"/> Tractor-Semitrailer <input type="checkbox"/> Bus <input type="checkbox"/> Cargo Tank <input type="checkbox"/> Doubles/Triples <input type="checkbox"/> Other (Specify) _____</p> <p>2. Reason for leaving your employ: Discharged <input type="checkbox"/> Resignation <input type="checkbox"/> Lay Off <input type="checkbox"/> Military Duty <input type="checkbox"/></p> <p>If there is no safety performance history to report, check here <input type="checkbox"/>, sign below and return.</p> <p>ACCIDENTS: Complete the following for any accidents included on your accident register (§390.15(b)) that involved the applicant in the 3 years prior to the application date shown above, or check <input type="checkbox"/> here if there is no accident register data for this driver.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%;">Date</th> <th style="width: 20%;">Location</th> <th style="width: 15%;"># Injuries</th> <th style="width: 15%;"># Fatalities</th> <th style="width: 15%;">Hazmat Spill</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>2.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>3.</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p>Please provide information concerning any other accidents involving the applicant that were reported to government agencies or insurers or retained under internal company policies: _____</p> <p>_____</p> <p>Any other remarks: _____</p> <p>_____</p> <p>_____</p> <p style="text-align: right;">Signature: _____</p> <p style="text-align: right;">Title: _____ Date: _____</p>			Date	Location	# Injuries	# Fatalities	Hazmat Spill	1.	_____	_____	_____	_____	_____	2.	_____	_____	_____	_____	_____	3.	_____	_____	_____	_____	_____
	Date	Location	# Injuries	# Fatalities	Hazmat Spill																				
1.	_____	_____	_____	_____	_____																				
2.	_____	_____	_____	_____	_____																				
3.	_____	_____	_____	_____	_____																				

PREVIOUS EMPLOYER – COMPLETE PAGE 2 PART 3

PART 3:	TO BE COMPLETED BY PREVIOUS EMPLOYER
DRUG AND ALCOHOL HISTORY	
<p>If driver was not subject to Department of Transportation testing requirements while employed by this employer, please check here <input type="checkbox"/>, fill in the dates of employment from _____ to _____, complete bottom of Part 3, sign, and return.</p> <p>Driver was subject to Department of Transportation testing requirements from _____ to _____.</p> <ol style="list-style-type: none"> 1. Has this person had an alcohol test with the result of 0.04 or higher alcohol concentration? YES <input type="checkbox"/> NO <input type="checkbox"/> 2. Has this person tested positive or adulterated or substituted a test specimen for controlled substances? YES <input type="checkbox"/> NO <input type="checkbox"/> 3. Has this person refused to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test? YES <input type="checkbox"/> NO <input type="checkbox"/> 4. Has this person committed other violations of Subpart B of Part 382, or Part 40? YES <input type="checkbox"/> NO <input type="checkbox"/> 5. If this person has violated a DOT drug and alcohol regulation, did this person complete a SAP-prescribed rehabilitation program in your employ, including return-to-duty and follow-up tests? If yes, please send documentation back with this form. YES <input type="checkbox"/> NO <input type="checkbox"/> 6. For a driver who successfully completed a SAP's rehabilitation referral and remained in your employ, did this driver subsequently have an alcohol test result of 0.04 or greater, a verified positive drug test, or refuse to be tested? YES <input type="checkbox"/> NO <input type="checkbox"/> <p>In answering these questions, include any required DOT drug or alcohol testing information obtained from prior previous employers in the previous 3 years prior to the application date shown on page 1.</p> <p>Name: _____</p> <p>Company: _____</p> <p>Street: _____</p> <p>City, State, Zip: _____ Telephone: _____</p> <p>Part 3 Completed by (Signature): _____ Date: _____</p>	

PART 4a:	TO BE COMPLETED BY PROSPECTIVE EMPLOYER
<p>This form was (check one) <input type="checkbox"/> Faxed to previous employer <input type="checkbox"/> Mailed <input type="checkbox"/> Emailed <input type="checkbox"/> Other _____</p> <p>By: _____ Date: _____</p>	

PART 4b:	TO BE COMPLETED BY PROSPECTIVE EMPLOYER
<p>Complete below when information is obtained.</p> <p>Information received from: _____</p> <p>Recorded by: _____ Method: <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Telephone</p> <p>Date: _____ <input type="checkbox"/> Other _____</p>	

INSTRUCTIONS TO COMPLETE THE SAFETY PERFORMANCE HISTORY RECORDS REQUEST

<p>PAGE 1 PART 1: Prospective Employee</p> <ul style="list-style-type: none"> Complete the information required in this section Sign and date Submit to the Prospective Employer <p>PAGE 2 PART 4a: Prospective Employer</p> <ul style="list-style-type: none"> Complete the information Send to Previous Employer <p>PAGE 1 PART 2: Previous Employer</p> <ul style="list-style-type: none"> Complete the information required in this section Sign and date Turn form over to complete SIDE 2 SECTION 3 	<p>PAGE 2 PART 3: Previous Employer</p> <ul style="list-style-type: none"> Complete the information required in this section Sign and date Return to Prospective Employer <p>PAGE 2 PART 4b: Prospective Employer</p> <ul style="list-style-type: none"> Record receipt of the information Retain the form
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RECORDS REQUEST FOR DRIVER/APPLICANT SAFETY PERFORMANCE HISTORY

This request is made by the driver/applicant in compliance with the Department of Transportation regulations.

§391.23(i)(2) Drivers who have previous Department of Transportation regulated employment history in the preceding three years, and wish to review previous employer-provided investigative information must submit a written request to the prospective employer, which may be done at any time, including when applying, or as late as thirty (30) days after being employed or being notified of denial of employment. The prospective employer must provide this information to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business-days deadline will begin when the prospective employer receives the requested safety-performance history information. If the driver has not arranged to pick up or receive the requested records within thirty (30) days of the prospective employer making them available, the prospective motor carrier may consider the driver to have waived his/her request to review the records.

PART 1:	COMPLETED BY THE DRIVER/APPLICANT
TO:	Prospective Employer: _____ Street/P.O. Box: _____ City, State, Zip: _____ Telephone # _____
FROM:	Driver/Applicant: _____ Social Security/I.D. # _____ Street: _____ City, State, Zip: _____ Telephone # _____
I am submitting this written request to obtain copies of my Department of Transportation Safety Performance History for the preceding three years. I understand, for records requested from a prospective employer, that I must arrange to pick up or receive the requested records within thirty (30) days of the records being made available or I have waived my request to review the records.	
This information should be: <input type="checkbox"/> sent to me at the above address. <input type="checkbox"/> I will arrange to pick up.	
Driver/Applicant Signature: _____ Date: _____ / _____ / _____ <div style="text-align: right; margin-right: 100px;">M D Y</div>	

PART 2:	COMPLETED BY THE PROSPECTIVE EMPLOYER
The information must be provided to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business-days deadline will begin when the prospective employer receives the requested safety performance history information.	
Information supplied to:	
Name: _____	
Street: _____	
City, State, Zip: _____	
Comments: _____	
By:	
_____ Signature/person providing information	_____ Release Date: _____ / _____ / _____ <div style="text-align: right; margin-right: 100px;">M D Y</div>
_____ Telephone #	

COPY 1 PROSPECTIVE EMPLOYER

SAFETY PERFORMANCE HISTORY INFORMATION DRIVER/APPLICANT REBUTTAL

This rebuttal is made by the driver/applicant in compliance with the Department of Transportation regulations.

§391.23(j)(3) Drivers wishing to rebut information in records received pursuant to paragraph (i) of this section must send the rebuttal to the previous employer with instructions to include the rebuttal in that driver's safety performance history.

§391.23(j)(4) After October 29, 2004, within five business days of receiving a rebuttal from a driver, the previous employer must:

- (i) Forward a copy of the rebuttal to the prospective motor carrier employer;
- (ii) Append the rebuttal to the driver's information in the carrier's appropriate file, to be included as part of the response for any subsequent investigating prospective employers for the duration of the three-year data retention requirements.

[illegible]

PART 2:	COMPLETED BY THE PREVIOUS EMPLOYER
Received by:	
Signature: _____ Date: ____ / ____ / ____ M D Y	

COPY 1 PREVIOUS EMPLOYER

**CORRECTION REQUEST
OF
ERRONEOUS SAFETY PERFORMANCE HISTORY INFORMATION**

This request is made by the driver/applicant in compliance with the Department of Transportation regulations, §391.23, investigations and inquiries, paragraphs (j)(1) and (2) as printed below.

§391.23(j)(1) Driver wishing to request correction of erroneous information in records received pursuant to paragraph (i) of this section must send the request for the correction to the previous employer that provided the records to the prospective employer.

§391.23(j)(2) After October 29, 2004, the previous employer must either correct and forward the information to the prospective motor carrier employer, or notify the driver within 15 days of receiving a driver's request to correct the data that it does not agree to correct the data. If the previous employer corrects and forwards the data as requested, that employer must also retain the corrected information as part of the driver's safety performance history record and provide it to subsequent prospective employers when requests for this information are received. If the previous employer corrects the data and forwards it to the prospective motor carrier employer, there is no need to notify the driver.

PART 1:	COMPLETED BY THE DRIVER/APPLICANT
TO:	Prospective Employer: _____ Street/P.O. Box: _____ City, State, Zip: _____ Telephone # _____
FROM:	Driver/Applicant: _____ Social Security/I.D. # _____ Street: _____ City, State, Zip: _____ Telephone # _____
I request correction of erroneous information in my Safety Performance History. Please forward to the following prospective employer: Company Name: _____ Attention: _____ Street: _____ City, State, Zip: _____	
Explanation of desired correction (attach documents as necessary) _____ _____ _____	
Driver/Applicant Signature: _____ Date: ____/____/____ M D Y	
Driver: Retain COPY 4 DRIVER RECORD for your files, Submit copies 1, 2, and 3 to your previous employer.	

PART 2:	COMPLETED BY THE PREVIOUS EMPLOYER
Disposition of the requested information: <input type="checkbox"/> Information was corrected and forwarded to the prospective motor carrier employer. <input type="checkbox"/> The driver was notified on ____/____/____ that the previous employer does not agree to correct the data. Return copy 3 to the driver.	
Information sent to: Company Name: _____ Attention: _____ Street: _____ City, State, Zip: _____	
Comments: _____ _____ _____	
By: _____ Release Date: ____/____/____ Signature/person providing information Telephone # M D Y	

PART 3:	COMPLETED BY THE PROSPECTIVE MOTOR CARRIER EMPLOYER
The corrected information was received on ____/____/____	
Prospective Employer: _____ Location: _____	
Received by: _____ Signature Title	

COPY 1 PROSPECTIVE EMPLOYER

Inquiry To State Agency For Driver's Record

391.23

Requests to Missouri:

Department of Revenue
Customer Service Division
P.O. Box 2167
Jefferson City, MO 65105-2167
Phone: 573-751-4300
Fax: 573-526-7367

Express Mail to:

Department of Revenue
Motor Vehicle Bureau
301 West High Street
Harry S. Truman State Office Bldg.
Room 470
Jefferson City, MO 65101

Records available through regular mail,
express mail, via fax request and e-mail
at dlrecords@dor.mo.gov.

Fees and methods of payment available at the
above contact information.

(*) Additional processing fee may be required

(*) Fax fee for transmitting a Driving Record

*Note: If personal information is required,
Document must be notarized.

Driver's Name

Date of Birth

Driver's Operator's Lic. No.

Driver's Social Sec. No.

Dear Sir or Madam:

The above listed individual has made application with us for employment as a driver. He/she has indicated that the above operator's license or permit has been issued by your state to him/her and that it is in good standing.

In accordance with Section 391.23(a)(1) and (b) of the Federal Motor Carrier Safety Regulations we are required to make inquiry into the driving record during the preceding three years of every state in which an applicant-driver has held a motor vehicle operator's license or permit during those three years.

Therefore, please certify to us what the individual's driving record is for the preceding three years, or certify that no driving record exists if that is the case.

In the event that this inquiry does not satisfy your requirements for making such inquiries, please send us such forms of yours as are necessary for us to complete our inquiry into the driving record of this individual.

Respectfully yours,

Signature of person making inquiry

Street

(Printed) Name of person making inquiry

City

Title of person making inquiry

State

Zip

Motor Carrier Name

Violation And Review Record

Driver's Name - please print or type

I. Certification Of Violations

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months.

Date	Offense	Location	Vehicle Type Operated
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

_____	_____
Date of Certification	Driver's Signature
_____	_____
Motor Carrier's Name	Motor Carrier's Address
_____	_____
Reviewer's Signature	Reviewer's Signature

II. Review And Evaluation Of Driver's Record

In accordance with Section 391.25, Motor Carrier Safety Regulations, all information pertinent to the above driver's safety of operations, including the list of violations furnished by him in accordance with Section 391.27, has been reviewed for the past 12 months.

Action taken:

_____	_____
Motor Carrier's Name	Motor Carrier's Address
_____	_____
Reviewer's Signature	Title
	Date

Medical Examination Report FOR COMMERCIAL DRIVER FITNESS DETERMINATION

649-F (6045)

1. DRIVER'S INFORMATION

Driver completes this section

Driver's Name (Last, First, Middle)	Social Security No.	Birthdate M / D / Y	Age	Sex <input type="checkbox"/> M <input type="checkbox"/> F	New Certification <input type="checkbox"/> Recertification <input type="checkbox"/> Follow-up <input type="checkbox"/>	Date of Exam
Address	City, State, Zip Code	Work Tel: () Home Tel: ()	Driver License No.	License Class <input type="checkbox"/> A <input type="checkbox"/> C <input type="checkbox"/> B <input type="checkbox"/> D <input type="checkbox"/> Other		State of Issue

2. HEALTH HISTORY

Driver completes this section, but medical examiner is encouraged to discuss with driver.

Yes No	Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/> Any illness or injury in the last 5 years?	<input type="checkbox"/> <input type="checkbox"/> Lung disease, emphysema, asthma, chronic bronchitis	<input type="checkbox"/> <input type="checkbox"/> Fainting, dizziness
<input type="checkbox"/> <input type="checkbox"/> Head/Brain injuries, disorders or illnesses	<input type="checkbox"/> <input type="checkbox"/> Kidney disease, dialysis	<input type="checkbox"/> <input type="checkbox"/> Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring
<input type="checkbox"/> <input type="checkbox"/> Seizures, epilepsy <input type="checkbox"/> medication _____	<input type="checkbox"/> <input type="checkbox"/> Liver disease	
<input type="checkbox"/> <input type="checkbox"/> Eye disorders or impaired vision (except corrective lenses)	<input type="checkbox"/> <input type="checkbox"/> Digestive problems	<input type="checkbox"/> <input type="checkbox"/> Stroke or paralysis
<input type="checkbox"/> <input type="checkbox"/> Ear disorders, loss of hearing or balance	<input type="checkbox"/> <input type="checkbox"/> Diabetes or elevated blood sugar controlled by: <input type="checkbox"/> diet <input type="checkbox"/> pills <input type="checkbox"/> insulin	<input type="checkbox"/> <input type="checkbox"/> Missing or impaired hand, arm, foot, leg, finger, toe
<input type="checkbox"/> <input type="checkbox"/> Heart disease or heart attack; other cardiovascular condition <input type="checkbox"/> medication _____	<input type="checkbox"/> <input type="checkbox"/> Nervous or psychiatric disorders, e.g., severe depression <input type="checkbox"/> medication _____	<input type="checkbox"/> <input type="checkbox"/> Spinal injury or disease
<input type="checkbox"/> <input type="checkbox"/> Heart surgery (valve replacement/bypass, angioplasty, pacemaker) <input type="checkbox"/> medication _____	<input type="checkbox"/> <input type="checkbox"/> Loss of, or altered consciousness	<input type="checkbox"/> <input type="checkbox"/> Chronic low back pain
<input type="checkbox"/> <input type="checkbox"/> High blood pressure		<input type="checkbox"/> <input type="checkbox"/> Regular, frequent alcohol use
<input type="checkbox"/> <input type="checkbox"/> Muscular disease		<input type="checkbox"/> <input type="checkbox"/> Narcotic or habit forming drug use
<input type="checkbox"/> <input type="checkbox"/> Shortness of breath		

For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter medications) used regularly or recently.

I certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate.

Driver's Signature _____ Date _____

Medical Examiner's Comments on Health History (The medical examiner must review and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below.)

3.

VISION

Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

INSTRUCTIONS: When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a ratio with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the driver habitually wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obvious. **Monocular drivers are not qualified.**

Numerical readings must be provided.

ACUITY	UNCORRECTED	CORRECTED	HORIZONTAL FIELD OF VISION
Right Eye	20/	20/	Right Eye <input type="radio"/>
Left Eye	20/	20/	Left Eye <input type="radio"/>
Both Eyes	20/	20/	

Applicant can recognize and distinguish among traffic control signals and devices showing standard red, green, and amber colors ?

☐ Yes
 ☐ No

Applicant meets visual acuity requirement only when wearing:

☐ Corrective Lenses

Monocular Vision:

☐ Yes

☐ No

Complete next line only if vision testing is done by an ophthalmologist or optometrist

Date of Examination

Name of Ophthalmologist or Optometrist (print)

Tel. No.

License No./ State of Issue

Signature

4.

HEARING

Standard: a) Must first perceive forced whispered voice ≥ 5 ft., with or without hearing aid, or b) average hearing loss in better ear ≤ 40 dB
☐ Check if hearing aid used for tests. ☐ Check if hearing aid required to meet standard.

INSTRUCTIONS: To convert audiometric test results from ISO to ANSI, -14 dB from ISO for 500Hz, -10dB for 1,000 Hz, -8.5 dB for 2000 Hz. To average, add the readings for 3 frequencies tested and divide by 3.

Numerical readings must be recorded.

a) Record distance from individual at which forced whispered voice can first be heard.

Right ear

\ Feet

Left Ear

\ Feet

b) If audiometer is used, record hearing loss in decibels. (acc. to ANSI Z24.5-1951)

Right Ear			Left Ear		
500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
Average:			Average:		

5.

BLOOD PRESSURE/ PULSE RATE

Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

Blood Pressure

Systolic

Diastolic

Driver qualified if ≤140/90.

Pulse Rate:

☐ Regular

☐ Irregular

Record Pulse Rate: _____

Reading	Category	Expiration Date	Recertification
140-159/90-99	Stage 1	1 year	1 year if ≤140/90. One-time certificate for 3 months if 141-159/91-99.
160-179/100-109	Stage 2	One-time certificate for 3 months.	1 year from date of exam if ≤140/90
≥180/110	Stage 3	6 months from date of exam if ≤140/90	6 months if ≤ 140/90

6.

LABORATORY AND OTHER TEST FINDINGS

Numerical readings must be recorded.

URINE SPECIMEN	SP. GR.	PROTEIN	BLOOD	SUGAR
----------------	---------	---------	-------	-------

Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.
 Other Testing (Describe and record) _____

7. PHYSICAL EXAMINATION

Height: _____ (in.) Weight: _____ (lbs.)

Name: Last,

First,

Middle,

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen or is readily amenable to treatment. Even if a condition does not disqualify a driver, the medical examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible particularly if the condition, if neglected, could result in more serious illness that might affect driving.

Check YES if there are any abnormalities. Check NO if the body system is normal. Discuss any YES answers in detail in the space below, and indicate whether it would affect the driver's ability to operate a commercial motor vehicle safely. Enter applicable item number before each comment. If organic disease is present, note that it has been compensated for. See *Instructions to the Medical Examiner* for guidance.

BODY SYSTEM	CHECK FOR:	YES*	NO	BODY SYSTEM	CHECK FOR:	YES*	NO
1. General Appearance	Marked overweight, tremor, signs of alcoholism, problem drinking, or drug abuse.			7. Abdomen and Viscera	Enlarged liver, enlarged spleen, masses, bruits, hernia, significant abdominal wall muscle weakness.		
2. Eyes	Pupillary equality, reaction to light, accommodation, ocular motility, ocular muscle imbalance, extraocular movement, nystagmus, exophthalmos. Ask about retinopathy, cataracts, aphakia, glaucoma, macular degeneration and refer to a specialist if appropriate.			8. Vascular System	Abnormal pulse and amplitude, carotid or arterial bruits, varicose veins.		
3. Ears	Scarring of tympanic membrane, occlusion of external canal, perforated eardrums.			9. Genito-urinary System	Hernias.		
4. Mouth and Throat	Irremediable deformities likely to interfere with breathing or swallowing.			10. Extremities- Limb impaired. Driver may be subject to SPE certificate if otherwise qualified.	Loss or impairment of leg, foot, toe, arm, hand, finger, Perceptible limp, deformities, atrophy, weakness, paralysis, clubbing, edema, hypotonia. Insufficient grasp and prehension in upper limb to maintain steering wheel grip. Insufficient mobility and strength in lower limb to operate pedals properly.		
5. Heart	Murmurs, extra sounds, enlarged heart, pacemaker, implantable defibrillator.			11. Spine, other musculoskeletal	Previous surgery, deformities, limitation of motion, tenderness.		
6. Lungs and chest, not including breast examination	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alveolar rales, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/ or xray of chest.			12. Neurological	Impaired equilibrium, coordination or speech pattern; asymmetric deep tendon reflexes, sensory or positional abnormalities, abnormal patellar and Babinski's reflexes, ataxia.		

***COMMENTS:** _____

Note certification status here. See *Instructions to the Medical Examiner* for guidance.

- ☐ Meets standards in 49 CFR 391.41; qualifies for 2 year certificate
- ☐ Does not meet standards
- ☐ Meets standards, but periodic monitoring required due to _____
- Driver qualified only for: ☐ 3 months ☐ 6 months ☐ 1 year ☐ Other

Temporarily disqualified due to (condition or medication): _____

Return to medical examiner's office for follow up on _____

- ☐ Wearing corrective lense
- ☐ Wearing hearing aid
- ☐ Accompanied by a _____ waiver/ exemption. Driver must present exemption at time of certification.
- ☐ Skill Performance Evaluation (SPE) Certificate
- ☐ Driving within an exempt intracity zone (See 49 CFR 391.62)
- ☐ Qualified by operation of 49 CFR 391.64

Medical Examiner's signature _____

Medical Examiner's name _____

Address _____

Telephone Number _____

If meets standards, complete a Medical Examiner's Certificate as stated in 49 CFR 391.43(h). (Driver must carry certificate when operating a commercial vehicle.)

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined _____ in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when:

- | | |
|--|--|
| <input type="checkbox"/> wearing corrective lenses | <input type="checkbox"/> driving within an exempt intracity zone (49 CFR 391.62) |
| <input type="checkbox"/> wearing hearing aid | <input type="checkbox"/> accompanied by a Skill Performance Evaluation Certificate (SPE) |
| <input type="checkbox"/> accompanied by a _____ waiver/exemption | <input type="checkbox"/> qualified by operation of 49 CFR 391.64 |

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER		TELEPHONE		DATE	
MEDICAL EXAMINER'S NAME (PRINT)		<input type="checkbox"/> MD <input type="checkbox"/> DO <input type="checkbox"/> Physician Assistant			
		<input type="checkbox"/> Chiropractor <input type="checkbox"/> Advanced Practice Nurse <input type="checkbox"/> Other Practitioner			
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO./ISSUING STATE		NATIONAL REGISTRY NO.			
SIGNATURE OF DRIVER		INTRASTATE ONLY <input type="checkbox"/> YES <input type="checkbox"/> NO	CDL <input type="checkbox"/> YES <input type="checkbox"/> NO	DRIVER'S LICENSE NO.	STATE
ADDRESS OF DRIVER					
MEDICAL CERTIFICATION EXPIRATION DATE					

DRIVER INVESTIGATION HISTORY FILE

DRIVER INVESTIGATION HISTORY FILE- PART 391

Missouri Exemption

307.400 (7) Parts 390 through 397, Title 49 Code of Federal Regulations shall not apply to commercial motor vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight rating or gross combination weight rating of twenty- six thousand pounds or less. This exception does not apply to vehicles transporting hazardous materials.

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.

- (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.
 - (2) This data must only be for the hiring decision.
- (b) This file must include:
 - (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).
 - (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 record 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.

SUMMARY

Driver history file must have a copy of: Driver's written authorization

Response received for investigations

Safety performance histories received

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

ALCOHOL AND CONTROLLED SUBSTANCE TESTING-PART 382

APPLICABILITY-382.103

This part applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any state, and is subject to the commercial driver's license requirements of part 383.

TESTING PROCEDURES-382.105

Each employer shall ensure that all alcohol or controlled substances testing conducted complies with the procedures in Part 40.

IMPLEMENTATION-382.115

The alcohol and controlled substance testing regulations must be implemented for all employers of commercial motor vehicle operators.

Alcohol and Controlled Substance testing is required for:

Pre-Employment-382.301: Prior to the first time a driver performs safety-sensitive functions, the driver shall be tested for controlled substances.

Post Accident-382.303

Drivers must be tested for alcohol if:

1. The accident involved the loss of human life.
2. The driver receives a citation within eight (8) hours of the occurrence for a moving traffic violation if the accident involved:
 - a. Bodily injury to any person who immediately receives medical treatment away from the scene of the accident.
 - b. One or more of the vehicles must be towed or transported away from the scene.

Alcohol testing should be completed within two hours following the accident. If the test has not been completed within two hours, the employer shall prepare and maintain on file a record stating the reason the test was not promptly administered. If the test is not administered within eight (8) hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

Drivers must be tested for controlled substance if:

1. The accident involved the loss of human life.
2. The driver receives a citation within 32 hours of the occurrence for a moving traffic violation if the accident involved:
 - a. Bodily injury to any person who immediately receives medical treatment away from the scene of the accident.
 - b. One or more motor vehicles must be towed or transported away from the scene.

If a controlled substance test is not administered within 32 hours following the accident, the employer shall cease attempts to administer the test. If the test is not administered within 32 hours, the employer shall prepare and maintain on file a record stating the reasons why the test was not administered.

Random Testing- 382.305

Cooperatives must give random drug and alcohol tests. The percentage of drivers to be tested shall be in compliance with the current percentage specified in 382.305.

Use the following criteria when testing drivers:

1. Method used to select drivers for random controlled substance and alcohol shall be made by a scientifically valid method such as a random number table or a computer-based random number generation.
2. All drivers shall be eligible to be tested during each selection period.
3. Each driver selected for testing shall be tested during the selection period.
4. Covered employees and only covered employees, are to be in an employer's random testing pool, and all covered drivers must be in the random pool.
5. Tests must be spread reasonably throughout the calendar year.
6. Tests are to be unannounced and the driver is to be tested immediately upon notification.

Reasonable Suspicion Testing- 382.307

Testing is required when reasonable suspicion exists that a driver has violated prohibitions against controlled substance and alcohol use. The required observations for alcohol or controlled substance reasonable suspicion testing shall be made by a company official who is trained in accordance with 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

Alcohol testing should be completed within two hours following observation. If the test has not been completed within two hours, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If the test is not administered within eight hours following an observation, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

Return-to-Duty Testing- 382.309 & Part 40, Subpart O

Any driver who tests positive for any type of test must be evaluated by a substance abuse professional (SAP).

The SAP will make recommendations for education and/or treatment with which the employee must demonstrate successful compliance prior to returning to a DOT safety-sensitive duty. After the employee completes the education and/or treatment program they must re-evaluate the employee to determine if the employee has successfully carried out the recommendations. Before an employee can return to safety-sensitive duty, they must take a return to duty test. The employee must have a negative drug test and/or an alcohol test with an alcohol concentration of less than 0.02.

Follow Up Testing- 382.311 and Part 40, Subpart O

The follow-up testing plan must be in writing and written by a substance abuse professional (SAP). The SAP will determine the number and frequency of follow-up tests and whether these tests will be for drugs, alcohol or both. At a minimum the employee must have six unannounced tests in the first 12 months of safety-sensitive duty following the employee's return to safety-sensitive functions.

Positive Results: Employee cannot be used in safety sensitive positions.

BAC: .02 to .0399 cannot perform safety sensitive function for 24 hours. No more testing required-**382.505**.

BAC: .04 and above requires referral to SAP and Return-to-duty testing-Subpart O, 40.285.

BAC: SAP will determine number of test. Must be minimum of six in 12 months.

Record Retention – 382.401

- (a) **General requirement.** Each employer shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.
- (b) **Period of retention.** Each employer shall maintain the records in accordance with the following schedule:
 - (1) **Five years.** The following records shall be maintained for a minimum of five years:
 - (i) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
 - (ii) Records of driver verified positive controlled substances test results,
 - (iii) Documentation of refusals to take required alcohol and/or controlled substance tests,
 - (iv) Driver evaluation and referrals,
 - (v) Calibration documentation,
 - (vi) Records related to the administration of the alcohol and controlled substances testing programs, and
 - (vii) A copy of each annual calendar year summary required by 382.403.
 - 2) **Two years.** Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).
 - (3) **One year:** Records of negative and canceled controlled substances test (as defined in part 40 of this title) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

Prior Employer Checks- 382.413

All employers must check previous employers for past two years and keep a record of positive along with SAP Evaluation. Prior employer must report to new employer.

Employee Training, Information and Referral- 382.601:

- a. Cooperatives must have written policy on misuse of alcohol and use of controlled substances. Policy must be given to employees.
- b. (1) The cooperative shall provide educational materials that explain the requirements of 382.601 and the employers policies and procedures with respect to meeting these requirements.
(2) The cooperative shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing and to each driver hired or transferred into a position requiring driving a commercial motor vehicle.
(3) Each cooperative shall provide written notice to representatives of employee organizations of the availability of this information.
- c. Each cooperative shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of the materials described in 382.601. The cooperative shall maintain the original of the signed certificate and may provide a copy to the driver.

Training- 382.603:

Supervisors are required to have 60 minutes of alcohol abuse training and 60 minutes of controlled substance abuse training.

Substance Abuse Professional (SAP) Subpart 0,- 40.281:

All drivers who test positive must be evaluated by SAP. Driver may be referred to rehabilitation and follow up testing. The SAP may be employed by the cooperative, contracted by the cooperative, or not affiliated with the cooperative.

DEFINITIONS – 382.107

Refusal to submit (to an alcohol or controlled substances test) means that a driver:

1. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see 40.61(a) of this title);
2. Fail to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see 40.63 (c) of this title) for a pre-employment test is not deemed to have refusal to test;
3. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing process commences (see 40.63(c) of this title) for a pre-employment test is not deemed to have refusal to test;
4. In case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see 0.67(1) and 40.69(g) of this title);
5. Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see 40.193(d)(2) of this title);

6. Fail or declines to take a second test the employer or collector has directed the driver to take;
7. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
8. Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector; behave in a confrontational way that disrupts the collection process); or
9. Is reported by the MRO as having a verified adulterated or substituted test result.

Safety-Sensitive Function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Safety sensitive functions shall include:

1. All time at an employer or hipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
2. All time inspecting equipment as required by 392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

SUMMARY

Cooperatives must complete all required tests.

Cooperatives must have Substance Abuse Professional resource(s) available for each driver who engages in conduct prohibited by this subpart.

Sixty minutes alcohol abuse training and sixty minutes of controlled substance abuse training are required for supervisors. Drivers are required to have educational materials distributed to them.

An annual summary of these results must be kept at the cooperative (see sample).

Note: Cooperatives may utilize the annual summary provided by their testing facility or consortium. However, the cooperative is responsible for the accuracy of the annual summary.

Calendar Year Covered by this Report: _____

OMB No. 2105-0529

I. Employer:

Company Name: _____

Doing Business As (DBA) Name (if applicable): _____

Address: _____ E-mail: _____

Name of Certifying Official: _____ Signature: _____

Telephone: () _____ Date Certified: _____

Prepared by (if different): _____ Telephone: (____) _____

C/TPA Name and Telephone (if applicable): _____ (____)_____

Check the DOT agency for which you are reporting MIS data; and complete the information on that same line as appropriate:

FMCSA – Motor Carrier: DOT #: _____ Owner-operator: (circle one) YES or NO Exempt (Circle One) YES or NO

FAA – Aviation: Certificate # (if applicable): _____ Plan / Registration # (if applicable): _____

____ RSPA – Pipeline: (Check) Gas Gathering__ Gas Transmission__ Gas Distribution__ Transport Hazardous Liquids__ Transport Carbon Dioxide__

FRA – Railroad: Total Number of observed/documentated Part 219 “Rule G” Observations for covered employees: _____

USCG – Maritime: Vessel ID # (USCG- or State-Issued): _____ (If more than one vessel, list separately.)

FTA – Transit

II. Covered Employees: (A) Enter Total Number Safety-Sensitive Employees In All Employee Categories:	
---	--

(B) Enter Total Number of Employee Categories:	
--	--

(C) Employee Category	Total Number of Employees in this Category	If you have multiple employee categories, complete Sections I and II (A) & (B). Take that filled-in form and make one copy for each employee category and complete Sections II (C), III, and IV for each separate employee category.

III. Drug Testing Data:

[illegible]

IV. Alcohol Testing Data:

[illegible]

**U.S. DEPARTMENT OF TRANSPORTATION
DRUG AND ALCOHOL TESTING MIS DATA COLLECTION FORM
INSTRUCTION SHEET**

This Management Information System (MIS) form is made-up of four sections: employer information; covered employees (i.e., employees performing DOT regulated safety-sensitive duties) information; drug testing data; and alcohol testing data. The employer information needs only to be provided once per submission. However, you must submit a separate page of data for each employee category for which you report testing data. If you are preparing reports for more than one DOT agency then you must submit DOT agency-specific forms.

Please type or print entries legibly in black ink.

TIP ~ Read the entire instructions before starting. Please note that USCG-regulated employers do not report alcohol test results on the MIS form.

Calendar Year Covered by this Report: Enter the appropriate year.

Section I. Employer

1. Enter your company's name, to include when applicable, your "doing business as" name; current address, city, state, and zip code; and an e-mail address, if available.
2. Enter the printed name, signature, and complete telephone number of the company official certifying the accuracy of the report and the date that person certified the report as complete.
3. If someone other than the certifying official completed the MIS form, enter that person's name and phone number on the appropriate lines provided.
4. If a Consortium/Third Party Administrator (C/TPA) performs administrative services for your drug and alcohol program operation, enter its name and phone number on the appropriate lines provided.
5. DOT Agency Information: Check the box next to the DOT agency for which you are completing this MIS form. Again, if you are submitting to multiple DOT agencies, you must use separate forms for each DOT agency.
 - a. If you are completing the form for FMCSA, enter your FMCSA DOT Number, as appropriate. In addition, you must indicate whether you are an owner-operator (i.e., an employer who employs only himself or herself as a driver) and whether you are exempt from providing MIS data. Exemptions are noted in the FMCSA regulation at 382.103(d).
 - b. If you are completing the form for FAA, enter your FAA Certificate Number and FAA Antidrug Plan / Registration Number, when applicable.
 - c. If you are completing the form for RSPA, check the additional box(s) indicating your type of operation.
 - d. If you are completing the form for FRA, enter the number of observed/documented Part 219 "Rule G" Observations for covered employees.
 - e. If you are submitting the form for USCG, enter the vessel ID number. If there is more than one number, enter the numbers separately.

Section II. Covered Employees

1. In Box II-A, enter the total number of covered employees (i.e., employees performing DOT regulated safety-sensitive duties) who work for your company. Then enter, in Box II-B, the total number of employee categories that number represents. If you have employees, some of whom perform duties under one DOT agency and others of whom perform duties under another DOT agency, enter only the number of those employees performing duties under the DOT agency for whom you are submitting the form. If you have covered employees who perform multi-DOT agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for you), count the employee only on the MIS report for the DOT agency regulating more than 50 percent of that employee's safety sensitive function.

Example: If you are submitting the information for the FRA and you have 2000 covered employees performing duties in all FRA-covered service categories – you would enter “2000” in the first box (II-A) and “5” in the second box (II-B), because FRA has five safety-sensitive employee categories and you have employees in all of these groups. If you have 1000 employees performing safety-sensitive duties in three FRA-covered service categories (e.g., engine service, train service, and dispatcher/operation), you would enter “1000” in the first box (II-A) and “3” in the second box (II-B).]

TIP ~ To calculate the total number of covered employees, add the total number of covered employees eligible for testing during each random testing selection period for the year and divide that total by the number of random testing periods. (However, no company will need to factor the average number of employees more often than once per month). For instance, a company conducting random testing quarterly needs to add the total of covered employees they had in the random pool when each selection was made; then divide this number by 4 to obtain the yearly average number of covered employees. It is extremely important that you place all eligible employees into these random pools. [As an example, if Company A had 1500 employees in the first quarter random pool, 2250 in the second quarter, 2750 in the third quarter; and 1500 in the fourth quarter; $1500 + 2250 + 2750 + 1500 = 8000$; $8000 / 4 = 2000$; the total number of covered employees for the year would be reported as, “2000”.

If you conduct random selections more often than once per month (e.g., you select daily, weekly, bi-weekly), you do not need to compute this total number of covered employees rate more than on a once per month basis. Therefore, employers need not compute the covered employees rate more than 12 times per year.]

2. If you are reporting multiple employee categories, enter the specific employee category in box II-C; and provide the number of employees performing safety-sensitive duties in that specific category.

Example: You are submitting data to the FTA and you have 2000 covered employees. You have 1750 personnel performing revenue vehicle operation and the remaining 250 are performing revenue vehicle and equipment maintenance. When you provide vehicle operation information, you would enter “Revenue Vehicle Operation” in the first II-C box and “1750” in the second II-C box. When you provide data on the maintenance personnel, you would enter “Revenue Vehicle and Equipment Maintenance” in the first II-C box and “250” in the second II-C box.]

TIP ~ A separate form for each employee category must be submitted. You may do this by filling out a single MIS form through Section II-B and then make one copy for each additional employee category you are reporting. [For instance, if you are submitting the MIS form for the FMCSA, you need only submit one form for all FMCSA covered employees working for you – your only category of employees is “driver.” If you are reporting testing data to the FAA and you employ only flight crewmembers, flight attendants, and aircraft maintenance workers, you need to complete one form each for category – three forms in all. If you are reporting to FAA and have all FAA categories of covered employees, you must submit eight forms.]

Here is a full listing of covered-employee categories:

FMCSA (one category): Driver

FAA (eight categories): Flight Crewmember; Flight Attendant; Flight Instructor; Aircraft Dispatcher; Aircraft Maintenance; Ground Security Coordinator; Aviation Screener; Air Traffic Controller

RSPA (one category): Operation/Maintenance/Emergency Response

FRA (five categories): Engine Service; Train Service; Dispatcher/Operation; Signal Service; Other [Includes yardmasters, hostlers (non-engineer craft), bridge tenders; switch tenders, and other miscellaneous employees performing 49 CFR 228.5 (c) defined covered service.]

USCG (one category): Crewmember

FTA (five categories): Revenue Vehicle Operation; Revenue Vehicle and Equipment Maintenance; Revenue Vehicle Control/Dispatch; CDL/Non-Revenue Vehicle; Armed Security Personnel

Section III. Drug Testing Data

This section summarizes the drug testing results for all covered employees (to include applicants). The table in this section requires drug test data by test type and by result. The categories of test types are: Pre-Employment; Random; Post-Accident; Reasonable Suspicion / Reasonable Cause; Return-to-Duty, and Follow-Up. The categories of type of results are: Total Number of Test Results [excluding cancelled tests and blind specimens]; Verified Negative; Verified Positive; Positive for Marijuana; Positive for Cocaine; Positive for PCP; Positive for Opiates; Positive for Amphetamines; Refusals due to Adulterated, Substituted, "Shy Bladder" with No Medical Explanation, and Other Refusals to Submit to Testing; and Cancelled Results.

TIP ~ Do not enter data on blind specimens submitted to laboratories. Be sure to enter all pre-employment testing data regardless of whether an applicant was hired or not. You do not need to separate reasonable suspicion and reasonable cause drug testing data on the MIS form. [Therefore, if you conducted only reasonable suspicion drug testing (i.e., FMCSA and FTA), enter that data; if you conducted only reasonable cause drug testing (i.e., FAA, RSPA, and USCG); or if you conducted both under FRA drug testing rules, simply enter the data with no differentiation.] For USCG, enter any "Serious Marine Incident" testing in the Post-Accident row. For FRA, do not enter post accident data (the FRA does not collect this data on the MIS form). Finally, you may leave blank any row or column in which there were no results, or you may enter "0" (zero) instead. Please note that cancelled tests are not included in the "total number of test results" column.

Section III, Column 1. Total Number of Test Results ~ This column requires a count of the total number of test results in each testing category during the entire reporting year. Count the number of test results as the number of testing events resulting in negative, positive, and refusal results. Do not count cancelled tests and blind specimens in this total.

Example: A company that conducted fifty pre-employment tests would enter "50" on the Pre-Employment row. If it conducted one hundred random tests, "100" would be entered on the Random row. If that company did no post-accident, reasonable suspicion, reasonable cause, return-to-duty, or follow-up tests, those categories will be left blank or zeros entered.]

Section III, Column 2. Verified Negative Results ~ This column requires a count of the number of tests in each testing category that the Medical Review Officer (MRO) reported as negative. Do not count a negative-dilute result if, subsequently, the employee underwent a second collection; the second test is the test of record.

[Example: If forty-seven of the company's fifty pre-employment tests were reported negative, "47" would be entered in Column 2 on the Pre-Employment row. If ninety of the company's one hundred random test results were reported negative, "90" would be entered in Column 2 on the Random row. Because the company did no other testing, those other categories would be left blank or zeros entered.]

Section III, Column 3. Verified Positive Results ~ For One Or More Drugs ~ This column requires a count of the number of tests in each testing category that the MRO reported as positive for one or more drugs. When the MRO reports a test positive for two drugs, it would count as one positive test.

[Example: If one of the fifty pre-employment tests was positive for two drugs, "1" would be entered in Column 3 on the Pre-Employment row. If four of the company's one hundred random test results were reported positive (three for one drug and one for two drugs), "4" would be entered in Column 3 on the Random row.]

■ **Section III, Columns 4 through 8. Positive** (for specific drugs) ~ These columns require entry of the by-drug data for which specimens were reported positive by the MRO.

Example: The pre-employment positive test reported by the MRO was positive for marijuana, “1” would be entered in Column 4 on the Pre-Employment row. If three of the four positive results for random testing were reported by the MRO to be positive for marijuana, “3” would be entered in Column 4 on the Random row. If one of the four positive results for random testing was reported positive for both PCP and opiates, “1” would be entered in Column 6 on the Random row and “1” would be entered in Column 7 of the Random row.]

TIP ~ Column 1 should equal the sum of Columns 2, 3, 9, 10, 11, and 12. Remember you have not counted specimen results that were ultimately cancelled or were from blind specimens. So, Column 1 = Column 2 + Column 3 + Column 9 + Column 10 + Column 11 + Column 12. Certainly, double check your records to determine if your actual results count is reflective of all negative, positive, and refusal counts.

An MRO may report that a specimen is positive for more than one drug. When that happens, to use the company example above (i.e., one random test was positive for both PCP and opiates), the positive results should be recorded in the appropriate columns – PCP and opiates in this case. There is no expectation for Columns 4 through 8 numbers to add up to the numbers in Column 3 when you report multiple positives.

Section III, Columns 9 through 12. Refusal Results ~ The refusal section is divided into four refusal groups – they are: Adulterated; Substituted; “Shy Bladder” ~ With No Medical Explanation; and Other Refusals To Submit to Testing. The MRO reports two of these refusal types – adulterated and substituted specimen results – because of laboratory test findings.

When an individual does not provide enough urine at the collection site, the MRO conducts or causes to have conducted a medical evaluation to determine if there exists a medical reason for the person’s inability to provide the appropriate amount of urine. If there is no medical reason to support the inability, the MRO reports the result to the employer as a refusal to test: Refusals of this type are reported in the “Shy Bladder” ~ With No Medical Explanation category.

Finally, additional reasons exist for a test to be considered a refusal. Some examples are: the employee fails to report to the collection site as directed by the employer; the employee leaves the collection site without permission; the employee fails to empty his or her pockets at the collection site; the employee refuses to have a required shy bladder evaluation. Again, these are only four examples: there are more.

■ **Section III, Column 9. Adulterated** ~ This column requires the count of the number of tests reported by the MRO as refusals because the specimens were adulterated.

[Example: If one of the fifty pre-employment tests was adulterated, “1” would be entered in Column 9 of the Pre-Employment row.]

■ **Section III, Column 10. Substituted** ~ This column requires the count of the number of tests reported by the MRO as refusals because the specimens were substituted.

[Example: If one of the 100 random tests was substituted, “1” would be entered in Column 10 of the Random row.]

■ **Section III, Column 11. “Shy Bladder” ~ With No Medical Explanation** ~ This column requires the count of the number of tests reported by the MRO as being a refusal because there was no legitimate medical reason for an insufficient amount of urine.

[Example: If one of the 100 random tests was a refusal because of shy bladder, “1” would be entered in Column 11 of the Random row.]

Section III, Column 12. Other Refusals To Submit To Testing ~ This column requires the count of refusals other than those already entered in Columns 9 through 11.

[Example: If the company entered "100" as the number of random specimens collected, however it had five employees who refused to be tested without submitting specimens: two did not show up at the collection site as directed; one refused to empty his pockets at the collection site; and two left the collection site rather than submit to a required directly observed collection. Because of these five refusal events, "5" would be entered in Column 11 of the Random row.]

TIP ~ Even though some testing events result in a refusal in which no urine was collected and sent to the laboratory, a "refusal" is still a final test result. Therefore, your overall numbers for test results (in Column 1) will equal the total number of negative tests (Column 2); positives (Column 3); and refusals (Columns 9, 10, 11, and 12). Do not worry that no urine was processed at the laboratory for some refusals; all refusals are counted as a testing event for MIS purposes and for establishing random rates.

Section III, Column 13. Cancelled Tests ~ This column requires a count of the number of tests in each testing category that the MRO reported as cancelled. You must not count any cancelled tests in Column 1 or in any other column. For instance, you must not count a positive result (in Column 3) if it had ultimately been cancelled for any reason (e.g., specimen was initially reported positive, but the split failed to reconfirm).

[Example: If a pre-employment test was reported cancelled, "1" would be entered in Column 13 on the Pre-Employment row. If three of the company's random test results were reported cancelled, "3" would be entered in Column 13 on the Random row.]

TOTAL Line. Columns 1 through 13 ~ This line requires you to add the numbers in each column and provide the totals.

Section IV. Alcohol Testing Data

This section summarizes the alcohol testing conducted for all covered employees (to include applicants). The table in this section requires alcohol test data by test type and by result. The categories of test types are: Pre-Employment; Random; Post-Accident; Reasonable Suspicion / Reasonable Cause; Return-to-Duty, and Follow-Up.

The categories of results are: Number of Screening Test Results; Screening Tests with Results Below 0.02; Screening Tests with Results 0.02 Or Greater; Number of Confirmation Test Results; Confirmation Tests with Results 0.02 through 0.039; Confirmation Tests with Results 0.04 Or Greater; Refusals due to "Shy Lung" with No Medical Explanation, and Other Refusals to Submit to Testing; and Cancelled Results.

TIP ~ Be sure to enter all pre-employment testing data regardless of whether an applicant was hired or not. Of course, for most employers pre-employment alcohol testing is optional, so you may not have conducted this type of testing. You do not need to separate "reasonable suspicion" and "reasonable cause" alcohol testing data on the MIS form. [Therefore, if you conducted only reasonable suspicion alcohol testing (i.e., FMCSA, FAA, FTA, and RSPA), enter that data; if you conducted both reasonable suspicion and reasonable cause alcohol testing (i.e., FRA), simply enter the data with no differentiation.] RSPA does not authorize "random" testing for alcohol. Finally, you may leave blank any row or column in which there were no results, or you may enter "0" (zero) instead. Please note that USCG-regulated employers do not report alcohol test results on the MIS form: Do not fill-out Section IV if you are a USCG-regulated employer.

Section IV, Column 1. Total Number of Screening Test Results ~ This column requires a count of the total number of screening test results in each testing category during the entire reporting year. Count the number of screening tests as the number of screening test events with final screening results of below 0.02, of 0.02 through 0.039, of 0.04 or greater, and all refusals. Do not count cancelled tests in this total.

[Example: A company that conducted twenty pre-employment tests would enter “20” on the Pre-Employment row. If it conducted fifty random tests, “50” would be entered. If that company did no post-accident, reasonable suspicion, reasonable cause, return-to-duty, or follow-up tests, those categories will be left blank or zeros entered.]

Section IV, Column 2. Screening Tests With Results Below 0.02 ~ This column requires a count of the number of tests in each testing category that the BAT or STT reported as being below 0.02 on the screening test.

[Example: If seventeen of the company’s twenty pre-employment screening tests were reported as being below 0.02, “17” would be entered in Column 2 on the Pre-Employment row. If forty-four of the company’s fifty random screening test results were reported as being below 0.02, “44” would be entered in Column 2 on the Random row. Because the company did no other testing, those other categories would be left blank or zeros entered.]

Section IV, Column 3. Screening Tests With Results 0.02 Or Greater ~ This column requires a count of the number of screening tests in each testing category that BAT or STT reported as being 0.02 or greater on the screening test.

[Example: If one of the twenty pre-employment tests was reported as being 0.02 or greater, “1” would be entered in Column 3 on the Pre-Employment row. If four of the company’s fifty random test results were reported as being 0.02 or greater, “4” would be entered in Column 3 on the Random row.]

Section IV, Column 4. Number of Confirmation Test Results ~ This column requires entry of the number of confirmation tests that were conducted by a BAT as a result of the screening tests that were found to be 0.02 or greater. In effect, all screening tests of 0.02 or greater should have resulted in confirmation tests. Ideally the number of tests in Column 3 and Column 4 should be the same. However, we know that this required confirmation test sometimes does not occur. In any case, the number of confirmation tests that were actually performed should be entered in Column 4.

[Example: If the one pre-employment screening test reported as 0.02 or greater had a subsequent confirmation test performed by a BAT, “1” would be entered in Column 4 on the Pre-Employment row. If three of the four random screening tests that were found to be 0.02 or greater had a subsequent confirmation test performed by a BAT, “3” would be entered in Column 4 on the Random row.]

Section IV, Column 5. Confirmation Tests With Results 0.02 Through 0.039 ~ This column requires entry of the number of confirmation tests that were conducted by a BAT that led to results that were 0.02 through 0.039.

[Example: If the one pre-employment confirmation test yielded a result of 0.042, Column 5 of the Pre-Employment row would be left blank or zeros entered. If two of the random confirmation tests yielded results of 0.03 and 0.032, “2” would be entered in Column 5 of the Random row.]

Section IV, Column 6. Confirmation Tests With Results 0.04 Or Greater ~ This column requires entry of the number of confirmation tests that were conducted by a BAT that led to results that were 0.04 or greater.

[Example: Because the one pre-employment confirmation test yielded a result of 0.042, “1” would be entered in Column 6 of the Pre-Employment row. If one of the random confirmation tests yielded a result of 0.04, “1” would be entered in Column 6 of the Random row.]

TIP ~ Column 1 should equal the sum of Columns 2, 3, 7, and 8. The number of screening tests results should reflect the number of screening tests you have no matter the result (below 0.02 or at or above 0.02, plus refusals to test), unless of course, the tests were ultimately cancelled. So, Column 1 = Column 2 + Column 3 + Column 7 + Column 8. Certainly, double check your records to determine if your actual screening results count is reflective of all these counts.

There is no need to record MIS confirmation tests results below 0.02: That is why we have no column for it on the form. [If the random test that screened 0.02 went to a confirmation test, and that confirmation test yielded a result below 0.02, there is no place for that confirmed result to be entered.] We assume that if a confirmation test was completed but not listed in either Column 5 or Column 6, the result was below 0.02. In addition, if the confirmation test ended up being cancelled, it should not have been included in Columns 1, 3, or 4 in the first place.

Section IV, Columns 7 and 8. Refusal Results ~ The refusal section is divided into two refusal groups – they are: Shy Lung ~ With No Medical Explanation; and Other Refusals To Submit to Testing. When an individual does not provide enough breath at the test site, the company requires the employee to have a medical evaluation to determine if there exists a medical reason for the person’s inability to provide the appropriate amount of breath. If there is no medical reason to support the inability as reported by the examining physician, the employer calls the result a refusal to test: Refusals of this type are reported in the “Shy Lung ~ With No Medical Explanation” category.

Finally, additional reasons exist for a test to be considered a refusal. Some examples are: the employee fails to report to the test site as directed by the employer; the employee leaves the test site without permission; the employee fails to sign the certification at Step 2 of the ATF; the employee refuses to have a required shy lung evaluation. Again, these are only four examples; there are more.

■ **Section IV, Column 7. “Shy Lung” ~ With No Medical Explanation** ~ This column requires the count of the number of tests in which there is no medical reason to support the employee’s inability to provide an adequate breath as reported by the examining physician; subsequently, the employer called the result a refusal to test.

[Example: If one of the 50 random tests was a refusal because of shy lung, “1” would be entered in Column 7 of the Random row.]

■ **Section IV, Column 8. Other Refusals To Submit To Testing** ~ This column requires the count of refusals other than those already entered in Columns 7.

[Example: The company entered “50” as the number of random specimens collected, however it had one employee who did not show up at the testing site as directed. Because of this one refusal event, “1” would be entered in Column 8 of the Random row.]

TIP ~ Even though some testing events result in a refusal in which no breath (or saliva) was tested, there is an expectation that your overall numbers for screening tests (in Column 1) will equal the total number of screening tests with results below 0.02 (Column 2); screening tests with results 0.02 or greater (Column 3); and refusals (Columns 7 and 8). Do not worry that no breath (or saliva) was tested for some refusals; all refusals are counted as a screening test event for MIS purposes and for establishing random rates.

Section IV, Column 9. Cancelled Tests ~ This column requires a count of the number of tests in each testing category that the BAT or STT reported as cancelled. Do not count any cancelled tests in Column 1 or in any other column other than Column 9. For instance, you must not count a 0.04 screening result or confirmation result in any column, other than Column 9, if the test was ultimately cancelled for some reason (e.g., a required air blank was not performed).

Example: If a pre-employment test was reported cancelled, "1" would be entered in Column 9 on the Pre-Employment row. If three of the company's random test results were reported cancelled, "3" would be entered in Column 13 on the Random row.]

TOTAL Line. Columns 1 through 9 ~ This line requires you to add the numbers in each column and provide the totals.

MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY

**MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY
FOR MOTOR CARRIERS- 387**

Motor carriers of property operating commercial motor vehicles in interstate, foreign, or intrastate commerce must have a minimum amount of insurance.

**Schedule of Limits
Public Liability**

<i>Type of Carriage</i>	<i>Commodity Transported</i>	<i>Minimum Insurance</i>
1.) Private (in interstate, foreign, or intrastate commerce.)	Hazardous substances as defined in 49CFR 171.8, transported in cargo tanks, portable tanks, or vehicles with capacities in excess 3,500 water gallons; or in bulk Class A or B explosives, liquefied compressed gas or compressed gas, or highway route controlled quantity radioactive materials as defined in 49 CFR 173.403	\$5,000,000
2.) For hire and private (in interstate, foreign commerce: in any quantity) or (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (3) below.	\$1,000,000
3.) For hire and private (in interstate, or foreign commerce).	Any quantity of Class A or B explosives, any quantity of poison gas (Poison A), or highway route controlled quantity radioactive materials as defined in 49 CFR 173.403	\$5,000,000

Note: The type of carriage listed under (II, (2), and (3) applies to vehicles weight rating of 10,000 pounds or more. The type of carriage listed under number (3) applies to all vehicles with a gross vehicle weight rating of less than 10,000 pounds.

The cooperative must have proof of the minimum level of insurance at the cooperatives principle place of business. The proof can be any of the following:

- Endorsement/s for the Motor Carrier Policies of Insurance for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980 (Form MCS-90) issued by an insurer/s.
- A Motor Carrier Surety Bond for Public Liability under Sections 29 and 30 of the Motor Carrier Act of 1980 (Form MCS-82) issued by a surety.
- A written decision, order, or authorization of the Interstate Commerce Commission authorizing the motor carrier to self-insure under 387.309.

SUMMARY

MCS-90 is required for truck operator (see sample)

MCS-82 is required for truck operators who are self-insured (see sample)

Cooperatives may carry different levels of insurance coverage depending on the materials they transport. For example, a G&T may carry a \$1,000,000 minimum based on the transportation of oil in bulk containers. A distribution cooperative that does not transport oil in bulk quantities and does not conduct interstate activities may elect to carry the Intrastate Property-Non-Hazardous coverage of \$100,000 for injury or death of one (1) person; \$300,000 for any one (1) accident; \$50,000 property damage for any one (1) accident.

A typical Missouri electric cooperative will not operate in an interstate mode allowing them to take advantage of lower limits.

However, if a cooperative does operate in interstate commerce, cross state lines, then they will be required to maintain a higher level of insurance coverage as prescribed in part 387.

**ENDORSEMENT FOR
MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY
UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980**

Issued to _____ of _____

Dated at _____ this _____ day of _____, 20 _____

Amending Policy No. _____ Effective Date _____

Name of Insurance Company _____

Countersigned by _____
Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "[X]," for the limits shown:

[] This insurance is primary and the company shall not be liable for amounts in excess of \$\$ _____ for each accident.

[] This insurance is excess and the company shall not be liable for amounts in excess of \$\$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA, to verify that the policy is in force as of a particular date. The telephone number to call is: _____.

Cancellation of this endorsement may be effected by the company of the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA's registration requirements under 49 U.S.C.13901, by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

Accident includes continuous or repeated exposure to conditions or which results in bodily injury, property damage, or environmental damage, which the insured neither expected nor intended.

Motor Vehicle means a land vehicle, machine, truck, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used on a highway for transporting property, or any combination thereof.

Bodily Injury means injury to the body, sickness, or disease to any person, including death resulting from any of these.

Property Damage means damage to or loss of use of tangible property.

Environmental Restoration means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

Public Liability means liability for bodily injury, property damage, and environmental restoration

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Motor Carrier Safety Administration (FMCSA).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the

payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Form Approved:
OMB No.: 2126-0008

MOTOR CARRIER PUBLIC LIABILITY SURETY BOND UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

PARTIES

Surety Company and Principal
Place of Business Address

Motor Carrier Principal, FMCSA Docket No.,
And Principal Place of Business Address

PURPOSE

This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability, property damage, and environmental restoration liability claims in the sums prescribed herein; subject to the governing provisions and the following conditions.

GOVERNING PROVISIONS

- (1) Sections 29 and 30 of the Motor Carrier Act of 1980 (49 U.S.C. 31139).
- (2) Rules and regulations of the Federal Motor Carrier Safety Administration (FMCSA)

CONDITIONS

The Principal is or intends to become a motor carrier of property subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall insure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability, property damage, or environmental restoration liability claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety on each motor vehicle subject to the financial responsibility requirements of Section's 29 and 30 of the Motor Carrier Act of 1980 for each accident shall not exceed \$ _____, and shall be a continuing one notwithstanding any recovery hereunder.

The surety agrees, upon telephone request by an authorized representative of the FMCSA, to verify that the surety bond is in force as of a particular date. The telephone number to call is: _____

This bond is effective from _____ (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The principal or the Surety may at any time terminate this bond by giving (1) thirty-five (35) days notice in writing to the other party (said 35 day notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the Principal is subject to the FMCSA's registration requirements, by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date notice is received by the FMCSA at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability, property damage, or environmental restoration claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect

Date

(AFFIX CORPORATE SEAL) _____

Surety

City

State

By _____

ACKNOWLEDGMENT OF SURETY

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20____, before me personally came _____, who, being by me duly sworn, did depose and say that he resides in _____; that he/she is the _____ of the _____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; that he/she signed his/her name thereto by like order, and he/she duly acknowledged to me that he/she executed the same for and on behalf of said corporation.

Title of official administering oath

(OFFICIAL SEAL)

Surety Company File No. _____

Form MCS-82

(4/2000)

DRIVING COMMERCIAL MOTOR VEHICLES

DRIVING OF COMMERCIAL MOTOR VEHICLES- Part 392

Missouri Exemption

307.400(7) Parts 390-397 shall not apply to commercial motor vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight rating or gross combination weight rating of 26,000 pounds.

There are six subparts describing the requirements while driving commercial motor vehicles.

Subpart A General 392.1 - 392.9 (a)

If a regulation of the Federal Motor Carrier Safety Administration (FMCSA) imposes a higher standard of care than that law, ordinance or regulation, the FMCSA regulation must be complied with. All motor carriers and their employees responsible for the management, maintenance, operation, or driving of commercial motor vehicles, or the hiring, supervising, training, assigning or dispatching of drivers must be instructed in and obey the rules of this part. A driver may not drive if he/she is under the influence of alcohol, schedule I drugs, amphetamines, narcotic or any other substance causing the driver to drive unsafely. A driver must also be sure his/her vehicle is safe and properly working before each trip. Additionally, he/she must be sure that the emergency equipment is in place and ready to use and that the cargo is properly loaded and secured.

Subpart B Driving of Vehicles 392.10-392.16

If the vehicle is hauling hazardous materials, the vehicle shall stop within 50 ft of and not closer than 15 ft. to, railroad tracks. The driver must listen and look in each direction along the tracks for an approaching train. When it is safe to do so, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The drivers must not shift gears while crossing the tracks. A driver must also reduce the speed of the vehicle or stop driving if he/she has trouble seeing or the road becomes unsafe because of the weather. In addition, drivers are required to wear their seat belt.

Subpart C Stopped Vehicles 392.22-392.25

After making an emergency stop upon the traveled portion of a highway or the shoulder of a highway, the driver shall immediately activate the vehicular hazard warning signal flashers. The driver has ten minutes to put out emergency warning devices. Fuses may not be attached to any part of a truck. Flame producing devices may not be used when hazardous material is being transported.

Subpart D Use of Lighted Lamps and Reflectors 392.33

No commercial motor vehicle shall be driven when any of the required lamps or reflectors are obscured by the tailboard, dirt, any part of the load, or otherwise.

Subpart F Fueling Precautions 392.50-392.51

A driver shall not fuel a commercial motor vehicle (CMV) with the engine running, smoke or expose any open flame near a vehicle being fueled. Extra fuel shall be carried only in properly mounted tanks. Insofar as practicable the drivers shall not allow any other person to engage in such activities as would be likely to result in fire or explosion.

The driver shall not fuel a commercial motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank.

Small amounts of fuel for the operation or maintenance of a commercial motor vehicle (including its auxiliary equipment) may be designated as materials of trade (see 49 CFR 171.8). The aggregate gross weight of all materials of trade on a motor vehicle may not exceed 200 kg (440 pounds). Packaging for gasoline must be made of metal or plastic and conform to requirements of 49 CFR Parts 171, 172, 173, and 178 or requirements of the Occupational Safety and Health Administration contained in 29 CFR 1910.106. For packaging Group II (including gasoline), Packaging Group III (including aviation fuel and fuel oil), or ORM-D, the material is limited to 30 kg (66 pounds) or 30 L (8 gallons). For diesel fuel, the capacity of the package is limited to 450 L (119 gallons). A Division 2.1 material in a cylinder is limited to a gross weight of 100 kg (220 pounds). (A Division 2.1 material is a flammable gas, including liquefied petroleum gas, butane, propane, liquefied natural gas, and methane).

Subpart G Prohibited Practices 392.60-392.71

Written permission from the motor carrier is necessary for passengers to ride in a motor vehicle and the vehicle may only be driven by the assigned driver.

392.82: Using a hand-held mobile telephone.

(a)(1) No driver shall use a hand-held mobile telephone while driving a CMV.

(2) No motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV.

(b) **Definitions.** For the purpose of this section only, **driving** means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

(c) **Emergency exception.** Using a hand-held mobile telephone is permissible by drivers of a CMV when necessary to communicate with law enforcement officials or other emergency services.

SUMMARY

Drivers must not operate a commercial motor vehicle while under the influence of alcohol or schedule I drugs.

Drivers must be sure equipment and cargo is properly loaded and secured. Flashers must be activated immediately after an emergency stop.

Passengers should not be permitted without prior written approval from the cooperative.

Using a hand-held mobile telephone – 392.82

HOURS OF SERVICE

HOURS OF SERVICE OF DRIVERS-PART 395

Utility Service Vehicles Are Exempt From Part 395 Hours of Service

395.1 Utility Service Vehicles. The provisions of this part shall not apply to a driver of a utility service vehicle as defined in §395.2

NOTE: See following pages.



Association of Missouri Electric Cooperatives

2722 East McCarty Street, P.O. Box 1645
Jefferson City, Missouri 65102
Telephone: (573) 635-6857
Fax: (573) 635-2314
www.amec.coop

April 19, 2006

TO: System Managers and Operations Managers

FROM: Rob Land

RE: **Hours of Service Exemption**

Attached is a memorandum from the U.S. Department of Transportation-Federal Motor Carrier Safety Administration.

The memorandum discusses several exemptions for drivers' hours of service including utility service vehicles (see pages 4 and 5).

Changes in the Federal Regulations contained in 49 CFR 390-397 as incorporated by Missouri Statutes eliminates application of hours of service rules to drivers of cooperative vehicles. Therefore, we now have an exemption from the hours of service regulation on a federal and state level.

If you have any questions, please contact me at (573)659-3405.

/sg



U.S. Department
Of Transportation

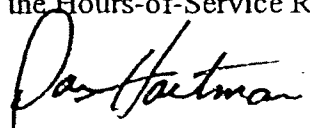
Federal Motor Carrier
Safety Administration

Memorandum

Subject: **ACTION:** SAFETEA-LU Sections
4130-4133 and 4146 Guidance: Certain
Exemptions to the Hours-of-Service Rules
(ECE-016-06)

Date:

APR 4 2006

From: Dan Hartman 
Associate Administrator for Enforcement
and Program Delivery

Reply to
Attn. of: MC-ECE

To: Chief Safety Officer
Associate Administrator for Field Operations
Field Administrators
MC-E Office Directors and Division Chiefs
Division Administrators/State Directors
National Enforcement Team
National Training Center

PURPOSE

This memorandum provides guidance to employees of the Federal Motor Carrier Safety Administration (FMCSA) based upon enactment of Public Law 109-59, the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The SAFETEA-LU sections addressed in this memorandum are:

Section 4130 - Operators of Vehicles Transporting Agricultural Commodities and Farm Supplies
Section 4131 - Maximum Hours of Service for Operators of Ground Water Well Drilling Rigs
Section 4132 - Hours of Service for Operators of Utility Service Vehicles
Section 4133 - Hours of Service Rules for Operators Providing Transportation to Movie Production Sites
Section 4146 - Exemption During Harvest Periods.

BACKGROUND

SAFETEA-LU was signed into law by the President on August 10, 2005. SAFETEA-LU includes several specific exemptions to FMCSA's hours of service (HOS) rules. These exemptions became effective upon the date of enactment of SAFETEA-LU, August 10, 2005, and are currently in effect with respect to drivers operating commercial motor vehicles (CMVs) even though 49 CFR Part 395 has not yet been changed to include them.

On September 06, 2005, the FMCSA Associate Administrator for Enforcement and Program Delivery issued preliminary guidance regarding specific hours of service exemptions outlined in SAFETEA-LU. This memorandum augments the September 06, 2005 guidance and provides guidance regarding implementation of SAFETEA-LU exemptions found in Sections 4130, 4131, 4132, 4133, and 4146.

During compliance reviews, safety audits, or roadside inspections, FMCSA staff should determine whether any of these exemptions apply and to what extent. Each of the below-described exemptions have specific elements which must be reviewed in order to determine whether the exemption applies to specific operations, transportations, and/or circumstances.

POLICY

1. SAFETEA-LU Section 4130 - Operators of Vehicles Transporting Agricultural Commodities and Farm Supplies

SAFETEA-LU Section 4130 expands the existing hours of service exemption for agricultural commodities and farm supplies in 49 CFR 395.1(k) by adding a year round exemption for transporters of livestock feed and specific definitions of "agricultural commodity" and "farm supplies for agricultural purposes."

Please note: Prior to 1996, FMCSA exempted these drivers only from maximum driving and on duty time, which is also the language used in SAFETEA-LU. However, FMCSA subsequently extended the exemption to include all provisions of 49 CFR Part 395 and will continue to do so.

The current agricultural exemption in 49 CFR 395.1(k) reads as follows:

(k) *Agricultural operations.* The provisions of this part shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation:

- (1) Is limited to an area within a 100 air-mile radius from the source of the commodities or the distribution point for the farm supplies, and
- (2) Is conducted during the planting and harvesting seasons within such State, as determined by the State (emphasis added).

SAFETEA-LU Section 4130 expands and clarifies the agricultural exemption by defining "agricultural commodity" and "farm supplies for agricultural purposes."

Agricultural commodity.-The term 'agricultural commodity' means any agricultural commodity, non-processed food, feed, fiber, or livestock (including livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) and insects).

[Livestock is defined in the Emergency Livestock Feed Assistance Act as "cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, fish used for food, and other animals designated by the Secretary...."]

Farm supplies for agricultural purposes.-The term 'farm supplies for agricultural purposes' means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year (emphasis added).

Prior to SAFETEA-LU, FMCSA did not extend the agricultural exemption to transporters of livestock and livestock feed. The following guidance in 49 CFR 395.1 summarizes FMCSA's application of the exemption prior to SAFETEA-LU:

395.1 Question 31: Does the exception in §395.1(k) for "drivers transporting agricultural commodities or farm supplies for agricultural purposes" cover the transportation of poultry or poultry feed?

Guidance: No. The exception was created by Sec. 345(a)(1) of the National Highway System Designation Act of 1995 [Public Law 104-50, 109 Stat. 568, at 613], which provides in part that the hours of service regulations "shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes..." The terms "agricultural commodities or farm supplies for agricultural purposes" were not defined, but the context clarifies their meaning. Because the statute made the exception available only "during the planting and harvesting seasons" in each State, Congress obviously intended to restrict it to agriculture in the traditional (and etymological) sense, i.e., the cultivation of fields. "Agricultural commodities" therefore means products grown on and harvested from the land, and "farm supplies for agricultural purposes" means products directly related to the growing or harvesting of agricultural commodities.

Drivers transporting livestock or slaughtered animals, or the grain, corn, hay, etc., used to feed animals, may not use the "agricultural operations" exception.

SAFETEA-LU Section 4130, supersedes the earlier FMCSA interpretation of agricultural commodity. SAFETEA-LU extends the hours of service exemption to include transporters of livestock and livestock feed. Therefore, **Field staff are directed to disregard the above interpretation (49 CFR 395.1, Question 31), and extend the agricultural exemption to carriers of livestock and livestock feed.**

Staff should further note that the SAFETEA-LU definition of "farm supplies for agricultural purposes" allows transporters of livestock feed to take advantage of the hours of service

exemption year round. FMCSA staff, therefore, should not limit the exemption for livestock feed transporters to the "harvest season" as defined by the State.

2. SAFETEA-LU Section 4131 – Maximum Hours of Service for Operators of Ground Water Well Drilling Rigs

FMCSA rules allow operators of ground water well drilling rigs to restart their 60 or 70 hour clock by taking 24 consecutive hours off duty. SAFETEA-LU Section 4131 reaffirms this provision.

FMCSA defines "Ground water well drilling rig" in 49 CFR 395.2:

Ground water well drilling rig means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

The exemption for ground water well drilling operators reads as follows (49 CFR 395.1(l)):

Ground water well drilling operations. In the instance of a driver of a commercial motor vehicle who is used primarily in the transportation and operations of a ground water well drilling rig, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

FMCSA staff should continue to allow a 24-hour restart when reviewing ground water well drilling operators. SAFETEA-LU does not offer any additional regulatory exemptions for these drivers.



3. SAFETEA-LU Section 4132 – Hours of Service for Operators of Utility Service Vehicles

Please note: This guidance supersedes the Chief Safety Officer's memorandum entitled, "Hours of Service Enforcement Guidance under Section 131 of the 2004 Omnibus Appropriations" issued on February 17, 2004, and any similar guidance, to the extent such guidance conflicts with the exemption provisions of SAFETEA-LU Section 4132 which prohibits Field staff from enforcing hours of service regulations regarding operators of utility service vehicles.

Prior to the implementation of SAFETEA-LU, FMCSA allowed operators of utility service vehicles to restart their 60 or 70 hour clock after 24 hours or more off duty. (49 CFR 395.1(n)). However, SAFETEA-LU Section 4132 exempts operators of utility service vehicles from all provisions of 49 CFR Part 395. Therefore, FMCSA shall not enforce hours of service rules against drivers of utility vehicles.

SAFETEA-LU Section 4132 does not alter the 49 CFR 395.2 definition of utility service vehicle.

Utility service vehicle means any commercial motor vehicle:

- (1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;
- (2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and
- (3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

SAFETEA-LU Section 4132 also prohibits a State or political subdivision from enacting or enforcing any hours of service laws or regulations similar to the Federal hours of service regulations contained at 49 CFR Part 395. Therefore, after analysis of this SAFETEA-LU provision, FMCSA has determined that States or political subdivisions are prohibited from imposing hours of service requirements upon either interstate or intrastate utility service drivers.

4. SAFETEA-LU Section 4133 – Hours of Service Rules for Operators Providing Transportation to Movie Production Sites

Please note: This guidance supersedes the Chief Safety Officer's memorandum entitled, "Hours of Service Enforcement Guidance under Section 131 of the 2004 Omnibus Appropriations" issued on February 17, 2004, and any similar guidance, to the extent such guidance conflicts with the exemption provisions of SAFETEA-LU Section 4133 which prohibits Field staff from enforcing hours of service regulations regarding certain operators of CMVs providing transportation of property or passengers to or from motion picture production sites.

Under Section 4133, drivers who provide transportation

- of property or passengers involved in making a movie;
- to or from a movie production site (including a television movie); and
- within a 100 air-mile radius of a driver's work reporting location

are subject to the hours-of-service rules in effect on April 27, 2003 (i.e., are exempt from the new hours-of-service rules). Unlike the 100-air mile radius exemption under 49 CFR 395.1(e)(1), SAFETEA-LU Section 4133 does not require that these drivers start from, or return to, their work reporting location.

FMCSA staff should review these operations for violations of the 10, 15, and 60/70-hour rules for the days drivers operate within the 100 air-miles. While operating under these circumstances, drivers may not take advantage of the 34-hour restart or any other provisions of the new hours of service rules.

FMCSA staff should review hours of service for violations of the 11, 14, and 60/70-hour rules on days when drivers operate outside the 100 air-mile radius. Drivers may, during this period, utilize the 34-hour restart provision.

Staff should use the old hours of service rules **ONLY** on days the driver operates within 100 air-miles of the work reporting location. For example, eight hour rest periods apply only **BETWEEN** consecutive days the driver operates under the old rules. Ten hour rest periods apply both **BEFORE AND AFTER** days the driver operates under the current hours of service rules.

Example:

A driver regularly operates outside 100 air-miles. He takes 34 hours off duty (taking advantage of the restart under the new hours of service rules) then operates within 100 air-miles. He drives five hours, has four hours on duty not driving, three hours off duty then drives another five hours returning to his work reporting location. He takes eight hours off duty and repeats the schedule. At this point the driver is in compliance with the hours of service rules. He then takes eight hours off duty and operates beyond 100 air-miles the next day. The driver is in violation of the 14-hour rule as soon as he starts driving and the 11 hour rule after driving more than one hour because he was not off duty for ten consecutive hours prior to operating under the new hours of service rules.

In addition, a driver who transports equipment and passengers to or from motion picture production sites may be required to operate under the current hours of service rules on some days and under the old hours of service rules on other days, depending on whether the driver stays within a 100-air mile radius.

5. SAFETEA-LU Section 4146 –Exemption During Harvest Periods.

SAFETEA-LU creates an exemption for transporters of grapes during harvest season in the State of New York. Specifically, Section 4146 exempts drivers from hours of service regulations under 49 CFR Part 395 for those operations entirely:

- within State of New York;
- west of Interstate 81;
- within 150 air-miles from where the grapes were picked or distributed; and
- during the harvest period as defined by the State of New York.

Note: Unlike the other exemptions described in this memorandum, this exemption expires at the end of Fiscal Year 2009 (i.e., September 30, 2009).

IMPLEMENTATION DATE

These exemptions became effective upon the date of enactment of SAFETEA-LU, August 10, 2005, and are currently in effect with respect to drivers operating CMVs.

If you have any questions or need additional information, please contact the Enforcement and Compliance Division at (202) 366-9699.

VEHICLE INSPECTION REPAIR & MAINTENANCE

ARE YOU SUBJECT TO THE REGULATIONS?

Effective May 13, 1988

Code of Federal Regulations Parts 100 through 178 (Hazardous Material Regulations) and Parts 390 through 397 (Safety Regulations) pertains to:

Any person operating any Commercial Motor Vehicle licensed for more than 10,000 pounds.
(Regardless of Intrastate or Interstate Transportation)

Exemptions

- A. Vehicles licensed for 10,000 pounds or less, unless transporting hazardous materials;
- B. Parts 390 through 397, Code of Federal Regulations shall not apply to commercial motor vehicles which have a gross vehicle weight rating or gross combination weight rating (GCWR) of 26,000 pounds or less unless transporting hazardous materials.
WHEN OPERATING IN INTRASTATE COMMERCE ONLY.
- C. Vehicles licensed for 60,000 pounds or less and are used exclusively to transport solid waste; (Intrastate only)
- D. Vehicles licensed less than 48,000 pounds and the license plate has been designated for farm use by the letter F (Intrastate only); and
- E. Persons having a valid Chauffeur's License on or before May 13, 1988, are not subject to the medical requirements of Part 391.41. **WHEN OPERATING IN INTRASTATE COMMERCE ONLY.**

VEHICLE INSPECTION REPAIR AND MAINTENANCE- 396

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

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

396.3 (b) For vehicles controlled for 30 consecutive days or more, you must maintain the following records for each vehicle.

1. An identification of the vehicle including the company number, make, serial number, year and tire size. If the vehicle is not owned by you, 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 inspections and maintenance operations to be performed.
3. A record of inspection, repairs, and maintenance indicating their dates and nature.

396.3 (c) You must ensure that your vehicles are systematically inspected, repaired and maintained. Because every motor carrier's operation is unique, there is no straightforward, blanket rule on when to do maintenance. However, a program must be set up and adhered to. Maintenance records should be retained where the vehicle is housed and maintained for one year, and for six months after the vehicle leaves your control.

LUBRICATION

396.5 Every motor carrier shall ensure that each motor vehicle subject to its control is –

- (a) properly lubricated.
- (b) free of oil and grease leaks.

SUMMARY

You must have a *Vehicle Maintenance Report* on each C.M.V. These records must include the inspections, repair, maintenance, and lubrications record indicating their dates and nature.

Report content and when to fill it out – 396.11

VEHICLE #: 1499 DIGGER DERRICK

VIN: 1GBT7H4C3 X J 106222

FUEL FLTR: BF 7632=WIX 33377=LFF -
4783

MANUF #: D-947-TR # 1298 BA
1626

HYD FLTR: ALTEC

DESCRIPTION: CHEVROLET

OIL: 18

DATE-IN-SERVICE: 7/26/199

WRENCH: 7/8

OIL FLTR: B 7

BELTS: 9341 , KO70735

AIR FLTR: RS 2863=WIX 46433=LAF - 1878

ENG SIZE: 3126 C

MISC: HOSES,22032,21985

TIRE SIZE: FRONT 295 / 80 R 22.5, REAR
11 R 22.5

Unless otherwise noted, all work performed by .!

VEHICLE #: 1499

DATE: 3/7/2000

REPAIRS_CODE: 32

REPAIRS: GREASED BOOM

DATE: 3/30/2000

REPAIRS_CODE: 29

REPAIRS: CHECK OUT FAST IDLE OK AT THIS TIME

DATE: 4/1/2000

REPAIRS_CODE: 29

REPAIRS: CHECK FAST IDLE FOR PROBLEM , TEST OK AT THIS TIME

DATE: 4/3/2000

REPAIRS_CODE: 32

REPAIRS: CHECK OUT BOOM , BOOM STOPS AT TIMES OK AT THIS TIME

DATE: 4/5/2000

REPAIRS_CODE: 32

REPAIRS: HELPED TOM (ALTEC) TO WORK ON BOOM TO REPAIR STOPPING PROBLEM, COULD NOT FIND
AT THIS TIME

DATE: 4/10/2000

REPAIRS_CODE: 32

REPAIRS: REPLACED BOLTS IN UPPER CONTROLS THAT FELL OUT AFTER REPAIR AT ATLEC

DATE: 4/15/2000

REPAIRS_CODE: 19

REPAIRS: REPLACE SEAL KIT IN SWIVELS ON TOOL REAL

=====

VEHICLE #: 1499

DATE: 4/18/2000

REPAIRS_CODE: 29

REPAIRS: CHECK FAST IDLE OK AT THIS TIME

DATE: 4/19/2000

REPAIRS_CODE: 29

REPAIRS: FAST IDLE , INSTALLED LIGHT TO TEST FAST IDLE SWITCH BY OPERATOR

DATE: 4/19/2000

REPAIRS_CODE: 32

REPAIRS: WINCH CREEP ,CHECK THE RPM AND FAST IDLE OK AT THIS TIME

DATE: 4/22/2000

REPAIRS_CODE: 29

REPAIRS: REPLACED LIGHTS IN CONSOLE

DATE: 4/26/2000

REPAIRS_CODE: 32

REPAIRS: REPLACED O'RING IN SKINNER VALVE ADDED TEN GALLON OF TELLAS 32

DATE: 5/3/2000

REPAIRS_CODE: 29

REPAIRS: MODIFIED REAR DOOR FOR TAMPER WITH HOSES ON

DATE: 5/3/2000

REPAIRS_CODE: 36

REPAIRS: CHECK TWO SPEED , REPAIRED BAD CONNECTIONS

DATE: 5/4/2000

REPAIRS_CODE: 29

REPAIRS: REPLACED SEAL KIT IN TOOL REAL

DATE: 5/22/2000

REPAIRS_CODE: 33

REPAIRS: MILEAGE 12859

DATE: 5/23/2000

REPAIRS_CODE: 29

REPAIRS: REPAIRED PORTABLE GENERATOR MOUNT

DATE: 5/24/2000

REPAIRS_CODE: 29

REPAIRS: REPLACED BOLT IN RIGHT REAR STILT LEG

VEHICLE #: 1499

DATE: 6/13/2000

REPAIRS_CODE: 29

REPAIRS: REPAIRED HAND LIGHT

DATE: 6/20/2000

REPAIRS_CODE: 29

REPAIRS: REPAIRED HAND LIGHT

DATE: 7/19/2000

REPAIRS_CODE: 32

REPAIRS: AFTER TK CAME BACK FROM ALTEC THE BOLTS FELL OUT OF UPPER CONTROLS
(REPLACED WITH LOCK NUTS AND BOLTS)

DATE: 7/28/2000

REPAIRS_CODE: 33

REPAIRS: MILEAGE 15978

DATE: 8/10/2000

REPAIRS_CODE: 29

REPAIRS: REPAIRED SHOVEL

DATE: 8/22/2000

REPAIRS_CODE: 32

REPAIRS: REPAIRED OIL LEAK AT SWIVEL ON TOOL REEL

DATE: 8/23/2000

REPAIRS_CODE: 32

REPAIRS: REPAIRED OIL LEAK TURNTABLE MOTOR, RESEALED SWIVELS AT TOOL REEL, RAN TEST ON
PDM CHECKED OK

DATE: 9/12/2000

REPAIRS_CODE: 32

REPAIRS: REPLACED HOSE FOR AUGER LATCE WITH FLEX LINE (5000 PSI)

DATE: 9/15/2000

REPAIRS_CODE: 32

REPAIRS: REPLACED PILOT VALVE FOR ROTATION MILEAGE 18494

DATE: 9/21/2000

REPAIRS_CODE: 32

REPAIRS: REPAIRED MIRCO SWITCH FOR INTERMEDIATE BOOM

DATE: 9/21/2000

REPAIRS_CODE: 32

REPAIRS: REPAIRED STOP ON GROUND REEL

POST "TRIP" INSPECTION

396.11 (a) 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

Report content. The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle or result in its mechanical breakdown. If a driver operates more than one vehicle during the day, a report must be prepared for each vehicle operated. The driver of a passenger-carrying CMV subject to this regulation must prepare and submit a report even if no defect or deficiency is discovered by or reported to the driver; the drivers of all other commercial motor vehicles are not required to prepare or submit a report if no defect or deficiency is discovered by or reported to the driver. (ii) The driver must sign the report. On two-driver operations, only one driver needs to sign the driver vehicle inspection report, provided both drivers agree as to the defects or deficiencies identified.

396.11 (b) 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.

396.11 (c) 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 that 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, 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. The report does not have to be carried on the vehicle.

You must retain the original copy of each vehicle inspection report and the certification of repairs for at least three months from the date the report was prepared.

PERIODIC INSPECTION

396.17 Every commercial vehicle, including each segment of a combination vehicle, requires a periodic inspection and must be performed at least every 12 months. At a minimum, inspections must include all items enumerated in the Minimum Periodic Inspection Standards, Appendix G to subchapter B. Carriers may perform required annual inspections themselves. The original or a copy of the periodic inspection report must be retained by the motor carrier for 14 months from the report date.

SUMMARY

The driver must prepare a *Driver Vehicle Inspection Report* at the completion of each day's work. Any defects or deficiencies must be corrected before the vehicle can be put back in service.

The cooperative must keep a vehicle maintenance and repair log.

Vehicles must be inspected at least every 12 months. The inspection must be done by a qualified inspector. The original Inspection Report is to be kept where the vehicle is housed.

DRIVER'S DAILY VEHICLE INSPECTION REPORT

USE REVERSE SIDE IF NECESSARY
AND FOR ITEMS NOT INCLUDED IN
LIST.

(THIS REPORT MUST BE COMPLETED IN DUPLICATE
AND TURNED IN AT THE END OF EACH TRIP.)

REPORTING DRIVER

DATE

SPEEDOMETER READING

REVIEWING DRIVER

DATE

End of Trip

Beginning of Trip

Total Miles

Check Any Defective Items and Give Details Under "Remarks"

POWER UNIT NO. _____ THIS UNIT DOES NOT NEED REPAIR _____

From _____ To _____

ENGINE

- ☐ Oil Pressure
☐ Heats
☐ Knocks
☐ Misses
☐ No Power
☐ Radiator Leaks

CLUTCH

- ☐ Slips
☐ Won't Release

TRANSMISSION

- ☐ Noisy
☐ Hard to Shift
☐ Leaks Grease

SPRINGS

- ☐ Broken
☐ Weak
☐ Loose "U" Bolts
☐ Center Bolts

REAR AXLE

- ☐ Noisy
☐ Leaks Grease

STEERING

- ☐ Hard to Steer
☐ Wanders
☐ Shimmies

BRAKES

- ☐ Grab
☐ Won't Hold
☐ Chatters
☐ Leak Fluid or Air
☐ Need Adjustment
☐ Parking

DRIVE LINE

- ☐ Noisy
☐ Vibrates

TIRES - WHEELS

- ☐ Flat
☐ Damaged
☐ Low

BODY - GLASS

- ☐ Floor
☐ Doors
☐ Roof
☐ Windows
☐ Windshield
☐ Mirrors

ELECTRICAL SYSTEMS

- ☐ Turn Signals
☐ Lights
☐ Stoplight
☐ Generator
☐ Battery
☐ Trailer Cord

FIFTH WHEEL

- ☐ Won't Latch
☐ Won't Release

MISCELLANEOUS

- ☐ Windshield Wipers
☐ Fire Extinguisher
☐ Reflectors
☐ Horn
☐ Speedometer
☐ Emergency Response
Guide Book
☐ License Pouch
☐ License Plate

REMARKS:

MAINTENANCE ACTION:

DATE

RO#S

Certified By:

Location:

TRAILER NUMBER

THIS UNIT DOES NOT NEED REPAIR

BODY

- ☐ Doors
☐ Roof
☐ Floor

SPRINGS

- ☐ Broken

MISCELLANEOUS

- ☐ Landing Gear
☐ License Plate

BRAKES

- ☐ Won't Hold
☐ Leak Fluid or Air
☐ Need Adjustment

TIRES - WHEELS

- ☐ Flat
☐ Damaged
☐ Low

ELECTRICAL

- ☐ Lights
☐

REMARKS:

Report After Trip:

Amount

Cost

Oil

Tire Repair

Miscellaneous Repair

RECORD OF ANNUAL INSPECTION

(49 CFR, 396.17-23)

Prepare Separate Report for Each Vehicle Inspected

79320

DATE

COMPANY NAME	VEHICLE TYPE <input type="checkbox"/> Truck <input type="checkbox"/> Tractor <input type="checkbox"/> Trailer <input type="checkbox"/> Converter <input type="checkbox"/> Dolly		
ADDRESS (Street)	VEHICLE MAKE	MODEL	YEAR
CITY	VEHICLE IDENTIFICATION (Use One - Company No., State Tag No. or VIN)		
QUALIFIED INSPECTOR'S NAME (Please Print)		ID No.	

REPORT OF CONDITION

(For Detailed Information on Inspection Procedures See FMCSR Section 396, Appendix G.)

	OK	Repair
BRAKES		
Adjustment		
Mechanical Components		
Drum/Rotor		
Hose/Tubing		
Lining		
Low Air Warning		
Trailer Air Supply		
Compressor		
Parking Brakes		
Other		
COUPLERS		
Fifth-Wheel & Mount		
Pin/Upper Plate		
Pintle-Hook/Eye		
Safety Chain(s)		
EXHAUST		
Leaks		
Placement		

	OK	Repair
LIGHTING		
Headlights		
Tail/Stop		
Clearance/Marker		
Identification		
Reflectors		
Other		
CAB/BODY		
Access		
Eqpt./Load Secure		
Tie-Downs		
Headerboard		
Other		
STEERING		
Adjustment		
Column/Gear		
Axle		
Linkage		
Power Steering		
Other		

	OK	Repair
FUEL SYSTEM		
Tank(s)		
Lines		
SUSPENSION		
Springs		
Attachments		
Sliders		
FRAME		
Members		
Clearance		
TIRES		
Tread		
Inflation		
Damage		
Other		
WHEELS/RIMS		
Fasteners		
Disc/Spoke		
WINDSHIELD		
WINDSHIELD WIPERS		
MIRRORS		

Remarks _____

This vehicle has been inspected and repaired as needed to comply with 49 CFR Part 396, Appendix G.

QUALIFIED INSPECTOR'S SIGNATURE

DATE

ACCIDENT REPORTING REQUIREMENTS

ACCIDENT REPORTING REQUIREMENTS- 390

Missouri Exemption

307.400(7) Parts 390 through 397, Title 49 Code of Federal Regulations shall not apply to commercial motor vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight rating or gross combination weight rating of twenty- six thousand pounds or less. This exception does not apply to vehicles transporting hazardous materials.

390.5 *Accident means* (A) Except as provided in (B) of this definition, an occurrence involving a commercial motor vehicle operating on a public road which results in:

1. A fatality;
2. Bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or
3. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicles to be transported away from the scene by a tow truck or other vehicle.

(B) The term accident does not include:

1. An occurrence involving only boarding and alighting from a stationary motor vehicle or;
2. An occurrence involving only the loading of cargo

390.15 Cooperatives are required to maintain an accident register, which must contain a list of accidents and copies of accident reports provided to you by states, other governmental entities, or insurers. The register must be kept for three years following the last accident on the register.

Information placed in the register must contain at least the following:

1. Date of accident
2. City or town, or most near where the accident occurred and the State where the accident occurred.
3. Driver name.
4. Number of injuries.
5. Number of fatalities.
6. Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident, were released.

Documentation that is not required to be kept in the register (pictures, driver's statements, etc.) should be filed in an accident folder. This is not a requirement, but should save time during an audit.

To be assured of receiving the most accurate information for the register, cooperatives may wish to issue a *Preliminary Accident Report* packet for each vehicle. The packet should list imperative information needed from an accident scene.

SUMMARY

An accident register (see sample) must be kept.

[illegible]

*** P-Preventable**
NP-Non Preventable

REQUIREMENTS FOR TRAILERS AND CARGO SECUREMENT

REQUIREMENTS FOR TRAILERS AND CARGO SECUREMENT-PART 393

Missouri Exemption

307.400(7) Parts 390-397 shall not apply to commercial motor vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight rating or gross combination weight rating of 26,000 pounds or less.

393.13 (a)- (d) Retroreflective Sheeting

All trailers and semitrailers (except pole trailers as defined in 390.5) manufactured prior to December 1, 1993, must be equipped with retroreflective sheeting or an array of reflex reflectors. This applies to trailers over 80" wide with a gross vehicle weight rating over 10,001 lb.

Note: 1. Locations for retroreflective sheeting and reflectors are addressed in 393.13 (c) and (d).

393.42 (b) (3)

Any full trailer, semi-trailer or pole trailer that has a GVWR of 3,000 pounds or less must be equipped with brakes if the weight of the towed vehicle exceeds 40% of the Gross Vehicle Weight Rating (GVWR) of the towing vehicle.

393.48 Brakes to be operative

(a) General Rule. All brakes with which a motor vehicle is equipped must at all times be capable of operating.

Note: Generally, surge brakes are only operative when the vehicle is moving in the forward direction and as such do not comply with 393.48.

393.106 (d)

Minimum strength of cargo securement devices and systems. The aggregate working load limit of any securement system used to secure an article or group of articles against movement must be at least one-half times the weight of the article or group of articles. The aggregate working load limit is the sum of:

1. One-half of the working load limit of each associated connector or attachment mechanism used to secure a part of the article of cargo to the vehicle; and
2. One-half of the working load limit for each end section of a tiedown that is attached to an anchor point.

393.9 Lamps Operable.

All lamps required by this subpart shall be capable of being operated at all times.

393.11 Lighting devices and reflectors

Table 1-Clearance lamps

Footnote-10

Projections beyond rear of motor vehicles. Motor vehicles transporting loads which extend more than 1,219 mm (4 feet) beyond the rear of the motor vehicle, or which have tailboards or tailgates extending more than 1,219 mm (4 feet) beyond the body, shall have these projections marked as follows when the vehicle is operated during the hours when headlamps are required to be used:

1. On each side of the projecting load, one red side marker lamp, visible from the side, located so as to indicate maximum overhang.
2. On the rear of the projecting load, two red lamps, visible from the rear, one at each side; and two red reflectors visible from the rear, one at each side, located so as to indicate maximum width.

393.87 Warning flags on projecting loads

- a. Any commercial motor vehicle transporting a load which extends beyond the sides by more than 102 mm (4 inches) or more than 1,219 mm (4 feet) beyond the rear must have the extremities of the load marked with red or orange fluorescent warning flags. Each warning flag must be at least 457 mm (18 inches) square.
- b. Position of flags. There must be a single flag at the extreme rear if the projecting load is two feet wide or less. Two warning flags are required if the projecting load is wider than two feet. Flags must be located to indicate maximum width of loads which extend beyond the sides and/or rear of the vehicle.

392.9 (b) Inspection of Cargo

2. Inspect the cargo and the devices used to secure the cargo within the first 50 miles after beginning a trip and cause any adjustments to be made to the cargo or load securement devices as necessary, including adding more securement devices, to ensure that cargo cannot shift on or within, or fall from the commercial motor vehicle, and
3. Reexamine after the commercial motor vehicle has been driven for 3 hours; or the commercial motor vehicle has been driven for 150 miles.

393.116 Securement of logs (poles) transported on pole trailers.

1. The load must be secured by at least one tiedown at each bunk, or alternatively, by at least two tie owns used as wrappers that encircle the entire load at locations along the load that provide effective securement.
2. The front and rear wrappers must be at least 3.04 meters (10 feet) apart.

- 3 Large diameter single and double log loads must be immobilized with chock blocks or other equivalent means to prevent shifting.
4. Large diameter logs that rise above bunks must be secured to the underlying load with at least two additional wrappers.

393.120

Securement of coils transported with eyes crosswise on a flatbed vehicle, in a sided vehicle or intermodal container with anchor points—An individual coil. Each coil must be secured by the following:

1. A means (e.g., timbers, chocks or wedges, a cradle, etc.) to prevent the coil from rolling. The means of preventing rolling must support the coil off the deck, and must not be capable of becoming unintentionally unfastened or loose while the vehicle is in transit.
2. At least one tiedown through its eye, restricting against forward motion.
3. At least one tiedown through its eye, restricting against rearward motion.

393.130: What are the rules for securing heavy vehicles, equipment and machinery?

- (a) **Applicability.** The rules in this section apply to the transportation of heavy vehicles, equipment and machinery which operate on wheels or tracks, such as front end loaders, bulldozers, tractors, and power shovels and which individually weigh 4,536 kg (10,000 lb.) or more. Vehicles, equipment and machinery which is lighter than 4,536 kg (10,000 lb.) may also be secured in accordance with the provisions of this section, with § 393.128, or in accordance with the provisions of §§ 393.100 through 393.114.
- (b) **Preparation of equipment being transported.** (1) Accessory equipment, such as hydraulic shovels, must be completely lowered and secured to the vehicle.
 - (2) Articulated vehicles shall be restrained in a manner that prevents articulation while in transit.
- (c) **Securement of heavy vehicles, equipment or machinery with crawler tracks or wheels.**
 - (1) In addition to the requirements of paragraph (b) of this section, heavy equipment or machinery with crawler tracks or wheels must be restrained against movement in the lateral, forward, rearward, and vertical direction using a minimum of four tiedowns.
 - (2) Each of the tiedowns must be affixed as close as practicable to the front and rear of the vehicle, or mounting points on the vehicle that have been specifically designed for that purpose.

SUMMARY

Poles must be secured by at least one tiedown at each bunk or by at least two tiedowns used as wrappers that encircle the entire load at locations along the load that provide effective securement.

The front and rear wrappers must be at least 10 feet apart.

Equipment with crawler tracks or wheels must have a minimum of four separate tiedowns.

Equipment securement.

UNMANNED AIRCRAFT SYSTEMS

14 CFR PART 107—SMALL UNMANNED AIRCRAFT SYSTEMS

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Subpart A—General

§ 107.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to the registration, airman certification, and operation of civil small unmanned aircraft systems within the United States.

(b) This part does not apply to the following: (1) Air carrier operations;

(2) Any aircraft subject to the provisions of part 101 of this chapter; or

(3) Any operation that a remote pilot in command elects to conduct pursuant to an exemption issued under section 333 of Public Law 112-95, unless otherwise specified in the exemption.

§ 107.3 Definitions.

The following definitions apply to this part. If there is a conflict between the definitions of this part and definitions specified in § 1.1 of this chapter, the definitions in this part control for purposes of this part:

Control station means an interface used by the remote pilot to control the flight path of the small unmanned aircraft.

Corrective lenses means spectacles or contact lenses.

Small unmanned aircraft means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small unmanned aircraft system (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

Unmanned aircraft means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

Visual observer means a person who is designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the small UAS to see and avoid other air traffic or objects aloft or on the ground.

§ 107.5 Falsification, reproduction or alteration.

(a) No person may make or cause to be made—

(1) Any fraudulent or intentionally false record or report that is required to be made, kept, or used to show compliance with any requirement under this part.

(2) Any reproduction or alteration, for fraudulent purpose, of any certificate, rating, authorization, record or report under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for any of the following:

(1) Denial of an application for a remote pilot certificate or a certificate of waiver,

(2) Suspension or revocation of any certificate or waiver issued by the Administrator under this part and held by that person; or

(3) A civil penalty.

§ 107.7 Inspection, testing, and demonstration of compliance.

(a) A remote pilot in command, owner, or person manipulating the flight controls of a small unmanned aircraft system must, upon request, make available to the Administrator:

(1) The remote pilot certificate with a small UAS rating; and

(2) Any other document, record, or report required to be kept under the regulations of this chapter.

(b) The remote pilot in command, visual observer, owner, operator, or person manipulating the flight controls of a small unmanned aircraft system must, upon request, allow the Administrator to make any test or inspection of the small unmanned aircraft system, the remote pilot in command, the person manipulating the flight controls of a small unmanned aircraft system, and, if applicable, the visual observer to determine compliance with this part.

§ 107.9 Accident reporting.

No later than 10 calendar days after an operation that meets the criteria of either paragraph (a) or (b) of this section, a remote pilot in command must report to the FAA, in a manner acceptable to the Administrator, any operation of the small unmanned aircraft involving at least:

(a) Serious injury to any person or any loss of consciousness; or

(b) Damage to any property, other than the small unmanned aircraft, unless one of the following conditions is satisfied:

(1) The cost of repair (including materials and labor) does not exceed \$500; or

(2) The fair market value of the property does not exceed \$500 in the event of total loss.

Subpart B—Operating Rules

§ 107.11 Applicability.

This subpart applies to the operation of all civil small unmanned aircraft systems subject to this part.

§ 107.12 Requirement for a remote pilot certificate with a small UAS rating.

(a) Except as provided in paragraph (c) of this section, no person may manipulate the flight controls of a small unmanned aircraft system unless:

(1) That person has a remote pilot certificate with a small UAS rating issued pursuant to subpart C of this part and satisfies the requirements of § 107.65; or

(2) That person is under the direct supervision of a remote pilot in command and the remote pilot in command has the ability to immediately take direct control of the flight of the small unmanned aircraft. (b) Except as provided in paragraph (c) of this section, no person may act as a remote pilot in command unless that person has a remote pilot certificate with a small UAS rating issued pursuant to Subpart C of this part and satisfies the requirements of § 107.65.

(c) The Administrator may, consistent with international standards, authorize an airman to operate a civil foreign-registered small unmanned aircraft without an FAA-issued remote pilot certificate with a small UAS rating.

§ 107.13 Registration.

A person operating a civil small unmanned aircraft system for purposes of flight must comply with the provisions of § 91.203(a)(2) of this chapter.

§ 107.15 Condition for safe operation.

(a) No person may operate a civil small unmanned aircraft system unless it is in a condition for safe operation. Prior to each flight, the remote pilot in command must check the small unmanned aircraft system to determine whether it is in a condition for safe operation.

(b) No person may continue flight of the small unmanned aircraft when he or she knows or has reason to know that the small unmanned aircraft system is no longer in a condition for safe operation.

§ 107.17 Medical condition.

No person may manipulate the flight controls of a small unmanned aircraft system or act as a remote pilot in command, visual observer, or direct participant in the operation of the small unmanned aircraft if he or she knows or has reason to know that he or she has a physical or mental condition that would interfere with the safe operation of the small unmanned aircraft system.

§ 107.19 Remote pilot in command.

(a) A remote pilot in command must be designated before or during the flight of the small unmanned aircraft.

(b) The remote pilot in command is directly responsible for and is the final authority as to the operation of the small unmanned aircraft system.

(c) The remote pilot in command must ensure that the small unmanned aircraft will pose no undue hazard to other people, other aircraft, or other property in the event of a loss of control of the aircraft for any reason.

(d) The remote pilot in command must ensure that the small UAS operation complies with all applicable regulations of this chapter.

(e) The remote pilot in command must have the ability to direct the small unmanned aircraft to ensure compliance with the applicable provisions of this chapter.

§ 107.21 In-flight emergency.

(a) In an in-flight emergency requiring immediate action, the remote pilot in command may deviate from any rule of this part to the extent necessary to meet that emergency.

(b) Each remote pilot in command who deviates from a rule under paragraph (a) of this section must, upon request of the Administrator, send a written report of that deviation to the Administrator.

§ 107.23 Hazardous operation.

No person may:

- (a) Operate a small unmanned aircraft system in a careless or reckless manner so as to endanger the life or property of another; or
- (b) Allow an object to be dropped from a small unmanned aircraft in a manner that creates an undue hazard to persons or property.

§ 107.25 Operation from a moving vehicle or aircraft.

No person may operate a small unmanned aircraft system—

- (a) From a moving aircraft; or

- (b) From a moving land or water-borne vehicle unless the small unmanned aircraft is flown over a sparsely populated area and is not transporting another person's property for compensation or hire.

§ 107.27 Alcohol or drugs.

A person manipulating the flight controls of a small unmanned aircraft system or acting as a remote pilot in command or visual observer must comply with the provisions of §§ 91.17 and 91.19 of this chapter.

§ 107.29 Daylight operation.

- (a) No person may operate a small unmanned aircraft system during night.
- (b) No person may operate a small unmanned aircraft system during periods of civil twilight unless the small unmanned aircraft has lighted anti-collision lighting visible for at least 3 statute miles. The remote pilot in command may reduce the intensity of the anti-collision lighting if he or she determines that, because of operating conditions, it would be in the interest of safety to do so.
- (c) For purposes of paragraph (b) of this section, civil twilight refers to the following:
 - (1) Except for Alaska, a period of time that begins 30 minutes before official sunrise and ends at official sunrise;
 - (2) Except for Alaska, a period of time that begins at official sunset and ends 30 minutes after official sunset; and
 - (3) In Alaska, the period of civil twilight as defined in the Air Almanac.

§ 107.31 Visual line of sight aircraft operation.

(a) With vision that is unaided by any device other than corrective lenses, the remote pilot in command, the visual observer (if one is used), and the person manipulating the flight control of the small unmanned aircraft system must be able to see the unmanned aircraft throughout the entire flight in order to:

- (1) Know the unmanned aircraft's location;
 - (2) Determine the unmanned aircraft's attitude, altitude, and direction of flight;
 - (3) Observe the airspace for other air traffic or hazards; and
 - (4) Determine that the unmanned aircraft does not endanger the life or property of another.
- (b) Throughout the entire flight of the small unmanned aircraft, the paragraph

(a) of this section must be exercised by either:

- (1) The remote pilot in command and the person manipulating the flight controls of the small unmanned aircraft system; or
- (2) A visual observer.

§ 107.33 Visual observer.

If a visual observer is used during the aircraft operation, all of the following requirements must be met: (a) The remote pilot in command, the person manipulating the flight controls of the small unmanned aircraft system, and the visual observer must maintain effective communication with each other at all times.

(b) The remote pilot in command must ensure that the visual observer is able to see the unmanned aircraft in the manner specified in § 107.31.

(c) The remote pilot in command, the person manipulating the flight controls of the small unmanned aircraft system, and the visual observer must coordinate to do the following:

- (1) Scan the airspace where the small unmanned aircraft is operating for any potential collision hazard; and
- (2) Maintain awareness of the position of the small unmanned aircraft through direct visual observation.

§ 107.35 Operation of multiple small unmanned aircraft.

A person may not operate or act as a remote pilot in command or visual observer in the operation of more than one unmanned aircraft at the same time.

§ 107.36 Carriage of hazardous material.

A small unmanned aircraft may not carry hazardous material. For purposes of this section, the term hazardous material is defined in 49 CFR 171.8.

§ 107.37 Operation near aircraft; right-of-way rules.

(a) Each small unmanned aircraft must yield the right of way to all aircraft, airborne vehicles, and launch and reentry vehicles. Yielding the right of way means that the small unmanned aircraft must give way to the aircraft or vehicle and may not pass over, under, or ahead of it unless well clear.

(b) No person may operate a small unmanned aircraft so close to another aircraft as to create a collision hazard.

§ 107.39 Operation over human beings.

No person may operate a small unmanned aircraft over a human being unless that human being is: (a) Directly participating in the operation of the small unmanned aircraft; or

(b) Located under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft.

§ 107.41 Operation in certain airspace.

No person may operate a small unmanned aircraft in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport unless that person has prior authorization from Air Traffic Control (ATC).

§ 107.43 Operation in the vicinity of airports.

No person may operate a small unmanned aircraft in a manner that interferes with operations and traffic patterns at any airport, heliport, or seaplane base.

§ 107.45 Operation in prohibited or restricted areas.

No person may operate a small unmanned aircraft in prohibited or restricted areas unless that person has permission from the using or controlling agency, as appropriate.

§ 107.47 Flight restrictions in the proximity of certain areas designated by notice to airmen.

A person acting as a remote pilot in command must comply with the provisions of §§ 91.137 through 91.145 and 99.7 of this chapter.

§ 107.49 Preflight familiarization, inspection, and actions for aircraft operation.

Prior to flight, the remote pilot in command must:

(a) Assess the operating environment, considering risks to persons and property in the immediate vicinity both on the surface and in the air. This assessment must include:

- (1) Local weather conditions;
- (2) Local airspace and any flight restrictions;
- (3) The location of persons and property on the surface; and
- (4) Other ground hazards.

(b) Ensure that all persons directly participating in the small unmanned aircraft operation are informed about the operating conditions, emergency procedures, contingency procedures, roles and responsibilities, and potential hazards;

(c) Ensure that all control links between ground control station and the small unmanned aircraft are working properly;

(d) If the small unmanned aircraft is powered, ensure that there is enough available power for the small unmanned aircraft system to operate for the intended operational time; and

(e) Ensure that any object attached or carried by the small unmanned aircraft is secure and does not adversely affect the flight characteristics or controllability of the aircraft.

§ 107.51 Operating limitations for small unmanned aircraft.

A remote pilot in command and the person manipulating the flight controls of the small unmanned aircraft system must comply with all of the following operating limitations when operating a small unmanned aircraft system:

(a) The groundspeed of the small unmanned aircraft may not exceed 87 knots (100 miles per hour). (b) The altitude of the small unmanned aircraft cannot be higher than 400 feet above ground level, unless the small unmanned aircraft:

- (1) Is flown within a 400-foot radius of a structure; and
- (2) Does not fly higher than 400 feet above the structure's immediate uppermost limit.

(c) The minimum flight visibility, as observed from the location of the control station must be no less than 3 statute miles. For purposes of this section, flight visibility means the average slant distance from the control station at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

(d) The minimum distance of the small unmanned aircraft from clouds must be no less than: (1) 500 feet below the cloud; and
(2) 2,000 feet horizontally from the cloud.

Subpart C—Remote Pilot Certification

§ 107.53 Applicability.

This subpart prescribes the requirements for issuing a remote pilot certificate with a small UAS rating.

§ 107.57 Offenses involving alcohol or drugs.

(a) A conviction for the violation of any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances is grounds for:

(1) Denial of an application for a remote pilot certificate with a small UAS rating for a period of up to 1 year after the date of final conviction; or

(2) Suspension or revocation of a remote pilot certificate with a small UAS rating.

(b) Committing an act prohibited by § 91.17(a) or § 91.19(a) of this chapter is grounds for:

(1) Denial of an application for a remote pilot certificate with a small UAS rating for a period of up to 1 year after the date of that act; or

(2) Suspension or revocation of a remote pilot certificate with a small UAS rating.

§ 107.59 Refusal to submit to an alcohol test or to furnish test results.

A refusal to submit to a test to indicate the percentage by weight of alcohol in the blood, when requested by a law enforcement officer in accordance with § 91.17(c) of this chapter, or a refusal to furnish or authorize the release of the test results requested by the Administrator in accordance with § 91.17(c) or (d)

of this chapter, is grounds for:

(a) Denial of an application for a remote pilot certificate with a small UAS rating for a period of up to 1 year after the date of that refusal; or

(b) Suspension or revocation of a remote pilot certificate with a small UAS rating.

§ 107.61 Eligibility.

Subject to the provisions of §§ 107.57 and 107.59, in order to be eligible for a remote pilot certificate with a small UAS rating under this subpart, a person must:

(a) Be at least 16 years of age;

(b) Be able to read, speak, write, and understand the English language. If the applicant is unable to meet one of these requirements due to medical reasons, the FAA may place such operating limitations on that applicant's certificate as are necessary for the safe operation of the small unmanned aircraft;

(c) Not know or have reason to know that he or she has a physical or mental condition that would interfere with the safe operation of a small unmanned aircraft system; and

(d) Demonstrate aeronautical knowledge by satisfying one of the following conditions:

(1) Pass an initial aeronautical knowledge test covering the areas of knowledge specified in § 107.73(a); or

(2) If a person holds a pilot certificate (other than a student pilot certificate) issued under part 61 of this chapter and meets the flight review requirements specified in § 61.56, complete an initial training course covering the areas of knowledge specified in § 107.74(a) in a manner acceptable to the Administrator.

§ 107.63 Issuance of a remote pilot certificate with a small UAS rating.

An applicant for a remote pilot certificate with a small UAS rating under this subpart must make the application in a form and manner acceptable to the Administrator.

(a) The application must include either:

(1) Evidence showing that the applicant passed an initial aeronautical knowledge test. If applying using a paper application, this evidence must be an airman knowledge test report showing passage of the knowledge test; or

(2) If a person holds a pilot certificate (other than a student pilot certificate) issued under part 61 of this chapter and meets the flight review requirements specified in § 61.56, a certificate of completion of a part 107 initial training course.

(b) If the application is being made pursuant to paragraph (a)(2) of this section:

(1) The application must be submitted to a Flight Standards District Office, a designated pilot examiner, an airman certification representative for a pilot school, a certificated flight instructor, or other person authorized by the Administrator;

(2) The person accepting the application submission must verify the identity of the applicant in a manner acceptable to the Administrator; and

(3) The person making the application must, by logbook endorsement or other manner acceptable to the Administrator, show the applicant meets the flight review requirements specified in § 61.56 of this chapter.

§ 107.64 Temporary certificate.

(a) A temporary remote pilot certificate with a small UAS rating is issued for up to 120 calendar days, at which time a permanent certificate will be issued to a person whom the Administrator finds qualified under this part.

(b) A temporary remote pilot certificate with a small UAS rating

expires: (1) On the expiration date shown on the certificate;

(2) Upon receipt of the permanent certificate; or

(3) Upon receipt of a notice that the certificate sought is denied or revoked.

§ 107.65 Aeronautical knowledge recency.

A person may not operate a small unmanned aircraft system unless that person has completed one of the following, within the previous 24 calendar months:

(a) Passed an initial aeronautical knowledge test covering the areas of knowledge specified in § 107.73(a);

(b) Passed a recurrent aeronautical knowledge test covering the areas of knowledge specified in § 107.73(b);

or

(c) If a person holds a pilot certificate (other than a student pilot certificate) issued under part 61 of this chapter and meets the flight review requirements specified in § 61.56, passed either an initial or recurrent training course covering the areas of knowledge specified in § 107.74(a) or (b) in a manner acceptable to the Administrator.

§ 107.67 Knowledge tests: General procedures and passing grades.

(a) Knowledge tests prescribed by or under this part are given by persons and in the manner designated by the Administrator.

(b) An applicant for a knowledge test must have proper identification at the time of application that contains the applicant's:

(1)

Photograph;

(2) Signature;

(3) Date of birth, which shows the applicant meets or will meet the age requirements of this part for the certificate and rating sought before the expiration date of the airman knowledge test report; and

(4) Permanent mailing address. If the applicant's permanent mailing address is a post office box number, then the applicant must also provide a current residential address.

(c) The minimum passing grade for the knowledge test will be specified by the Administrator.

§ 107.69 Knowledge tests: Cheating or other unauthorized conduct.

(a) An applicant for a knowledge test may not:

- (1) Copy or intentionally remove any knowledge test;
- (2) Give to another applicant or receive from another applicant any part or copy of a knowledge test;
- (3) Give or receive assistance on a knowledge test during the period that test is being given;
- (4) Take any part of a knowledge test on behalf of another person;
- (5) Be represented by, or represent, another person for a knowledge test;
- (6) Use any material or aid during the period that the test is being given, unless specifically authorized to do so by the Administrator; and
- (7) Intentionally cause, assist, or participate in any act prohibited by this paragraph.

(b) An applicant who the Administrator finds has committed an act prohibited by paragraph (a) of this section is prohibited, for 1 year after the date of committing that act, from:

- (1) Applying for any certificate, rating, or authorization issued under this chapter; and
- (2) Applying for and taking any test under this chapter.

(c) Any certificate or rating held by an applicant may be suspended or revoked if the Administrator finds that person has committed an act prohibited by paragraph (a) of this section.

§ 107.71 Retesting after failure.

An applicant for a knowledge test who fails that test may not reapply for the test for 14 calendar days after failing the test.

§ 107.73 Initial and recurrent knowledge tests.

(a) An initial aeronautical knowledge test covers the following areas of knowledge:

- (1) Applicable regulations relating to small unmanned aircraft system rating privileges, limitations, and flight operation;
- (2) Airspace classification, operating requirements, and flight restrictions affecting small unmanned aircraft operation;
- (3) Aviation weather sources and effects of weather on small unmanned aircraft performance;
- (4) Small unmanned aircraft loading;
- (5) Emergency procedures;
- (6) Crew resource management;
- (7) Radio communication procedures;
- (8) Determining the performance of small unmanned aircraft;
- (9) Physiological effects of drugs and alcohol;
- (10) Aeronautical decision-making and judgment;
- (11) Airport operations; and
- (12) Maintenance and preflight inspection procedures.

(b) A recurrent aeronautical knowledge test covers the following areas of knowledge:

- (1) Applicable regulations relating to small unmanned aircraft system rating privileges, limitations, and flight operation;
- (2) Airspace classification and operating requirements and flight restrictions affecting small unmanned aircraft operation;
- (3) Emergency procedures;

- (4) Crew resource management;
- (5) Aeronautical decision-making and judgment;
- (6) Airport operations; and
- (7) Maintenance and preflight inspection procedures.

§ 107.74 Initial and recurrent training courses.

(a) An initial training course covers the following areas of knowledge:

- (1) Applicable regulations relating to small unmanned aircraft system rating privileges, limitations, and flight operation;
- (2) Effects of weather on small unmanned aircraft performance;
- (3) Small unmanned aircraft loading;
- (4) Emergency procedures;
- (5) Crew resource management;
- (6) Determining the performance of small unmanned aircraft; and
- (7) Maintenance and preflight inspection procedures.

(b) A recurrent training course covers the following areas of knowledge:

- (1) Applicable regulations relating to small unmanned aircraft system rating privileges, limitations, and flight operation;
- (2) Emergency procedures;
- (3) Crew resource management; and
- (4) Maintenance and preflight inspection procedures.

§ 107.77 Change of name or address.

(a) Change of name. An application to change the name on a certificate issued under this subpart must be accompanied by the applicant's:

- (1) Remote pilot certificate with small UAS rating; and
- (2) A copy of the marriage license, court order, or other document verifying the name change.

(b) The documents in paragraph (a) of this section will be returned to the applicant after inspection.

(c) Change of address. The holder of a remote pilot certificate with small UAS rating issued under this subpart who has made a change in permanent mailing address may not, after 30 days from that date, exercise the privileges of the certificate unless the holder has notified the FAA of the change in address using one of the following methods:

- (1) By letter to the FAA Airman Certification Branch, P.O. Box 25082, Oklahoma City, OK 73125 providing the new permanent mailing address, or if the permanent mailing address includes a post office box number, then the holder's current residential address; or
- (2) By using the FAA Web site portal at www.faa.gov providing the new permanent mailing address, or if the permanent mailing address includes a post office box number, then the holder's current residential address.

§ 107.79 Voluntary surrender of certificate.

(a) The holder of a certificate issued under this subpart may voluntarily surrender it for cancellation.

(b) Any request made under paragraph (a) of this section must include the following signed statement or its equivalent: "I voluntarily surrender my remote pilot certificate with a small UAS rating for cancellation. This request is made for my own reasons, with full knowledge that my certificate will not be reissued to me unless I again complete the requirements specified in §§ 107.61 and 107.63."

Subpart D—Waivers

§ 107.200 Waiver policy and requirements.

(a) The Administrator may issue a certificate of waiver authorizing a deviation from any regulation specified in § 107.205 if the Administrator finds that a proposed small UAS operation can safely be conducted under the terms of that certificate of waiver.

(b) A request for a certificate of waiver must contain a complete description of the proposed operation and justification that establishes that the operation can safely be conducted under the terms of a certificate of waiver.

(c) The Administrator may prescribe additional limitations that the Administrator considers necessary. (d) A person who receives a certificate of waiver issued under this section:

- (1) May deviate from the regulations of this part to the extent specified in the certificate of waiver; and
- (2) Must comply with any conditions or limitations that are specified in the certificate of waiver.

§ 107.205 List of regulations subject to waiver.

A certificate of waiver issued pursuant to § 107.200 may authorize a deviation from the following regulations of this part:

(a) Section 107.25—Operation from a moving vehicle or aircraft. However, no waiver of this provision will be issued to allow the carriage of property of another by aircraft for compensation or hire.

(b) Section 107.29—Daylight operation.

(c) Section 107.31—Visual line of sight aircraft operation. However, no waiver of this provision will be issued to allow the carriage of property of another by aircraft for compensation or hire.

(d) Section 107.33—Visual observer.

(e) Section 107.35—Operation of multiple small unmanned aircraft systems. (f) Section 107.37(a)—Yielding the right of way.

(g) Section 107.39—Operation over people.

(h) Section 107.41—Operation in certain airspace.

(i) Section 107.51—Operating limitations for small unmanned aircraft.