

## CHAPTER 9 – PART 392

### PART 392 — DRIVING COMMERCIAL MOTOR VEHICLES

#### General Requirements

Drivers must understand basic safety practices in the use of their vehicles. This includes use of emergency equipment, safe loading, and prohibited practices. The training requirement includes almost everyone associated with the maintenance or operation of a Commercial Motor Vehicle:

*“Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of commercial motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.”*

#### Illness or Fatigue [§392.3]

No driver is permitted to operate a motor vehicle when his/her ability and/or alertness is impaired by fatigue, illness, or any other cause that makes it unsafe to begin (or continue) to drive the vehicle.

#### Drugs [§392.4]

No driver may be on duty and possess, be under the influence of, or use:

- Any Schedule I substance listed in 21 CFR, §1308.11 (opiates, opium derivatives, hallucinogenic substances, depressants, stimulants)
- Any amphetamine or formulation of an amphetamine (including pep pills and bennies)
- Any narcotic or derivative of a narcotic
- Any other substance that makes driving unsafe.

*Exception:* possession or use of a substance administered to a driver by or under the instructions of a licensed medical practitioner, who has advised the driver that the substance will not affect the driver’s ability to safely operate a motor vehicle.

## **Alcohol**      [§392.5]

A driver is forbidden to use or be under the influence of alcohol within four hours of going on duty, while on duty, or while driving. Furthermore, a driver is forbidden to possess an alcoholic beverage while on duty.

If a driver is in violation of this rule, or appears to have violated this rule (general appearance, conduct, or other substantiating evidence) you must prevent him/her from being on-duty, from operating, or being in physical control of a CMV (24 hours is recommended). If the violation is discovered by a law enforcement officer, the driver will be placed "out of service" for 24 hours and must report this to you and the State which issued the CDL.

## **Routes and Schedules**      [§392.6]

You must not require or permit a delivery that would require the driver to exceed the posted speed limits in order to complete the delivery on time.

DOT Interpretation:

*Where the total trip is on highways with a speed limit of 65 MPH, trips of 550-600 miles completed in 10 hours are considered questionable and the motor carrier may be asked to document that such trips can be made. Trips of 600 miles or more will be assumed to be incapable of being completed without violations of the speed limits and may be required to be documented. In areas where a 55 MPH speed limit is in effect, trips of 450-500 miles are open to question, and runs of 500 miles or more are considered incapable of being made in compliance with the speed limit and hours of service limitation.*

## **Hearing Aids**      [§392.9b]

If a driver must wear a hearing aid to meet the physical examination requirements, the hearing aid and a spare battery must be in his/her possession while driving.

## **Railroad Crossings**      [§392.10, 11]

As a general rule, Commercial Motor Vehicle's required to be placarded and all cargo tanks (full or empty) must stop within 15-50 feet of railroad crossings until it is safe to proceed. Tracks must be crossed in a single gear (no shifting allowed).

Exceptions to this requirement are:

- Tracks used exclusively for industrial switching purposes, within a business district,

- Crossing when a police officer or crossing flagman directs traffic to proceed,
- Crossing controlled by a functioning highway traffic signal,
- Abandoned railroad crossing which is marked with a sign indicating that the rail line is abandoned,
- Industrial or spur line crossing marked with a sign reading "Exempt."

### **Seat Belts**      [§392.16]

Drivers must be properly restrained by seat belt assemblies prior to driving.

### **Obscured Lamps or Reflectors**      [§392.33]

A vehicle may not be driven if any required lamps or reflectors are obscured by the tailgate, dirt, etc.

### **Stopped Vehicles**      [§392.20-25]

If stopped upon a highway or shoulder, the driver must activate the vehicle's hazard warning flashers at once. The flashers must again be used while the warning devices (e.g., reflective triangles) are being picked up before the vehicle moves on.

Warning devices should be reflective triangles. Fusees and liquid-burning flares are not permitted when carrying flammable gases.

Placement of reflective triangles:

- Two-way highway:
  - One triangle 10 feet behind the truck, in the center of the lane.
  - One triangle 100 feet behind the truck, in the center of the lane.
  - One triangle 100 feet in front of the truck, in the center of the lane.
- One-way or divided highway:
  - One triangle 200 feet behind the truck, in the center of the lane.
  - One triangle 100 feet behind the truck, in the center of the lane.
  - One triangle 10 feet behind the truck.
- If within 500 feet of a curve, hill, or obstruction, signal must be placed within 100-500 feet in the direction of the obstruction to view.

## **Load Securement**     [§392.9]

All loads must be secured: (1) relative to the vehicle and (2) relative to one another by a securement device(s) with a working strength equal to one-half (1/2) the weight of the load. Securement rules apply regardless of the size of cylinder (i.e., B, MC, E, etc.). The DOT also requires the tailgate, spare tire, hand trucks, and other equipment to be adequately secured.

Drivers must inspect cargo and load securement devices within the first 25 miles of a trip, after 3 hours or 150 miles (whichever occurs first) and whenever duty status changes (e.g., “driving” / “on duty, not driving”).

## **Fueling**     [§392.50]

When a vehicle is being fueled, drivers must turn off the engine and remain at the point where the tank is being filled.

## **Unauthorized Persons**     [§392.60]

Except for persons you assign to a Commercial Motor Vehicle (e.g., driver’s helper), drivers may not transport passengers unless you give specific written authorization. The authorization must state the name of the person to be transported, where the trip will begin and end, and the date such authorization will expire.

## **Carbon Monoxide**     [§392.66]

A vehicle must not be driven if there is an indication that carbon monoxide may be in the vehicle’s interior or if a mechanical condition is discovered which would be likely to produce carbon monoxide.

## **Radar Detector**     [§392.71]

A radar detector is forbidden in a Commercial Motor Vehicle.

## **Pre-Trip Vehicle Inspection**     [§392.7]

Drivers must make *pre-trip* vehicle inspections and *post-trip* vehicle inspections. A pre-trip vehicle inspection is not required to be noted in writing (a *post-trip* inspection is required to be in writing. See TAB 8). Inspections require the driver to check the following:

- Service brakes, including trailer brake connections
- Parking (hand) brake

- Steering mechanism
- Lighting devices and reflectors
- Tires
- Horn
- Windshield wiper or wipers
- Rear vision mirror or mirrors
- Coupling devices
- Fire extinguishers
- Spare fuses
- Warning devices
- Defects or deficiencies reported on the prior day's post-trip inspection report.

## **Hazardous Materials Transportation**

If hazardous materials are being transported in quantities requiring placarding, special rules apply regarding vehicle attendance, parking, smoking, etc. Please see TAB 10.