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TRUCK DRIVERS: LICENSING AND MONITORING  
AN ANALYSIS WITH RECOMMENDATIONS

Appendix Volume C: Federal, State and Company  
Driver Qualification Practices

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<p>16. Abstract This project addressed the licensing requirements for drivers of heavy trucks and the feasibility of federal licensing of these drivers. Data analyses indicate that heavy trucks pose a problem, but many of the key questions cannot be adequately answered on the basis of available data.</p> <p>Approximately half the states have classified licensing of these drivers, but the fact that other states do not, seriously limits the safety of the public in all states. The Bureau of Motor Carrier Safety (BMCS) has responsibility for most drivers in interstate trucking, but they rely primarily on motor carriers to see that regulations are observed. BMCS does not have sufficient manpower to insure compliance. Although many state regulatory authorities have adopted BMCS regulations, neither they nor BMCS can determine how many drivers they are responsible for, let alone identify them. BMCS and state regulations may appear adequate, but lack of effective enforcement leaves major gaps in monitoring.</p> <p>Licensing recommendations cover verification of driver identity; medical requirements; vision, knowledge, and skills testing; and an interstate identification file that is checked whenever license is first issued in any state. It is recommended that existing state programs in licensing, records, and enforcement be used in establishing an effective licensing program. Federal standards with enforceable sanctions will probably be necessary to encourage states to upgrade their programs. However, a cooperative state program should be far more effective and less costly than a federal licensing program.</p>			
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The data analysis portion of the project relied on data banks made available by state and federal agencies. The North Carolina Department of Transportation provided the crash files and had earlier provided driver history files from which the chauffeur files were derived. The New York Department of Motor Vehicles made their 1975 crash file available for analysis for another project and kindly consented to its use in this project as well. The National Highway Traffic Safety Administration (NHTSA) provided copies of their 1977 Fatal Accident Reporting System file, and the Bureau of Motor Carrier Safety (BMCS) made available their crash file for 1976.

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Because of our limited on-hands experience with heavy trucks, we were allowed to attend truck driver training school in Portland, Oregon. Special acknowledgement is due our instructor, Al Klein, for his long suffering patience and the many Alka Seltzers we necessitated.

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board for ideas as they were being formulated. They also put us in touch with motor carrier safety supervisors in North Carolina who were interviewed concerning company practices in driver qualification and monitoring. The Indiana Motor Truck Association, Inc. provided names of motor carriers in that state, and Rodney Harris, then at Indiana University, conducted interviews with their safety supervisors. We wish to thank Mr. Harris, the North Carolina Motor Carriers Association, the Indiana Motor Truck Association, Inc. and all the trucking company representatives who gave us their time and interest and shared with us their knowledge and experience in this area.

Licensing authorities were contacted in every state and asked for information about their procedures for licensing drivers of heavy trucks. They provided driver manuals, as well as copies of motor vehicle laws, copies of road tests, and copies of knowledge examinations. California, Colorado, Delaware, Georgia, Illinois, Kansas, Louisiana, Maine, Nebraska, Nevada, New York, North Dakota, and Utah were contacted by telephone for additional information, and all were most helpful in providing what they had available.

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us in the early planning stages of the project, and Robert Nicholson assumed responsibility upon Dr. Fineberg's departure. When Stephen Versace joined NHTSA, he was presented this project in mid-stream. Eventually, responsibility was passed to John Eberhard, who labored to bring together many loose ends and see the project through to its conclusion. We are grateful for the contributions of each of these CTM's

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EXECUTIVE SUMMARY

The purpose of this project was to identify what would be required for qualifying drivers to operate heavy trucks, including both driver licensing and regulation and addressing improved methods of record screening, better written examinations, more effective behind-the-wheel testing, and more relevant and effective vision testing. As part of this effort some evaluation was to be made of the seriousness of the safety problems associated with heavy trucks. The project also called for exploring the feasibility of a federal license for these drivers, and, finally, preparing a program plan for developing and implementing a licensing program for drivers of heavy trucks.

In the process of conducting the project it became evident that many of the key questions regarding the safety of heavy trucks cannot be adequately answered on the basis of available data. Nevertheless there is no question that there is growing concern as to whether our current practices are adequate to ensure an acceptable level of safety performance. Heavy trucks are disproportionately represented in fatal crashes, and their overrepresentation has been increasing in recent years.

The two major issues that must be addressed in qualifying and monitoring drivers of heavy trucks are, first, the licensing process, that is, the initial and subsequent qualification of drivers, and, second, the records system. Approximately half the states have some kind of special procedures for licensing drivers of heavy trucks. However, even though a state may have an excellent licensing program, the fact that other states do not have programs seriously limits the safety of the public in all states. In the case of records systems, at the present time there is no effective control of whether a driver holds

multiple licenses and/or has records in several states. A satisfactory records system is seen as crucial to a licensing system that can ensure adequate qualification of the driver upon initial and subsequent licensure and adequate detection of drivers who are in need of special help or who should be removed from the population of drivers of heavy trucks.

At the present time there are several programs for qualifying and monitoring these drivers. They include state licensing programs, the Bureau of Motor Carrier Safety, and programs operated by motor carriers. As indicated earlier, states vary greatly in their practices and therefore there is no assurance that licensed drivers have met reasonable standards. The Bureau of Motor Carrier Safety has responsibility for monitoring the qualification and performance of most interstate trucking. However, they rely primarily upon motor carriers to see that the regulations are observed. While many carriers establish standards which far exceed those of BMCS, there is little control over the carrier that chooses not to comply. BMCS has long been saddled with more responsibility than manpower. The regulations establish quite reasonable standards, but enforcement has not been sufficient to ensure results. Without increasing their resources it is not realistic to expect BMCS to conduct adequate enforcement of current regulations.

While many motor carriers conduct excellent safety programs, it is not known the extent to which carriers generally observe regulations. Because enforcement is so sparse in relation to the number of carriers, it cannot be assumed that compliance is optimal. Special problems are posed by the independent operator or owner operator. Not only is he difficult to locate and identify, but also he is especially difficult to monitor through records. An effective procedure for qualifying and monitoring drivers of heavy trucks must address the problem of the owner operator.

Although multiple regulatory authorities exist, there are major gaps in coverage. At the present time there do not appear to be adequate programs or systems for even ascertaining the number of drivers currently operating heavy trucks, let alone identifying who the drivers are. Hence, although on paper it appears that there are reasonable regulations governing these drivers, in practice it is not possible to determine what is actually going on. Present licensing, records, and enforcement systems must be vastly improved and coordinated before an accurate description can be provided of the safety performance of drivers of large trucks.

#### Recommendations for Licensure.

In the absence of proven technology, the recommendations for licensure are based on input from the literature review, the data analysis, interviews with motor carrier safety supervisors, and the many contacts and conversations with persons representing other areas of expertise regarding licensing and monitoring of drivers of heavy trucks.

1. Verification of driver identity. At the time of first licensure a careful background check should be conducted on the applicant. The driver should provide the information outlined in the report, and the appropriate information should be forwarded to an interstate file for further checking. No license to drive a heavy truck should be issued over the counter.

2. Medical requirements. Until better information is available the minimal standards established by the Federal Motor Carrier Regulations should be followed, although it is recognized that these can probably be improved, particularly in regard to frequency of renewal. The state licensing authority is in by far the best position to ensure that the driver holds a current medical certificate. At both initial and renewal licensure the certificate should be presented.



3. Vision testing. Vision testing should follow the established procedures for this class of licensure, although it is recognized that better information may be forthcoming based on research findings.

4. Knowledge testing. Knowledge testing should cover both laws and safe driving practices, as well as the pre-trip inspection. If air brakes are to be used, a special subset of questions on them should be given.

5. Skills testing. The skills testing should include a pre-trip inspection, an off-road skills test, and an in-traffic test. Each of these components is described at length in the report.

#### Recommendations for a Licensing System.

An effective licensing system must address the initial and subsequent qualification of drivers and the monitoring of drivers through an adequate records system. The operation of the system includes three major components, namely, the licensing, the enforcement, and the records. Recommendations include the following.

1. First and foremost it is recommended that a system be utilized that will guarantee adequate driver qualification and monitoring with the least federal involvement. Federal involvement should be kept to a minimum for three major reasons. First, there is widespread opposition to further federal intervention into areas traditionally handled by the states. Second, the cost of extensive federal involvement is virtually prohibitive. Third, federal administration of the major components of a licensing system would be far less effective than a state system. The reasons for this are elaborated in the report. Because not all states would participate voluntarily in a cooperative program, it is believed that the most effective system, in terms of cost and adequacy of qualification and monitoring of drivers, would be one in which the

federal government established minimal standards with enforceable sanctions and in which states developed their own programs to meet these standards. It is believed that only with the possibility of federal sanctions can a truly effective state system be established.

2. It is recommended that federal monies be made available to assist the states in developing a licensing system. This assistance should be in several forms, with 403 monies made available for portions of the system and 402 monies and possible special appropriations for other portions. Assistance would be required for developing a model driver manual, knowledge tests, vision tests, performance tests, off-street testing facilities where needed, training of examiners, and finally the establishment of an interstate file.

3. An essential component of an effective licensing system is an interstate driver identification file. While it would require federal monies to be established, once it is developed it should be self-sustaining from licensing fees and fees collected by states for responses to employer inquiries. This file would contain extensive identifying information on drivers plus the name of the state in which the complete driver record resides. Because it would be a fixed length format and should be fairly inactive, it should not be a costly file to maintain. However, when a driver first acquires licensure, transfers license to another state, or is no longer licensed, the information would be recorded on the interstate file. The major purpose of the file would be to reduce the probability of multiple licenses and multiple records.

4. At the present time the Bureau of Motor Carrier Safety has the authority to establish a registry of drivers operating under their jurisdiction. It should not be especially costly to establish such a file, and all drivers could be required to carry with them some evidence of registration. However, such a system does not address the two major issues of driver qualification and

driver monitoring. Hence it does not appear that establishing such a file would accomplish much improvement in the current situation. Therefore it is recommended that effort be directed toward developing a cooperative interstate system for licensing and monitoring drivers of heavy trucks.

In summary, there appear to be major shortcomings in current procedures for licensing and monitoring drivers of heavy trucks. Not only do many state programs need upgrading but also there is a critical need for an effective records system that will provide accurate and complete information on driver performance. Although a federal license for drivers of heavy trucks could potentially alleviate some safety problems, the evidence indicates that a coordinated state system, supported by federal standards with enforceable sanctions and by an interstate identification file, would be far more effective and less costly to implement and maintain.

## I. INTRODUCTION

The purpose of the efforts documented below is to determine the current practices in licensing the heavy duty vehicle (HDV) drivers. The main areas of emphasis are in vision testing, medical screening, knowledge examination, pre-trip inspection and performance testing. By undertaking the following efforts, we hope to identify some of the shortcomings of the existing licensing regulatory systems covering the heavy duty vehicle drivers.

Licensing or certification procedures currently in existence fall under three different types of authority, namely, the Bureau of Motor Carrier Safety (BMCS), the states' licensing agencies and the trucking companies. Each of these organizations have different types of authorities over the group of drivers they are to qualify or regulate. With certain minor exceptions, BMCS has authority to establish qualifications for the interstate drivers and drivers hauling hazardous materials. On the other hand, states' licensing agencies are mainly concerned with the in-state HDV drivers whereas trucking companies qualify and regulate those HDV drivers working for them.

Thus, in determining the current practices of the three different authorities, several tasks were performed. First, the Federal Motor Carrier Safety Regulations on Driver Qualification (Part 391) were reviewed and summarized in Chapter II of this report. Second, several methods were used to delineate states' licensing procedures for drivers of HDVs; these included reviewing published studies on states' licensing procedures, writing and telephoning the states to request licensing information on the HDV drivers. The results reported in Chapter III are based on a review of the materials (driver manuals, truck supplements, examiner's guide, written tests, road test score cards and etc.) sent by the states.

Third, interviews were conducted with Safety Directors from nine trucking companies, five in North Carolina and four in Indiana. The purpose of these interviews was to gather detailed information on each company's policies on driver screening, on-the-job training, vehicle maintenance and inspection, and other driver regulatory programs. The findings from these on-site company interviews are summarized in Chapter IV of this report.

## II. FEDERAL MOTOR CARRIER SAFETY REGULATIONS ON DRIVER QUALIFICATION

### A. Introduction

Federal regulations for motor carriers date back to the Motor Carrier Act of 1935. Congress' principal reason for the initial codification of these rules was to control the unstable economic situation characteristic of the industry at that time. The 1935 act, however, led to the first publication of the Federal Motor Carrier Safety Regulations (FMCSR). Parts 390 through 397 of the current version of these regulations outline the requirements for driver qualification; driving of motor vehicles; parts and accessories necessary for safe operation; notification, reporting and recording of accidents; hours of service for drivers; inspection and maintenance; and transportation of hazardous materials. The responsibility for the promulgation and enforcement of the FMCSR belongs to the Bureau of Motor Carrier Safety, formerly under the Interstate Commerce Commission (FHWA, 1977). However, in order to increase the effectiveness of their motor carrier safety programs, BMCS was shifted in 1967 from the Interstate Commerce Commission to the Federal Highway Administration of the Department of Transportation.

Heavy duty vehicle drivers engaged in interstate commerce are subject to the FMCSR. These heavy duty vehicle drivers operate either independently or work for common, contract, or private carriers. Drivers presently exempt from the FMCSR on driver qualification include drivers who are wholly engaged in the intracity transportation of goods or passengers and who function entirely within a municipality or within a commercial zone, certain farm vehicle drivers, farm custom operations, drivers of lightweight mail trucks and drivers in the apiarian industry. This chapter highlights the FMCSR on Driver Qualification-Part 391 (See Attachment A), especially in reference to the knowledge, performance and physical or medical requirements.

B. General Requirements on Driver Qualification.

Section 391.11 describes some of the general qualifications required of drivers. It specifies that the driver must be at least 21 years old, has been issued a currently valid motor vehicle operator's license, must be able to read and write English adequately, must be able to operate safely the type of motor vehicle he drives, is in good physical health, has passed a road test using the type of vehicle he will drive, and has been instructed (through a written test) in the rules and regulations pertaining to vehicle safety. Additionally, the applicant must provide information regarding his employment background and character, states in which he currently holds license and other driver history information. His employer must validate the information provided. Drivers convicted of offenses such as operating a motor vehicle while under the influence of alcohol, amphetamine or narcotic drugs; possessing, transporting or illegally using amphetamine or narcotic drugs; leaving the scene of an accident which resulted in injury or fatality; or committing any motor vehicle-related felony while in the employ of a motor carrier are disqualified from driving any commercial motor vehicle in interstate commerce.

C. Knowledge Requirements.

Part 391.35 of the FMCSR describes, in part, the knowledge requirements for qualifying drivers. A written test is administered, the objective of which is to instruct the applicant in the rules and regulations concerning vehicle safety. The applicant may consult a copy of the FMCSR and any other materials that the motor carrier may provide. Furthermore, there is no time limit on the written test, and his performance on the 66 item test does not affect his qualification to drive, that is, he is not required to pass the written test. However, the person administering the test must explain to the applicant about any items that have been missed and provide him with the correct answers. Thus the knowledge test is not a test in the usual sense but rather a means of

insuring that the applicant has been made aware of the Federal Motor Carrier Safety Regulations. The written examination may be waived if the applicant presents a valid certificate of written examination issued within the preceding three years.

D. Performance Requirements.

Part 391.31 describes the road test and the road test certificate required. Although no specific test route is spelled out, the regulations do identify certain minimum operations which must be performed successfully by the driver. These include the pre-trip inspection, uncoupling and coupling of combination units (when applicable), putting the vehicle in operation, use of vehicle controls and emergency equipment, driving in traffic, executing passing maneuvers, turning the vehicle, braking, slowing down by means other than braking, backing, and parking. This road test must be administered by a motor carrier or a person designated by it, who is competent to evaluate that the person taking the test has demonstrated the necessary skills in operating the vehicle and its equipment. The road test may be waived, if the driver holds a valid license from a state which requires a road test in the type of vehicle for which licensure is sought or a valid road test certificate issued within the previous three years.

E. Physical and Mental Requirements.

Presently, drivers under BMCS jurisdiction are required to demonstrate at least minimal degree of mental and physical fitness (Section 391.41 to 391.49). This is accomplished by a medical examination at the time of employment, during every two years of employment and after an injury or illness. Briefly, a driver will be considered physically qualified if he has no loss (or impairment of the use) of foot, leg, hand or arm; no clinical diagnosis of diabetes mellitus requiring insulin control, cardiovascular disease known to be accompanied by



syncope, dyspnea, collapse or congestive cardiac failure, respiratory dysfunction, high blood pressure, epilepsy or conditions likely to cause unconsciousness, disease which interferes with ability to control a motor vehicle safely (e.g., rheumatic, arthritic or neuromuscular disease) or alcoholism; has no mental, nervous, organic, functional or psychiatric disorders; and does not use amphetamine, narcotic or any habit forming drugs. Furthermore, he must have a visual acuity of at least 20/40 in each eye, and a distant binocular acuity of at least 20/40 in both eyes with or without corrective lenses. A field of vision of at least 70 degrees in the horizontal meridian in each eye and the ability to recognize colors of traffic signals and devices showing red, green and amber are also required. The standard on hearing requires him to be able to first perceive a forced whispered voice in the better ear at not less than five feet with or without using a hearing aid; or not to have a hearing loss in the better ear greater than 40 decibels at 500, 1000 and 2000 Hz, with or without using a hearing aid.

Except for bus drivers and drivers transporting hazardous cargoes, applicants who are disqualified due to an amputation or an impairment can apply for a waiver of the physical disqualification. The waiver must be submitted jointly with the motor carrier which will employ the driver if the waiver is granted. Among the documents to accompany the application for waiver are the report of medical examination and the medical certificate including the medical examiner's opinions concerning the driver's ability to operate safely a motor vehicle of the type he intends to drive, a copy of the road test certificate, and a copy of the driver's employment application.

The waiver may be denied, or granted in whole or in part. Once granted, it is valid for two years or when the driver changes his employment. At that time, waiver may be renewed or reapplied by submitting a waiver renewal application.

### III. STATES' PRACTICES IN LICENSING DRIVERS OF HEAVY TRUCKS\*

#### A. Introduction.

Several methods were used to determine states' licensing procedures for drivers of heavy duty vehicles. First, published studies on states' licensing procedures (Bureau of Motor Carrier Safety, 1977; English, 1977; Federal Highway Administration, 1967 to 1978; Keller and Associates, 1978; Tritsch and Kumbar, 1977;) were reviewed in order to define the different types of licensing systems used in the states. Second, letters (see Attachment B) were sent to states to request information regarding their requirements for licensing drivers of heavy duty vehicles. In response to the letter request, most states sent driver manuals, trucks manuals or truck supplements when they were available, and several states provided additional written materials on their knowledge testing, performance testing and medical evaluation activities. Finally, telephone surveys were conducted with some states to clarify information obtained from the FHWA publications and to conduct a special analysis with five states (California, Colorado, Delaware, Nevada and North Dakota) on death rates before and after implementing their classified licensing systems.

On the basis of the information obtained from the above three efforts, states were categorized into different groups, first, based on their licensing systems and, second, on their testing activities. Since states vary so widely in their testing procedures, it is possible only to discuss state procedures according to some general schemes, such as whether states have or do not have special testing for drivers of heavy trucks. However, such an approach by

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\*For the purpose of this project, states will be used as synonymous to jurisdictions.

itself is far from adequate for delineating states' testing procedures in licensing drivers of heavy duty vehicles. Therefore, in addition to summarizing states' procedures according to these general schemes, the testing materials and procedures used in several selected states are also described in greater detail to illustrate the diversity among the states' testing practices. Thus, in presenting the findings regarding states' licensing practices, a progression from general to specific descriptions was employed. Thus, this chapter begins with a general description of states' licensing systems (including their adoption of BMCS regulations), followed by some rather general descriptions of states' testing activities and later by more detailed descriptions of testing materials and procedures used in selected states, ranging from states with very little testing to states with extensive testing. A description of the licensing system used in Manitoba, Canada is also presented to illustrate the difference between the U.S. and Canada. Finally, the results obtained from the five states surveyed by telephone are briefly summarized. As will be noted later, no definitive conclusion regarding the effectiveness of classified licensing systems can be made on the basis of this effort.

#### B. General Description of States' Licensing Systems.

The Federal Highway Safety Act of 1966 in Driver Licensing requires that states have a clasified licensing system, that is, a licensing system based on the type of vehicle for which licensure is sought, rather than on the basis of the commerce use of the vehicle. As of 1977, 26 jurisdictions had a license system based on a vehicle distinction (Table 1)\*. However, this implies that

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\*A classified licensing bill was recently passed in North Carolina, and their new licensing system will be implemented in January, 1981.

Table 1. Classified licensing systems in the United States.

Year	Number of Jurisdictions With Classified Licensing Systems
1967	1
1968	3
1969	11
1970	15
1971	15
1972	16
1973	19
1974	21
1975	22
1976	23
1977	26
1978	26

about half of the jurisdictions are still not in compliance with the federal driver licensing standard. Among those jurisdictions without a classified licensing system, most have an operator-chauffeur system (based on the commerce use of the vehicle), with five jurisdictions not having any special licensing procedures for drivers of heavy duty vehicles (Tables 2 and 3). Since the primary interest here is in heavy trucks, those states without a classified licensing system, or without a license class related to the heavy trucks will not be studied further.

Among the 26 states with a classified licensing system, most have two license classes related to the heavy trucks (Group II states\*), but also six of the 26 states have more than two license classes pertaining to the heavy trucks (Group III states).

In depicting the types of classified licensing systems, the majority of these states (16 out of 26) rely on a hierarchical system of licensing whereby drivers holding the highest class of license are also allowed to operate all vehicles defined in classes below it. The only exception to that would be for motorcycles, which are usually treated as an endorsement to the other vehicle classes or as a separate vehicle class (Table 4). Three other states (Colorado, Georgia and Hawaii) have licensing systems similar to the hierarchical system described above except class(es) may also denote a separate class or a combinations of one or more classes. Using Georgia as an example, Classes 1, 4 and 5 are strictly hierarchical in that class 5 includes tractor trailers as well as all vehicles in classes 1 and 4. However, class 2 is a separate class for motorcycles but class 3 includes a combination of buses and class 1 vehicles.

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\*New Jersey and Virginia both have one truck class only, but they are included as Group II states.

Table 2. Number of jurisdictions with different licensing systems.

Group	Licensing System	Number of Jurisdictions	Percent Of Total
0	No special licensing system	5	9.8
1	Operator/Chauffeur (distinction for commerce reasons)	20	39.2
2	Classified with at most two distinct truck categories	20	39.2
3	Classified with more than two distinct truck categories	<u>6</u>	<u>11.8</u>
		51	100.0

Table 3 . Categorization of states according to complexity of licensing system.

<u>Group</u>	<u>Licensing System</u>	<u>State or Jurisdiction</u>
0	No special licensing procedures	Alabama Alaska South Dakota Vermont Washington, D.C.
I	Operator/Chauffeur (distinction for commerce reasons)	Arizona Arkansas Florida Idaho Indiana Iowa Kentucky Michigan <sup>1</sup> Mississippi Missouri Montana New Mexico North Carolina <sup>2</sup> Ohio Oklahoma Oregon Tennessee Texas West Virginia Wisconsin
II	Classified with at most two distinct truck categories	California Connecticut Colorado Delaware Georgia Kansas Maine Maryland Massachusetts Minnesota Nebraska Nevada New Jersey

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<sup>1</sup>Michigan is currently in the process of converting to a classified licensing system.

<sup>2</sup>North Carolina just passed their legislation on classified licensing. They will implement their system beginning January 1, 1981.

Table 3 . (Cont')

<u>Group</u>	<u>Licensing System</u>	<u>Jurisdiction</u>
II		North Dakota Pennsylvania Rhode Island South Carolina Virginia Washington Wyoming
III	Classified with more than two distinct truck categories	Hawaii Illinois Louisiana New Hampshire New York Utah



Table 4. Type of licensing systems in Group 2 and Group 3 states.

<u>Hierarchical</u>	<u>Modified Hierarchical</u>	<u>Combination of Vehicle Use and Vehicle Type</u>
California	Colorado	Louisiana*
Connecticut	Georgia	Nebraska
Delaware	Hawaii*	New Hampshire*
Illinois*		New York*
Kansas		Rhode Island
Maine		Utah*
Maryland		Virginia
Massachusetts		
Minnesota		
Nevada		
New Jersey		
North Dakota		
Pennsylvania		
South Carolina		
Washington		
Wyoming		

\*Group III states.

The licensing system in the remaining seven states (Louisiana, Nebraska, New Hampshire, New York, Rhode Island, Virginia and Utah) represents a license classification based on both vehicle use and vehicle type. In Virginia, basically there are two types of license, operators and chauffeurs. But within these two types of license, there are four different types of endorsement. Class A is for the heaviest truck (3 or more axles or over 40,000 pounds GVW). Class B is for buses with more than 32 seats. Class C is for motorcycles, motorbikes and scooters and Class S is for school buses. However, Virginia is also an exception among this group in that the endorsements or classes for the heavy duty vehicles are applicable to the chauffeur licenses only in the other six states. This illustrates that even for states with a similar classification system, there is much diversity among them.

The diversity among the states is most prominent in the criteria the states use to define the different heavy duty vehicle classes. With the exception of articulated vehicles (mostly tractor trailers or tractor semitrailers), which 24 states treat as a separate truck category, states usually differ widely in their definitions of the gross vehicle weight or trailer weight of heavy trucks, in classifying heavy trucks on the basis of the number of axles, in the inclusion of buses and farm trucks in their licensing schemes and in requiring a for-hire classification or endorsement. Table 5 shows the different state practices in each of these areas mentioned. The majority of the states define an upper weight limit allowed for drivers holding a basic license (only seven did not); these weight limits range from 8,000 to 40,000 pounds GVW, with 18,000 and 24,000 pounds GVW being the most common weights specified. Less than half of these states specify a trailer weight limit for their classes, and the range is between 5,000 to 10,000 pounds GVW. Ten states define their license classes on the basis of the number of axles (two axles is the cutoff point here), and six

Table 5 . Characteristics of states' licensing systems

<u>State</u>	<u>Maximum GVW Allowed for Basic License (in lbs.)</u>	<u>Trailer Weight Specification</u>	<u>Axle</u>
California		6,000	yes
Colorado		6,000	yes
Connecticut	18,000		
Delaware	20,000		yes
Georgia	24,000		
Hawaii*	10,000		
Illinois*	8,000		
Kansas	24,000		
Louisiana*		5,000	yes
Maine	18,000	8,000	
Maryland	25,000	10,000	
Massachusetts	18,000		
Minnesota	24,000	10,000	yes
Nebraska	24,000		
Nevada		6,000	yes
New Hampshire*	18,000		yes
New Jersey	18,000		
New York*	18,000		
North Dakota		6,000	yes
Pennsylvania	30,000	10,000	
Rhode Island			
South Carolina	24,000		
Utah*	10,000		
Virginia	40,000		yes
Washington		5,000	yes
Wyoming	16,000		

\* Group III states.

Table 5. (Con't)

<u>State</u>	<u>Bus Specification</u>	<u>Farm Truck Specification</u>	<u>For Hire Distinction</u>
California	Included	yes	
Colorado	Separate		
Connecticut			Endorsement
Delaware			
Georgia	Separate		
Hawaii*	Separate		Endorsement
Illinois*			
Kansas	Included	yes	
Louisiana*	Included		Operator-Chauffeur
Maine	Included	yes	
Maryland	Separate		
Massachusetts	Included		
Minnesota	Included	yes	
Nebraska			Operator-Chauffeur
Nevada	Included		
New Hampshire*			Operator-Chauffeur
New Jersey	Separate		
New York*	Separate		Operator-Chauffeur
North Dakota	Included	yes	
Pennsylvania	Included		
Rhode Island	Separate		Operator-Chauffeur
South Carolina		yes	Endorsement
Utah*			Operator-Chauffeur
Virginia	Separate		Operator-Chauffeur
Washington	Included	yes	
Wyoming	Included		

\*Group III states.

Table 5. (Con't)

<u>State</u>	<u>Age Requirement</u>	<u>Length of Term</u>
California	18	4
Colorado	18 (21 for Interstate)	3
Connecticut	16	4
Delaware	18	4
Georgia	18	4
Hawaii*	18 (21 for Interstate)	2 or 4
Illinois*	18	3
Kansas	18	4
Louisiana*	18	2
Maine	15	4
Maryland	16 (18 for buses or articulated vehicles)	4
Massachusetts	17	4
Minnesota	18	4
Nebraska	18	4
Nevada	16	4
New Hampshire*	18	4
New Jersey	18	2
New York*	18	4
North Dakota	18	4
Pennsylvania	18	2
Rhode Island	18	2
South Carolina	16 (18 for hire)	4
Utah*	18 (21 for common or contract)	4
Virginia	18	2
Washington	16 (18 for buses)	2
Wyoming	16	3

\*Group III states.

out of these ten states are not using gross vehicle weight to define a heavy duty vehicle, although trailer weights are always specified in at least one of their license classes. Rhode Island does not use gross vehicle weight, trailer weight or axles to define their license classes. Instead, their license classes are defined by articulation, truck carrying capacity or specific vehicle types such as jitney bus, taxi or school bus.

Buses are sometimes included as a separate license class or as a type of vehicle to be included in a license class with the heavy trucks. However, seven states do not make a specific provision for buses in their licensing systems. Farm trucks are specified in seven states and in six out of these seven cases, the farm truck is included into the basic license, which implies that no special licensing requirements will be imposed for drivers of farm trucks. In addition to the seven states which have a vehicle use and vehicle type combination system, three other states (Connecticut, Hawaii and South Carolina) have a for-hire endorsement for drivers operating their vehicles for commerce purpose.

In terms of the minimum age requirements, 18 is most commonly used. Six states permit 16-year-olds to hold a license for heavy trucks, although three of them also specify 18 as a minimum age for operating buses or articulated trucks or in driving for hire. Length of term for a heavy truck license ranges from two to four years with the four-year license being the more frequent type.

Based on a BMCS internal study conducted by their interviewing state regulatory officials, about 60 percent of all the states (including nonclassified licensing states) have adopted in toto the seven parts of the Federal Motor Carrier Safety Regulations (Table 6). On the other hand, between six to 18 percent of the states still have no rule similar to the various

Table 6 . Summary of status of Federal Motor Carrier Safety Regulations adopted by states as of March 27, 1979.

Section Number	Subject	Adopted in Toto	Adopted in Part	Has Similar Rule	Has no Rule
391*	Qualification of drivers	27 (53)	8 (16)	11 (22)	5 (10)
392*	Driving of motor vehicles	31 (61)	4 (8)	13 (25)	3 (6)
393	Parts and accessories necessary for safe operation	34 (67)	7 (14)	7 (14)	3 (6)
394*	Notification, report- ing and recording of accidents	27 (53)	1 (2)	20 (39)	3 (6)
395*	Hours of service of drivers	28 (55)	4 (8)	10 (20)	9 (18)
396*	Inspection and maintenance	33 (65)	2 (4)	9 (18)	7 (14)
397	Transportation of hazardous materials; driving and parking	32 (63)	2 (4)	8 (16)	9 (18)

\*These sections pertain to the qualification and performance requirements of commercial vehicle operators.

Federal Motor Carrier Safety Regulations\*. The most frequent areas for which states have no regulations are the hours of service (Part 395) and transportation of hazardous materials (Part 397). The remaining states either adopted the regulations in part or have similar regulations. Together, these two groups comprise about 20 to 40 percent of the states. For states which have adopted at least some form of the Federal Motor Carrier Safety Regulations or have similar regulations, the regulations are mostly enforced by the Utility Commissions, followed by Law Enforcement Agencies and the Departments of Transportation or Divisions of Motor Vehicles (Table 7). The row totals in Table 7 always exceed 51 jurisdictions because in some jurisdictions, different agencies share the responsibility for enforcing the same regulation.

#### C. General Description of State Testing Activities.

Information for applying for a heavy truck license is usually made available to license applicants either in the form of a supplement to the basic driver's manual or as a separate section within the driver's manual. In addition, the supplement may also include information on vehicle legal limits (size, weight, height or axle) and on safe driving practices associated with the heavy duty vehicles. Topics such as following, passing, turning, backing, hill driving and transporting hazardous materials are often emphasized in the supplement and procedures for pre-trip inspection, uncoupling and coupling are sometimes spelled out on a step by step basis.

Table 8 briefly summarizes state requirements for licensing drivers of heavy trucks, as outlined in the truck supplements or in driver manual sections on trucks. A frequent requirement for obtaining license to drive a heavy duty vehicle is that applicants have to pass a special written test aimed at

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\*Two states, Louisiana and Connecticut had not adopted any of the Federal Motor Carrier Safety Regulations.



Table 7. Summary of state agencies responsible for enforcing the Federal Motor Carrier Safety Regulations as of March 27, 1979.

Section Number	Subject	Has No Rule	Responsible Agency				
			Law Enforcement	DOT/DMV	Utilities	Revenue/Commerce	Other
391	Qualification of drivers	5	18	15	21	4	2
392	Driving of motor vehicles	3	21	13	22	4	2
393	Parts and accessories necessary for safe operation	3	20	14	22	5	2
394	Notification, reporting, and recording of accidents	3	20	15	20	3	2
395	Hours of service of drivers	9	15	12	22	4	2
396	Inspection and maintenance	7	17	13	21	5	2
397	Transportation of hazardous materials, driving and parking	9	18	12	19	5	2

Key: Law Enforcement = State Police, State Highway Patrol, Public Safety Department, Fire Marshall

DOT/DMV = Department of Transportation, Division of Motor Vehicles, Transportation Commission, Transportation Board

Utilities = Public Service, Public Utilities

Revenue/Commerce = Department of Revenue, Department of Commerce, Corporation Commission

Other = Gross Vehicle Weight Division, Metro Area Transit Authority

Table 8. States requirements in licensing drivers of heavy trucks.

State	Information on Trucks Provided to Applicants	Special Knowledge Test for Truck Drivers	Vision Test	Performance Test				Medical Screening
				Accept Artification of Experience	Pre Trip Inspec.	Off Street	On Street	
California	Supplement	based on supplement	20/40, 70°, Color	x			x	BMCS req.
Colorado	Supplement	based on supplement		x				
Connecticut			Acuity, field of view, depth and color		Air Brake			
Delaware	Supplement	x	20/40	x	x	x	x	
Georgia	Section	x	20/60	x				
Hawaii*	Section		20/40, 140°, depth and color		x	x	x	BMCS req.
Illinois*	Section	based on manual	20/40	x			x	
Kansas	Section		Acuity				x	
Louisiana*	Section	x	Acuity	x				
Maine	Section		Acuity, field of view, color and depth		Also Air Brake	x	x	
Maryland		10 special questions	20/40	x	x	x		
Massachusetts	Supplement	based on supplement	Acuity, field of view, color		Also Air Brake	x	x	
Minnesota	Supplement	x			x	x	x	
Nebraska	Supplement	x	Acuity	x				BMCS req.
Nevada	Supplement	based on supplement	Acuity	x	x	x	x	x
New Hampshire*	Section	15 truck questions	20/40				x	
New Jersey	Supplement	based on supplement	20/50, color		x		x	
New York*	Supplement	based on supplement	20/40, color		x		x	
North Dakota	Supplement	x	Acuity	x		x		
Pennsylvania	Section	5 truck questions			x	x		
Rhode Island			20/30, 115°				x	
South Carolina	Supplement	based on supplement	Acuity	x	x	x		
Utah*	Supplement	based on supplement					x	
Virginia			20/40, 140°	x			x	
Washington	Supplement	based on supplement	Acuity, color	x			x	
Wyoming	Supplement	x	Acuity	x				

\*Group III states.

their knowledge of the safe driving rules pertaining to the HDV. Most states also require a visual acuity test and a few other states may also test their applicants on the horizontal field of view (peripheral vision), depth perception and color perception.

After passing the knowledge and vision tests, applicants for original licensure in heavy trucks are then required to take the performance test unless they can provide certificates of experience or training from their employers, or if self-employed, provide an affidavit of experience. However, 12 states do not accept any certificates or affidavits of experience as conditions for waiving the performance test.

When a performance test is given, it is in the vehicle type for which license is sought, that is, in the heavy truck. The performance test is conducted either as an off-street or on-road test, and in seven states applicants might have to take both types of performance test. Pre-trip inspection, sometimes including uncoupling and coupling, is required in 12 states. When required, it is usually conducted in an off-street test facility. Most of the states requiring a pre-trip inspection also require their applicants to pass an off-street performance test. The most common driving maneuvers tested off-street are parallel parking, docking, backing and driving through an offset alley. Seventeen states test their applicants on-road, and judge applicants' performance in starting and stopping, turning and driving through traffic. Seven of these 17 states do this on-road testing in combination with their off-street testing.

After the applicant has passed all of the above tests, that is, written, vision and performance tests (if applicable), then a license to drive a heavy truck would be issued to the applicant provided that he is above the minimum age required by the state. Four other states also require drivers of heavy trucks

to be qualified by an examining physician (guidelines for these medical examinations parallel those defined in the Federal Motor Carrier Safety Regulations) before licensure can be granted.

D. Description of Testing Materials and Procedures Used in Selected States.

1. Kansas.

Since January 1, 1976, driver licenses in Kansas are classified according to the type of vehicle for which license is sought, with classes A and B pertaining to the heavy trucks. Before taking any examination, applicants for class A or B licenses are required to submit names of three character references. The license examination for an original applicant is made up of a visual screening test (acuity), a written test on traffic laws and road signs and a driving test. The driving test is given only after applicants pass the other two tests and is given in the vehicle type specified by the class of license applied for. The vision and written tests used for a regular class C license are the same ones given to applicants for a class A or B license.

2. Colorado.

The classified licensing system was implemented for Colorado on July 1, 1974. Since then, a class A or B license is required for those drivers wishing to drive heavy trucks in the state. To qualify for either a class A or B license, applicants must first qualify for the basic license, be at least 18 years of age and pass a special written test constructed from information provided to applicants in the driver manual and truck supplement. As a final licensing requirement, applicants have to take a driving test in a class A or B vehicle unless they:

- 1) submit DOT road test qualification card that is less than three years old;
- 2) hold a comparable class license from another state;
- 3) submit a certificate of driving experience or training from a company already approved by the Department of Revenue.

Companies must have at least three class A or B vehicles and have a driver selection and training program before they can acquire approval from the Department of Revenue to certify and/or test drivers for the purpose of waiving their drive tests.

3. Maryland.

Maryland implemented its classified licensing system on January 1, 1971. It is a system of five licensed classes, with two classes for heavy trucks and one class for buses. The minimum age for operating tractor trailers (A) and buses (C) is 18, while Class B license may be issued to persons who are at least 16 and have completed an approved driver education course.

Original applicants for a class A, B or C license, including those wishing to upgrade their license, must first obtain a learner's permit appropriate to the license class sought, unless they can provide a certificate of experience (this state also accepts certification by driver if he is self-employed). This learner's permit can be granted upon successful completion of a visual acuity test and a 30-item written test (10 questions on vehicle operation for the applicable vehicle class and 20 questions on rules of the road, traffic laws and safe driving practices). The purpose of the learner's permit is to enable applicants to acquire the required driving experience or instruction prior to taking the driving test. The permit is valid for 60 days and allows the applicant to drive vehicles specified on the permit provided that he is accompanied by another driver holding the same class license.

The drive test may be taken anytime between 14 and 60 days from the date the permit was issued. The drive test is given by appointment only and the off-road portion is usually conducted in the Department's off-street test facilities, although arrangement could also be made with companies to conduct group testing in the company's testing facilities. The examiners conducting these drive tests have been specially trained to operate tractor trailers, heavy trucks and buses.

The first part of the road test is the pre-trip inspection. This requires the applicants to first walk around the truck and check headlights, signal lights, clearance lights, tires and wheel lugs, rear doors, rear lights, fifth wheel jaw and release lever (should be in locked position), leaks of any kind, under the hood and the front-end. Next, an inside cab check is conducted to adjust mirrors and seat, and start the engine for checking all instruments, especially the brakes and the air pressure warning device. Applicants for a class A license (tractor trailers), must also uncouple and couple their units after completing the pre-trip inspection. Finally, applicants are tested on parallel parking, driving forward through offset alley and backing into alley dock. During these test maneuvers, they are graded on their ability to handle the vehicle and on their use of brakes, gears, clutch and mirrors. Following successful completion of the off-road test, an on-road test is administered.

#### 4. Massachusetts.

There are two classes of license which pertain to heavy trucks in Massachusetts and learners' permits are available for each. The learner's permit examination includes visual examination (acuity, horizontal field of vision and perception of basic colors) and a written test on information in the driver manual and in the truck supplement. Separate written tests are used for class 1 (tractor trailers) and class 2 (trucks in excess of 18,000 g.v.w.) license although both have ten questions and applicants are required to answer seven correctly in order to qualify. At the discretion of the Department, learner's permit may not be needed and the drive test may be waived if applicants hold a similar class of license from another state and if they are at least 18 years of age and do not have any apparent physical impairment which might affect their operating the vehicle properly.

There are two parts to the drive test: an off-street driving test and a road test, and they are to be taken in the type of vehicle for which license is sought. The driving test for a Class 1 or 2 license is essentially the same except applicants for a class 1 license also have to uncouple and couple their units before performing their pre-trip equipment check. Parallel parking, driving forward and backward through alley, driving forward through offset alley and backing into alley dock are typical examples of off-street test maneuvers which are required of the class 1 or 2 applicants after completing their pre-trip inspection. Finally, applicants are tested on starting and stopping in traffic and on hill, driving in traffic and across intersections, parking and executing right and left turns. During this road test, applicants are judged on vehicle control, coordination, safety, judgment, observation, reaction to emergency, courtesy, consideration and applying their knowledge of the "rules of the road" to driving.

5. Hawaii.

This state has the most elaborate system of classified licensing. It is a system of ten license classes, with a separate class for buses above 10,000 GVW, three separate classes for heavy trucks (truck trailer combinations, tractor-semitrailer combinations and all other trucks above 10,000 GVW) and three combination classes of buses and trucks. The remaining three classes pertain to motor scooters, motorcycles and vehicles under 10,000 GVW.

All original applicants seeking license to operate heavy trucks and/or buses (classes 4 through 10) must first obtain an instruction permit for the desired license class. To obtain an instruction permit, applicants must pass the vision, traffic sign and written tests, present proofs of name and age and provide social security card or other proof of social security number. The vision test is a test of visual acuity (20/40), color identification,

depth perception and peripheral vision (140 degrees). The written test is a 25-item test on rules of the road, traffic code provisions, safe driving practices and meaning of traffic signs, and the same written test is used when applying for a passenger car license.

Prior to obtaining the license, original applicants must also take a practical test of driving. This driving test must be conducted either by a qualified county examiner or by a certificated fleet safety examiner who has been certified in the category of vehicle for which the applicant desires a license. To be certified as a fleet safety examiner, at a minimum, the person must have a valid Hawaii license in the license class for which he seeks certification, meet the physical requirements prescribed by the county and by the Public Utility Commission, provide official transcripts from high school, automotive trade school, truck or bus driving school, and take the necessary tests (see Attachment C). The decision on certification is also based on a ten point scale of education and experience (See Attachment D).

In administering the practical driving test, county or certificated examiners must require applicants to conduct a pre-trip inspection and execute several off-street test maneuvers such as driving forward and backward through alley, driving forward and backward through offset alley, and perform parallel parking and jackknife parking (the last maneuver is limited to applicants for a tractor semitrailer license). Applicants are considered to have failed the off-street skill test if they fail to check any two required items during the pre-trip inspection or if they knock or run over any cones or painted marking during test maneuver. Upon successful completion of the off-street skill test, applicants can then proceed to take the on-street skill test. During the on-street skill test, applicants are asked to start the vehicle and drive through a business district, execute proper turning, starting, stopping



procedures and signals while driving, start on a grade of at least six percent, and demonstrate their knowledge of equipment, traffic laws and safe driving practices.

In addition to the above requirements, drivers wishing to engage in interstate operation must be at least 21 years old (instead of 18) and must also meet those Federal Motor Carrier Safety Regulations requirements adopted by the Public Utility Commission, including a medical examination during every two years.

6. Manitoba, Canada.

The Manitoba licensing system differs from the licensing systems used in the U.S. in several important aspects. First, learner's permit is treated as a separate class (class 7) in Manitoba. This learner's permit allows the holder to drive as a learner within the other classes. The requirements for obtaining this class 7 license include minimum age of 16 for passenger cars and motorcycles (classes 5 and 6) and 18 for semitrailer trucks, buses, trucks above 24,000 GVW and emergency vehicles/taxis/small school buses (classes 1 through 4); medical certificate on all initial applications for classes 1 through 4 (see Attachment E); satisfactory vision (20/30 acuity in the better eye, no diplopia or double vision, no difficulty in red/green color perception and field of vision not less than 120 degrees in each eye); and successful completion of the basic written and sign recognition tests. The second departure of the Manitoba system refers to using age as a basis for medical examination. That is, medical examination is required every five years up to age 44, every two years from age 45 to 64 and annually from 65 on. Third, separate written tests are used for each license class, and furthermore, persons applying for a higher license class need to take the written test for that class as well as all the written tests for classes below it. Finally,

in order to drive air brake equipment, applicants need to pass a written and a practical test on air brakes, and get an air brake endorsement on the license.

To change from a learner's license to a class 1, 2 or 3 license, applicants need to correctly check 16 out of 20 items during the pre-trip inspection and pass a road test in traffic. The road test is to be taken in the vehicle type for which one seeks a license and is scored on demerits in ten different areas: starting, stopping, signal violations, vehicles moving on roadway, passing, uncontrolled intersections or yield signs, speed, turning, backing and three general factors (attention, control and fails to anticipate). The maximum points allowed is 50 demerits.

Like some of the U.S. states, the classes 1 to 4 road tests may be waived if applicants have been certified by training schools or employers as being trained or qualified in operating the type of vehicle for which license is sought. However, only those schools or employers meeting the minimum program standards will be recognized by the province as having this right to certify drivers.

#### E. Comparison of Death Rates in States with and without Classified Licensing.

Of the five states\* (California, Colorado, Delaware, Nevada and North Dakota) which were further contacted to obtain information for comparing death rates (associated with the large trucks) before and after implementing their classified licensing system, none provided all the information necessary for computing the death rates in the years before and after implementing the classified licensing system. North Dakota provided the most complete

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\*These five states were chosen for this analysis because they separate the heavy trucks from the lighter trucks on their accident report forms, as well as identify heavy trucks in their licensing system.

information from 1963 to 1978, with their system being implemented in 1968. Unfortunately, pick-up trucks were not recorded separately on the accident reports until 1976. Thus, the death rates prior to 1976 included all trucks while those after 1976 applied to large trucks only. However, since this is the only state which provided enough years of data on both fatalities and registered trucks, an attempt was made to compute fatality rates for all 16 years of data by assuming that large truck fatalities are about 20 percent of all straight truck fatalities (Table 9). This assumption was based on data from 1976, 1977 and 1978 which separated the fatalities related to the pick-up trucks from those related to the large trucks.

Generally, there is a downward trend of fatality over the years. However, the decrease did not coincide with the year of implementation of the classified licensing system. In fact, right after the system was implemented in 1968, fatality rate rose to its peak level. Although the mean fatality rate for the post implementation years is much lower than the mean fatality rate for the pre-implementation years (6.55 versus 8.19), it remains difficult to draw any definitive conclusion regarding the effectiveness of the classified licensing system from the limited data available for this type of analysis.

Table 9 . Fatality rates for North Dakota.\*

Year	Fatalities Related to Trucks	Number of Large Trucks Registered		Fatality Rate Per 1000 Trucks Registered
1963	16	1703		9.40
1964	18	1765		10.20
1965	14	1832	M=8.19	7.64
1966	16	1913		8.36
1967	11	1956		5.62
1968	16	2023		7.91
Classified System				
1969	22	2098		10.49
1970	21	2246		9.35
1971	21	2330		9.01
1972	22	2837		7.75
1973	20	3362	M=6.55	5.95
1974	21	4058		5.17
1975	19	4262		4.46
1976	20	4802		4.16
1977	21	5097		4.12
1978	30	5941		5.05

\*Prior to 1976, pick-up trucks were not classified separately on accident reports. Thus, data for these years are based on the assumption that about 20 percent of all truck fatalities relates to large trucks. This 20 percent figure was derived from 1976, 1977 and 1978 data.



#### IV. SUMMARY OF INTERVIEWS WITH TRUCKING COMPANY OFFICIALS

##### A. Introduction.

Interviews were conducted with safety directors from nine different trucking companies in both North Carolina and Indiana. Six of the companies interviewed are common carriers while the remaining three companies consist of one private carrier, one exempt carrier (hauls livestock) and one other carrier (a driver leasing company). All except the driver leasing company reported being under BMCS jurisdiction and all conduct interstate operations.

As a result of these interviews, detailed information was gathered regarding companies' policies on screening, on-the-job training, work scheduling and driver compensation, vehicle maintenance and inspections, safety programs, accident reporting procedures and periodic driver review. In addition, opinions toward the proposed changes in hours of service regulation, Senator Percy's Bill, the federal license concept, compliance with federal motor carrier safety regulations and suggestions to improve the safety of these large vehicles were obtained. Attachments F & G highlight separately the findings from these North Carolina and Indiana interviews and a summary of these findings is provided in the following paragraphs.

##### B. Screening.

Basically, companies conduct a three-stage screening process. First, all applicants are administered a written test (usually of the type recommended by DOT) and a performance test in a tractor trailer. The tests are usually administered by the Personnel Department, safety supervisors, terminal managers or another qualified driver. In some cases, union certification may be accepted in lieu of these tests.

Upon satisfactory completion of the performance tests, applicants are also required to complete the application form. Information provided by the

applicant on the application form will then be checked for its completeness and accuracy. For example, in-state driver record, criminal record, driving record with previous employer and driving records of those states in which the driver has held a license are among the most frequently checked items. However, if the applicant fails to report that he has held a license in a particular state, that state's driving record will not be checked. Some carriers said that they will conduct a more thorough driver record check for all out-of-state applicants or for those applicants who cannot account for all of their employment time. All the carriers interviewed reported that they do not ask the state licensing authority to check the National Driver Register for them.

There is usually no formal educational requirement. High school graduation is not a mandatory requirement although two carriers require their applicants either to have one year of driving experience or to have graduated from an accredited truck driver training school. Company representatives feel that if applicants are able to complete the application form, they have already met the literacy requirement demanded of them by the job.

The last step in the screening process is the medical examination. The examination is required to be conducted by a licensed doctor of medicine or osteopathy. Some carriers have stricter medical requirements than those recommended by the Bureau of Motor Carrier Safety. In fact, it was mentioned by several carriers that this is an area where additional restrictions are needed.

As a result of this type of screening process, most of the drivers hired by these companies are around 30 years old and are in good physical health. Once hired, drivers usually stay with the same company until they retire, usually around age 57, according to the company officials responding.

C. On-The-Job-Training.

Formal on-the-job training is offered by four of the carriers. Training usually includes company orientation, classroom training, behind-the-wheel training and lastly, check-out rides with safety officers before the new driver is allowed to make a solo trip or delivery.

Since all drivers are required to demonstrate their ability in handling tractor trailers prior to employment, and carriers use mostly tractor trailers, additional training in the truck is usually not necessary. Straight trucks and pick-up trucks are used mostly during local delivery, but these should not pose any problem as most tractor-trailer drivers are also capable of handling straight or pick-up trucks.

The six companies which haul hazardous materials reported that they often provide additional information or training to all their drivers on inspecting the truck operating valves, cleaning tanks, disposing of residues and in case of spilled cargoes, protecting the scene and obtaining help. These companies feel that all their drivers should receive the special training in handling hazardous materials as it affords the companies more flexibility in scheduling their drivers.

D. Work Scheduling and Driver Compensation.

Drivers usually work seven to nine hours each day and less than 60 hours in an eight day period. This is within the DOT hours of service regulations of a maximum of ten hours of on-duty time and 70 hours on duty time in a period of eight consecutive days for those carriers operating seven days a week. Needless to say, all drivers are required to keep a log of hours and turn in their daily logs at the end of each trip. With the exception of the exempt carrier, these logs are usually checked by the drivers' supervisor or by special log clerks to ensure that the driver has not violated the hours of service regulations.



Local and over-the-road drivers are compensated differently. Local drivers are paid by the hour while over-the-road drivers are paid mainly by mileage. Companies also provide additional compensation to cover delivery and equipment down time. When independent drivers are used, they are usually paid a certain percentage of the revenue received by the company for the movement of that freight. Four of the companies interviewed use independent drivers for hauling household goods or special commodities (steel or bulk goods). Again, to maximize scheduling flexibility, these drivers (and all other temporary and casual drivers) are screened the same way as the regular drivers.

#### E. Vehicle Maintenance and Inspections.

Other than the exempt carrier, the carriers interviewed usually have several hundred tractors and a couple of thousand trailers. These large fleet carriers usually perform their maintenance and repair on their vehicles in-house except when a vehicle breaks down on the road. Then the vehicle is taken to the closest vendor or garage which has a cooperative arrangement with the company. Another exception is with the independent drivers working mostly for the Household Moving Company. These drivers are responsible for maintaining their own vehicles.

At the end of each trip, drivers are required to complete a vehicle condition report, and on the basis of the vehicle condition report, the vehicle is thoroughly checked and any necessary repair is performed before the vehicle is again dispatched. The next driver is also required to do a pre-trip inspection on the vehicle, and any problems identified during the pre-trip inspection are attended to by maintenance before the driver and his vehicle are dispatched from the terminal.

Based on the past experience of the carriers interviewed, very few vehicles have been taken out of service by the DOT inspectors. The ones that have been

taken out of service are mostly due to problems that occur after the driver leaves the terminal, such as a chafed air line or a broken spring.

#### F. Safety Programs.

Techniques used by companies to promote safety include money or merchandise awards to recognize drivers for their accident-free driving. In addition, periodic safety programs, safety meetings and safety posters or materials are used for reminding the drivers about safety and driving. Sometimes safety slogans are posted on the bulletin boards.

#### G. Accident Reporting Procedures.

When a driver is involved in an accident, he is required to obtain help for the injured, notify the police and the company, and then complete an accident report when he returns to the home terminal. Depending on the severity of the accident and the extent of damages, the company may designate an insurance agent or an adjuster to handle the claim settlement. If it is a serious accident, the company may also have their safety personnel investigate the accident from a preventability standpoint to determine driver's fault. The results of the investigation are then reviewed with the driver involved in the accident.

The accident reports submitted by the driver are kept at company terminals and are filed by the date of the accident. Some companies will also keep a separate listing of accidents for each driver. This information is often used during the driver review.

#### H. Periodic driver review.

Usually about once a year, the safety supervisor will review with the driver his driving performance for the past year. At the same time, the company will check with the Division of Motor Vehicles within the state regarding his driving record. In addition, medical examinations are required every two years or after an extended leave.

Depending on the type of accident record, certain disciplinary actions will be initiated. Generally, common practices include warning for the first accident, suspension for the second or third accident, and discharge for a very serious or for the fourth accident. However, sometimes when driver culpability is not entirely clear, companies may be required to reinstate a discharged driver because of union pressure. The union also requires companies to investigate an accident within ten days or no disciplinary action can be taken on that driver for the accident.

#### I. Opinions, Suggestions and Recommendations.

The opinions regarding driver's logs and the proposed changes in hours of service regulations are generally negative. Some feel the driver's logs are a duplication of the carrier's or union's activity as they already have other means of documenting the driver's time. Besides, they feel that the drivers of the regulated companies seldom drive in excess of the maximum driving time; they feel the problem lies mainly with the exempted carriers or with the independent drivers. Others also feel that longer off-duty hours may affect the industry adversely and yet not necessarily ensure more rest for the drivers as there is no way of controlling the driver's off-duty activities.

When queried about Senator Percy's Bill concerning the expansion of the federal motor safety regulation to include all trucks over 10,000 GVW, all carriers responded rather positively, as they do not see Percy's Bill as having a big effect on their present operation.

The opinions towards federal license are mixed. The rationale given for the negative responses are that the federal license duplicates states' efforts, the concept of the federal license is very similar to the current DOT requirements, and it would involve too much paper work. The advantage of the federal license system lies in centralizing driver information in one record

system for easier access. However, two carrier representatives also feel that the same kind of benefit can be realized more efficiently by having a state administered classified licensing system.

In terms of compliance problems with the federal motor carrier safety regulations, the most frequently mentioned ones include regulations are too general and difficult to understand, medical requirements are not restrictive enough, regulations for hazardous cargoes are too strict, lack of uniformity in the different types of federal regulations, unsystematic safety inspections, pressures from union to reinstate discharged drivers, and problems in complying with the 121 brake standard, cab size and dimension standards and problems with the drivers' logs.

Suggestions to improve the safety of these large vehicles mainly include a more uniform enforcement by BMCS and state or local police. There should also be more emphasis on driver selection, training and supervision. These efforts should involve all levels of management, including the drivers themselves.



## V. SUMMARY AND CONCLUSIONS

This report attempts to summarize the current driver qualification requirements used by the Bureau of Motor Carrier Safety, states' licensing agencies and the trucking companies interviewed. To a large extent, BMCS and the trucking companies interviewed tend to employ higher driver qualification standards than the requirements used in most of the states. To cite several examples, BMCS uses 21 as a minimum age requirement and companies usually hire drivers at around 30 years of age, but 18 is the most common minimum age requirement used by the states. Both BMCS and companies require the performance test to be conducted in the large trucks or tractor trailers, and furthermore, performance tests include pre-trip inspection, and uncoupling and coupling if combination units are under consideration. Even states with classified licensing systems do not always require a pre-trip inspection, uncoupling and coupling of combination units or a performance test in the type of vehicle for which license is applied. States also vary a great deal in their licensing requirements. Some states might also require applicants to pass an off-street skill test in addition to the on-road performance test.

Medical examination is another area frequently neglected by state licensing agencies. The Federal Motor Carrier Safety Regulations detail the specific medical, vision and hearing criteria for driver qualification. These are reportedly closely adhered to by all companies interviewed, but only four out of the 26 classified licensing states have included medical examination as a requirement for obtaining license to drive the heavy duty vehicles, and many states do not even specify the cutoff values for visual acuity.

BMCS requires that a driver's past driver history be checked so that drivers convicted of offenses such as driving under the influence of alcohol or drugs, leaving the scene of an accident involving injury or fatality, or committing any other motor vehicle related felony could be disqualified. Companies will check the applicant's in-state driving record and if the applicant reports having held a license in other states, records from those states will also be checked. Based on the materials supplied by the states, a number of state licensing agencies do not check applicant's past driving records from other states, and furthermore, even though they have the authority to check the National Driver Register, they rarely do so in connection with their issuing license for the HDV drivers.

The area in which state licensing requirements exceeded those used by BMCS and the companies interviewed is the knowledge examination. Because of the concern for equal employment opportunities, neither BMCS nor the companies could use the written test as a condition for denying employment to drivers. States with a classified licensing system generally require applicants to pass a special written test, aimed at their knowledge regarding the state's laws on the HDV and the safe driving practices for driving the heavy duty vehicles.

From the above assessment of existing practices in qualifying drivers of heavy duty vehicles, three major shortcomings in the driver qualification process become evident. First, because driver qualification is undertaken by three separate authorities, each having limited jurisdiction, some HDV drivers have to meet the requirements of all three authorities while other HDV drivers are not under any jurisdiction. To illustrate the latter, an independent trucker driving strictly within the state in any one of those states without a classified licensing system would not have to meet any of the driver qualification requirements mentioned above. He can probably take his

performance test in a passenger car, get a chauffeur license and then drive a heavy truck just like those drivers who have been qualified by the BMCS or the companies. However, due to his lack of qualifications, he is exposing himself and others to needless danger when he drives his heavy truck on the public highway.

Second, state licensing requirements on the HDV drivers need to be made more uniform. The disparities among the states in their definition of the HDV and in the criteria used for testing the HDV drivers should be minimized. A uniform set of minimum driver qualification requirements applied in all states, including those which presently do not have a classified licensing system, would ensure that even the in-state HDV drivers are qualified to drive. It would further discourage HDV drivers seeking out states with lower standards for licensure.

The third shortcoming relates to the failure of many states to obtain the applicant's driving status and history from former states of residence prior to issuing a license to the HDV driver. Presently, there is no central records system available to aid the states in this task and provide them with answers to questions such as, is the driver licensed in another state? Has he been suspended or revoked? The National Driver Register was intended as an aid to the states, but the present generation NDR system does not contain up-to-date information on suspension and revocation, and it also requires a rather lengthy turnaround time. As a result, states seldom check the driver's record against the NDR. Furthermore, it is impossible for the states to check the driver's record with all 50 states, so states tend to issue license on the basis of their own testing requirements without much regard for the person's prior driving history in other states. Such a situation makes the acquisition of multiple licenses from different states rather effortless, and the incentive to do so is



especially strong after one's license has been suspended or revoked by a state. Thus, in our recommendation on a licensing program for drivers of heavy duty vehicles (see Summary Volume), attempts have been made to take each of the three shortcomings into consideration.

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Attachment A. Federal Motor Carrier Safety Regulations on  
Driver Qualifications

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§ 391.2

**PART 391—QUALIFICATIONS OF  
DRIVERS**

NOMENCLATURE CHANGES: 39 FR 32561,  
Sept. 9, 1974.

**Subpart A—General**

**Subpart A—General**

**Sec.**

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391.71 Intrastate drivers of vehicles transporting combustible liquids.

**AUTHORITY:** Sec. 204, Interstate Commerce Act, as amended, (49 U.S.C. 304) sec. 6, Department of Transportation Act, (49 U.S.C. 1655), delegation of authority in 49 CFR Part 1 and 389.4.

**SOURCE:** 35 FR 6460, Apr. 22, 1970, unless otherwise noted.

§ 391.1 Scope of the rules in this part; additional qualifications; duties of carrier-drivers.

(a) The rules in this part establish minimum qualifications for persons who drive motor vehicles as, for, or on behalf of motor carriers. The rules in this part also establish minimum duties of motor carriers with respect to the qualifications of their drivers.

(b) The rules in this part, and in other parts of this subchapter, do not prevent a motor carrier from imposing more stringent or additional qualifications, requirements, examinations, or certificates than are imposed by those rules.

(c) A motor carrier who employs himself as a driver must comply with both the rules in this part that apply to motor carriers and the rules in this part that apply to drivers.

§ 391.2 General exemptions.

(a) *Intracity operations.* The rules in this part do not apply to a driver wholly engaged in exempt intracity operations as defined in § 390.16 of this chapter.

(b) *Passenger car operations.* The rules in this part do not apply to a driver who drives only a motor vehicle that—

(1) Is a passenger-carrying vehicle built on a passenger car chassis with a seating capacity of 10 or less persons, including the driver; and

(2) Is not transporting passengers for hire; and

(3) Is not transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title.

(c) *Certain farm vehicle drivers.* The rules in this part do not apply to a farm vehicle driver except a farm vehicle driver who drives an articulated (combination) motor vehicle that has a gross weight, including its load of more than 10,000 pounds. (For limited exemptions for farm vehicle drivers of heavier articulated vehicles see § 391.67.)

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(d) *Farm custom operations.* The rules in this part do not apply to a driver who drives a motor vehicle controlled and operated by a person engaged in custom-harvesting operations, if the vehicle is used to—

(1) Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or

(2) Transport custom-harvested crops to storage or market.

(e) *Apiarian industries.* The rules in this part do not apply to a driver who is operating a motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees.

(f) *Lightweight mail truck drivers.* The rules in this part do not apply to a driver who drives only a motor vehicle that—

(1) Is used exclusively to transport mail under contract with the U.S. Postal Service; and

(2) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or less.

[36 FR 24219, Dec. 22, 1971, as amended at 37 FR 26112, Dec. 8, 1972]

§ 391.3 Definitions.

(a) The term "motor carrier" includes a motor carrier and the agents, officers, representatives, and employees of a motor carrier who are responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

(b) The term "Director" means the Director of the Bureau of Motor Carrier Safety.

(c) A motor carrier "employs" a person as a driver within the meaning of this part whenever it requires or permits that person to drive a motor vehicle (whether or not the vehicle is owned by the motor carrier) in furtherance of the business of the motor carrier.

(d) The term "farm vehicle driver" means a person who drives only a motor vehicle that is—

(1) Controlled and operated by a farmer; and

(2) Being used to transport either—

(i) Agricultural products; or

(ii) Farm machinery, farm supplies, or both, to or from a farm; and

(3) Not being used in the operations of a common or contract carrier; and

(4) Not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title; and

(5) Either—

(i) A vehicle having a gross weight, including its load, of 10,000 pounds or less; or

(ii) A vehicle being used within 150 miles of the farmer's farm.

[35 FR 6460, Apr. 22, 1970, as amended at 36 FR 24219, Dec. 22, 1971]

§ 391.5 Familiarity with rules.

Each motor carrier and each driver shall know, and be familiar with, the rules in this part.

§ 391.7 Aiding or abetting violations.

No person shall aid, abet, encourage, or require a motor carrier or a driver to violate the rules in this part.

Subpart B—Qualification and Disqualification of Drivers

§ 391.11 Qualifications of drivers.

(a) A person shall not drive a motor vehicle unless he is qualified to drive a motor vehicle. Except as provided in § 391.63, a motor carrier shall not require or permit a person to drive a motor vehicle unless that person is qualified to drive a motor vehicle.

(b) Except as provided in Subpart G of this part, a person is qualified to drive a motor vehicle if he—

(1) Is at least 21 years old;

(2) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;

(3) Can, by reason of experience, training, or both, safely operate the type of motor vehicle he drives;

(4) Can, by reason of experience, training, or both, determine whether the cargo he transports (including baggage in a passenger-carrying motor vehicle) has been properly located, distributed, and secured in or on the motor vehicle he drives;

(5) Is familiar with methods and procedures for securing cargo in or on the motor vehicle he drives.

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(6) Is physically qualified to drive a motor vehicle in accordance with § 391.41;

(7) Has been issued a currently-valid motor vehicle operator's license or permit;

(8) Has prepared and furnished the motor carrier that employs him with the list of violations or the certificate as required by § 391.27;

(9) Is not disqualified to drive a motor vehicle under the rules in § 391.15;

(10) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with § 391.31, or has presented an operator's license or a certificate of road test which the motor carrier that employs him has accepted as equivalent to a road test in accordance with § 391.33;

(11) Has taken a written examination and has been issued a certificate of written examination in accordance with § 391.35, or has presented a certificate of written examination which the motor carrier that employs him has accepted as equivalent to a written examination in accordance with § 391.37; and

(12) Has completed and furnished the motor carrier that employs him with an application for employment in accordance with § 391.21.

[35 FR 6460, Apr. 22, 1970, amended at 35 FR 17420, Nov. 13, 1970; 35 FR 19181, Dec. 18, 1970; 36 FR 222, Jan. 7, 1971, 36 FR 24220, Dec. 22, 1971]

§ 391.15 Disqualification of drivers.

(a) *General.* A driver who is disqualified shall not drive a commercial motor vehicle. A motor carrier shall not require or permit a driver who is disqualified to drive a commercial motor vehicle.

(b) *Disqualification for loss of driving privileges.* A driver is disqualified for the duration of his loss of his privilege to operate a commercial motor vehicle on public highways, either temporarily or permanently, by reason of the revocation, suspension, withdrawal, or denial of an operator's license, permit, or privilege, until that operator's license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it.

(c) *Disqualification for criminal misconduct—(1) General rule.* A driver

who is convicted of, or forfeits bond or collateral upon a charge of, a disqualifying offense specified in paragraph (c) (2) of this section is disqualified for the period of time specified in paragraph (c) (3) of this section if—

(i) The offense was committed after December 31, 1970; and

(ii) The offense was committed while the driver was driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce.

(2) *Disqualifying offenses.* The following offenses are disqualifying offenses:

(i) Operating a motor vehicle while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a derivative of a narcotic drug.

(ii) A crime involving the knowing transportation, knowing possession, or unlawful use of amphetamines, narcotic drugs, formulations of an amphetamine, or derivatives of narcotic drugs.

(iii) Leaving the scene of an accident which resulted in personal injury or death.

(iv) A felony involving the use of a motor vehicle.

(3) *Duration of disqualification for criminal misconduct—(i) First offenders.* A driver is disqualified for 1 year after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he was not convicted of, and did not forfeit bond or collateral upon a charge of, an offense that would disqualify him under the rules of this section.

(ii) *Subsequent offenders.* A driver is disqualified for 3 years after the date of his conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he was convicted of, or forfeited bond or collateral upon a charge of, an offense that would disqualify him under the rules in this section.

[37 FR 24902, Nov. 23, 1972]

Subpart C—Background and Character

§ 391.21 Application for employment.

(a) Except as provided in Subpart G of this part, a person shall not drive a

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motor vehicle unless he has completed and furnished the motor carrier that employs him with an application for employment that meets the requirements of paragraph (b) of this section.

(b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him, and 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, semitrailers, 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 the 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; and

(11) 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)

(c) A motor carrier may require an applicant to provide information in addition to the information required by paragraph (b) of this section on the application form.

(d) Before an application is submitted, the motor carrier shall inform the applicant that the information he provides in accordance with paragraph (b) (10) of this section may be used, and the applicant's prior employers may be contacted, for the purpose of investigating the applicant's background as required by § 391.23.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970]

§ 391.23 Investigation and inquiries.

(a) Except as provided in Subpart G of this part, each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971:

(1) An inquiry into the driver's driving record during the preceding 3 years to the appropriate agency of every State in which the driver held a motor vehicle operator's license or permit during those 3 years; and

(2) An investigation of the driver's employment record during the preceding 3 years.

(b) The inquiry to State agencies required by paragraph (a)(1) of this section must be made within 30 days of the date the driver's employment



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begins and shall be made in the form and manner those agencies prescribe. A copy of the response by each State agency, showing the driver's driving record or certifying that no driving record exists for that driver, shall be retained in the carrier's files as part of the driver's qualification file.

(c) The investigation of the driver's employment record required by paragraph (a) (2) of this section must be made within 30 days of the date his employment 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. The record must include the past employer's name and 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.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970]

**§ 391.25 Annual review of driving record.**

Except as provided in Subpart G of this part, 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.

A note, setting forth the date upon which the review was performed and the name of the person who reviewed the driving record, shall be included in the driver's qualification file.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970]

**§ 391.27 Record of violations.**

(a) Except as provided in Subpart G of this part, 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.

(b) Each driver shall furnish the list required in accordance with paragraph (a) 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 so certify.

(c) The form of the driver's list or certification shall be prescribed by the motor carrier. The following form may be used to comply with this section:

### MOTOR VEHICLE DRIVER'S CERTIFICATION

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.

[illegible]

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)

(Reviewed by: Signature)

.....  
(Title)

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(d) 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 file.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970]

Subpart D—Examinations and Tests

§ 391.31 Road test.

(a) Except as provided in §§ 391.33, 391.61, and 391.67, a person shall not drive a motor vehicle unless he has first successfully completed a road test and has been issued a certificate of driver's road test in accordance with this section.

(b) The road test shall be given by the motor carrier or a person designated by it. However, a driver who is a motor carrier must be given the test by a person other than himself. The test shall be given by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he is capable of operating the vehicle, and associated equipment, that the motor carrier intends to assign him.

(c) The road test must be of sufficient duration to enable the person who gives it to evaluate the skill of the person who takes it at handling the motor vehicle, and associated equipment, that the motor carrier intends to assign to him. As a minimum, the person who takes the test must be tested, while operating the type of motor vehicle the motor carrier intends to assign him, on his skill at performing each of the following operations:

(1) The pretrip inspection required by § 392.7 of this subchapter;

(2) Coupling and uncoupling of combination units, if the equipment he may drive includes combination units;

(3) Placing the vehicle in operation;

(4) Use of the vehicle's controls and emergency equipment;

(5) Operating the vehicle in traffic and while passing other vehicles;

(6) Turning the vehicle;

(7) Braking, and slowing the vehicle by means other than braking; and

(8) Backing and parking the vehicle.

(d) The motor carrier shall provide a road test form on which the person who gives the test shall rate the performance of the person who takes it at each operation or activity which is a part of the test. After he completes the form, the person who gave the test shall sign it.

(e) If the road test is successfully completed, the person who gave it shall complete a certificate of driver's road test in substantially the form prescribed in paragraph (f) of this section.

(f) The form for the certificate of driver's road test is substantially as follows:

CERTIFICATION OF ROAD TEST

Driver's name \_\_\_\_\_  
Social Security No. \_\_\_\_\_  
Operator's or Chauffeur's License No. \_\_\_\_\_  
State \_\_\_\_\_  
Type of power unit \_\_\_\_\_ Type of trailer(s) \_\_\_\_\_

If passenger carrier, type of bus \_\_\_\_\_  
This is to certify that the above-named driver was given a road test under my supervision on \_\_\_\_\_, 19\_\_\_\_, consisting of approximately \_\_\_\_\_ miles of driving.

It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

(Signature of examiner)

(Title)

(Organization and address of examiner)

(g) A copy of the certificate required by paragraph (e) of this section shall be given to the person who was examined. The motor carrier shall retain in the driver qualification file of the person who was examined—

(1) The original of the signed road test form required by paragraph (d) of this section; and

(2) The original, or a copy of, the certificate required by paragraph (e) of this section.

[35 FR 6460, Apr. 22, 1970, as amended at 36 FR 223, Jan. 7, 1971]

§ 391.33 Equivalent of road test.

(a) In place of, and as equivalent to, the road test required by § 391.31, a

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person who seeks to drive a motor vehicle may present, and a motor carrier may accept—

(1) A valid operator's 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 to 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.

§ 391.35 Written examination.

(a) Except as provided in §§ 391.37, 391.61, and 391.67, a person shall not drive a motor vehicle unless he has first taken a written examination and has been issued a certificate of written examination in accordance with this section.

(b) The objective of the written examination is to instruct prospective drivers in the rules and regulations established by the Federal Highway Administration pertaining to commercial vehicle safety. It is an instructional tool only, and a person's qualifications to drive a motor vehicle under the rules in this part are not affected by his performance on the examination. Motor carriers subject to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1-2000e-15), Executive Order 11246, or both, are cautioned that neither the written examination requirements in this section nor any other rule in this part authorizes a motor carrier to violate the provisions of the Act, the Executive Order, or regulations issued under them with respect to equal opportunity in employment.

(c) The written examination shall be given by the motor carrier or a person designated by it, on a form prescribed by the motor carrier.

(d) Prior to, and during, the examination, the person who takes it shall be permitted to examine and consult a copy of the Federal Motor Carrier Safety Regulations (Subchapter B of this title) in addition to any other material explaining the provisions of those regulations that the motor carrier may provide. There is no time limit for completing the examination, and persons taking it shall be so advised in advance.

(e) The examination shall consist of 66 questions, covering the examinee's knowledge of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. However, a person who is being examined with a view to employment as the driver of a motor vehicle which will not transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title need not answer questions 58-66, inclusive. The questions given during the examination must be the questions published in Appendix C to this subchapter.<sup>1</sup>

(f) After the examinee completes the examination, the person who administered it shall advise him of the correct answers to any questions he failed to answer correctly. The motor carrier may also provide the examinee with such additional instruction in the pertinent regulations as appears to be warranted on the basis of his performance on the examination.

(g) The motor carrier, or the person who administered the examination on the motor carrier's behalf, shall provide every person who completes the examination with a certificate in substantially the following form:

CERTIFICATE OF WRITTEN EXAMINATION

This is to certify that the person whose signature appears below has completed the written examination under my supervision

<sup>1</sup>Copies of the list of questions (and answers to the questions) may be obtained by writing to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590, or to any Regional Federal Highway Administrator at the address given in § 390.40 of this subchapter.

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in accordance with the provisions of § 391.35 of the Federal Motor Carrier Safety Regulations.

\_\_\_\_\_  
(Signature of person taking examination)

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Location of examination)

\_\_\_\_\_  
(Signature of examiner)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Organization and address of examiner)

(h) A copy of the certificate required by paragraph (g) of this section shall be given to the person who was examined. The motor carrier shall retain, in the driver qualification file of the person who was examined—

(1) The original, or a copy of, the certificate required by paragraph (g) of this section;

(2) The questions asked on the examination; and

(3) The person's answers to those questions.

[35 FR 19182, Dec. 18, 1970, as amended at 36 FR 223, Jan. 7, 1971; 39 FR 20795, June 14, 1974]

§ 391.37 Equivalent of written examination.

(a) In place of, and as equivalent to, the written examination required by § 391.35, a person who seeks to drive a motor vehicle may present, and a motor carrier may accept, a valid certificate of written examination issued pursuant to paragraph (g) of that section within the preceding 3 years.

(b) If a motor carrier accepts a certificate as equivalent to the written examination, it shall retain a legible copy of the certificate in its files as part of the driver's qualification file.

(c) A motor carrier may require any person who presents a certificate as equivalent to the written examination to take the written examination prescribed in § 391.35 or participate in any other instructional process designed to

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acquaint him with the provisions of Parts 390-397 of this subchapter.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970]

Subpart E—Physical Qualifications and Examinations

§ 391.41 Physical qualifications for drivers.

(a) A person shall not drive a motor vehicle unless he is physically qualified to do so and, except as provided in § 391.67, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a motor vehicle.

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

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

(2) Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation, which is likely to interfere with his ability to control and safely drive a motor vehicle, or has been granted a waiver pursuant to § 391.49 upon a determination that the impairment will not interfere with his ability to control and safely drive a motor vehicle.

(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 ability to control and drive a motor vehicle safely;

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

(7) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which in-

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terferes with his ability to control and operate a 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 motor vehicle;

(9) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a 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) Does not use an amphetamine, narcotic, or any habit-forming drug; and

(13) Has no current clinical diagnosis of alcoholism.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 36 FR 223, Jan. 7, 1971; 36 FR 12857, July 8, 1971]

§ 391.43 Medical examination; certificate of physical examination.

(a) Except as provided in paragraph (b) of this section, the medical examination shall be performed by a licensed doctor of medicine or osteopathy.

(b) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, field of vision, and the ability to recognize colors as specified in paragraph (10) of § 391.41(b).

(c) The medical examination shall be performed, and its results shall be recorded, substantially in accordance with the following instructions and examination form:

INSTRUCTIONS FOR PERFORMING AND RECORDING PHYSICAL EXAMINATIONS

The examining physician should review these instructions before performing the physical examination. Answer each question yes or no where appropriate.

The examining physician should be aware of the rigorous physical demands and mental and emotional responsibilities placed on the driver of a commercial motor vehicle. In the interest of public safety the examining physician is required to certify that the driver does not have any physical, mental, or organic defect of such a nature as to affect the driver's ability to operate safely a commercial motor vehicle.

*General information.* The purpose of this history and physical examination is to detect the presence of physical, mental, or organic defects of such a character and extent as to affect the applicant's ability to operate a motor vehicle safely. The examination should be made carefully and at least as complete as indicated by the attached form. History of certain defects may be cause for rejection or indicate the need for making certain laboratory tests or a further, and more stringent, examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the applicant and he should be advised to take the necessary steps to insure correction, particularly of those which, if neglected, might lead to a condition likely to affect his ability to drive safely.

*General appearance and development.* Note marked overweight. Note any posture defect, perceptible limp, tremor, or other defects that might be caused by alcoholism, thyroid intoxication, or other illnesses. The Federal Motor Carrier Safety Regulations provide that no driver shall use a narcotic or other habit-forming drugs.

*Head-eyes.* When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while applicant's visual acuity is being tested. If appropriate, indicate on the Medical Examiner's Certificate by checking the box, "Qualified only when wearing corrective lenses." In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields,

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ocular muscle imbalance, color blindness, corneal scar, exophthalmos, or strabismus, uncorrected by corrective lenses. Monocular drivers are not qualified to operate commercial motor vehicles under existing Federal Motor Carrier Safety Regulations. If the driver habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that he has good tolerance is well adapted to their use. The use of contact lenses should be noted on the record.

**Ears.** Note evidence of mastoid or middle ear disease, discharge, symptoms of aural vertigo, or Meniere's Syndrome. When recording hearing, record distance from patient at which a forced whispered voice can first be heard. If audiometer is used to test hearing, record decibel loss at 500 Hz, 1,000 Hz, and 2,000 Hz.

**Throat.** Note evidence of disease, irremediable deformities of the throat likely to interfere with eating or breathing, or any laryngeal condition which could interfere with the safe operation of a motor vehicle.

**Thorax-heart.** Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, of a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart, or congestive heart failures. Electrocardiogram is required when findings so indicate.

**Blood pressure.** Record with either spring or mercury column type of sphygmomanometer. If the blood pressure is consistently above 160/90 mm. Hg., further tests may be necessary to determine whether the driver is qualified to operate a motor vehicle.

**Lungs.** If any lung disease is detected, state whether active or arrested; if arrested, your opinion as to how long it has been quiescent.

**Gastrointestinal system.** Note any diseases of the gastrointestinal system.

**Abdomen.** Note wounds, injuries, scars, or weakness of muscles of abdominal walls sufficient to interfere with normal function. Any hernia should be noted if present. State how long and if adequately contained by truss.

**Abnormal masses.** If present, note location, if tender, and whether or not applicant knows how long they have been present. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

**Tenderness.** When noted, state where most pronounced, and suspected cause. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

**Genito-urinary.** Urinalysis is required. Acute infections of the genito-urinary tract, as defined by local and State public health laws, indications from urinalysis of uncontrolled diabetes, symptomatic albumin-urea in the urine, or other findings indicative of health conditions likely to interfere with the control and safe operation of a motor vehicle, will disqualify an applicant from operating a motor vehicle.

**Neurological.** If positive Romberg is reported, indicate degrees of impairment. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and as increased when foot is actually lifted from the floor following a light blow on the patella, sensory vibratory and positional abnormalities should be noted.

**Extremities.** Carefully examine upper and lower extremities. Record the loss of impairment of a leg, foot, toe, arm, hand, or fingers. Note any and all deformities, the presence of atrophy, semiparalysis or paralysis, or varicose veins. If a hand or finger deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exist to enable the driver to operate pedals properly. Particular attention should be given to and a record should be made of, any impairment or structural defect which may interfere with the driver's ability to operate a motor vehicle safely.

**Spine.** Note deformities, limitation of motion, or any history of pain, injuries, or disease, past or presently experienced in the cervical or lumbar spine region. If findings so dictate, radiologic and other examinations should be used to diagnose congenital or acquired defects; or spondylolisthesis and scoliosis.

**Recto-genital studies.** Diseases or conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting, pulling, or during periods of prolonged driving that might be necessary as part of the driver's duties.

**Laboratory and other special findings.** Urinalysis is required, as well as such other tests as the medical history or findings upon physical examination may indicate are necessary. A serological test is required if the applicant has a history of luetic infection or present physical findings indicate the possibility of latent syphilis. Other studies deemed advisable may be ordered by the examining physician.

**Diabetes.** If insulin is necessary to control a diabetic condition, the driver is not qualified to operate a motor vehicle. If mild diabetes is noted at the time of examination and it is stabilized by use of a hypoglycemic

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drug and a diet that can be obtained while the driver is on duty, it should not be considered disqualifying. However, the driver must remain under adequate medical supervision.

The physician must date and sign his findings upon completion of the examination.

EXAMINATION TO DETERMINE PHYSICAL  
CONDITION OF DRIVERS

Driver's name \_\_\_\_\_ ☐ New Certification  
Address \_\_\_\_\_ ☐ Recertification  
Social Security No. \_\_\_\_\_  
Date of birth \_\_\_\_\_ Age \_\_\_\_\_

HEALTH HISTORY

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Head or spinal injuries.
<input type="checkbox"/>	<input type="checkbox"/>	Seizures, fits, convulsions, or fainting.
<input type="checkbox"/>	<input type="checkbox"/>	Extensive confinement by illness or injury.
<input type="checkbox"/>	<input type="checkbox"/>	Cardiovascular disease.
<input type="checkbox"/>	<input type="checkbox"/>	Tuberculosis.
<input type="checkbox"/>	<input type="checkbox"/>	Syphilis.
<input type="checkbox"/>	<input type="checkbox"/>	Gonorrhea.
<input type="checkbox"/>	<input type="checkbox"/>	Diabetes.
<input type="checkbox"/>	<input type="checkbox"/>	Gastrointestinal ulcer.
<input type="checkbox"/>	<input type="checkbox"/>	Nervous stomach.
<input type="checkbox"/>	<input type="checkbox"/>	Rheumatic fever.
<input type="checkbox"/>	<input type="checkbox"/>	Asthma.
<input type="checkbox"/>	<input type="checkbox"/>	Kidney disease.
<input type="checkbox"/>	<input type="checkbox"/>	Muscular disease.
<input type="checkbox"/>	<input type="checkbox"/>	Suffering from any other disease.
<input type="checkbox"/>	<input type="checkbox"/>	Permanent defect from illness, disease or injury.
<input type="checkbox"/>	<input type="checkbox"/>	Psychiatric disorder.
<input type="checkbox"/>	<input type="checkbox"/>	Any other nervous disorder.

If answer to any of the above is yes, explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHYSICAL EXAMINATION

General appearance and development:

Good \_\_\_\_\_ Fair \_\_\_\_\_ Poor \_\_\_\_\_

Vision: For distance:

Right 20/ \_\_\_\_\_ Left 20/ \_\_\_\_\_

☐ Without corrective lenses.

☐ With corrective lenses if worn.

Evidence of disease or injury:

Right \_\_\_\_\_ Left \_\_\_\_\_

Color Test \_\_\_\_\_

Horizontal field of vision:

Right \_\_\_\_\_ Left \_\_\_\_\_

Hearing:

Right ear \_\_\_\_\_ Left ear \_\_\_\_\_

Disease or injury \_\_\_\_\_

Audiometric Test (complete only if audiometer is used to test hearing) decibel loss as 500 Hz \_\_\_\_\_, at 1,000 Hz \_\_\_\_\_, at 2,000 Hz \_\_\_\_\_

Throat \_\_\_\_\_

Thorax: \_\_\_\_\_

Heart \_\_\_\_\_

If organic disease is present, is it fully compensated? \_\_\_\_\_

Blood pressure:

Systolic \_\_\_\_\_ Diastolic \_\_\_\_\_

Pulse: Before exercise \_\_\_\_\_

Immediately after exercise \_\_\_\_\_

Lungs \_\_\_\_\_

Abdomen:

Scars \_\_\_\_\_ Abnormal masses \_\_\_\_\_

Tenderness \_\_\_\_\_

Hernia: Yes \_\_\_\_\_ No \_\_\_\_\_

If so, where? \_\_\_\_\_

Is truss worn? \_\_\_\_\_

Gastrointestinal:

Ulceration or other disease:

Yes \_\_\_\_\_ No \_\_\_\_\_

Genito-Urinary:

Scars \_\_\_\_\_

Urethral discharge \_\_\_\_\_

Reflexes:

Romberg \_\_\_\_\_

Pupillary \_\_\_\_\_ Light R \_\_\_\_\_ L \_\_\_\_\_

Accommodation Right \_\_\_\_\_ Left \_\_\_\_\_

Knee Jerks:

Right: Normal \_\_\_\_\_ Increased \_\_\_\_\_ Absent \_\_\_\_\_

Left: Normal \_\_\_\_\_ Increased \_\_\_\_\_ Absent \_\_\_\_\_

Remarks \_\_\_\_\_

Extremities:

Upper \_\_\_\_\_

Lower \_\_\_\_\_

Spine \_\_\_\_\_

Laboratory and other Special Findings:

Urine: Spec. Gr. \_\_\_\_\_ Alb. \_\_\_\_\_

Sugar \_\_\_\_\_

Other laboratory data (Serology, etc.) \_\_\_\_\_

\_\_\_\_\_

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(d) If the medical examiner finds that the person he examined is physically qualified to drive a motor vehicle in accordance with § 391.41(b), he shall complete a certificate in the form prescribed in paragraph (e) of this section and furnish one copy to the person who was examined and one copy to the motor carrier that employs him.

(e) The medical examiner's certificate shall be in accordance with the following form:

**MEDICAL EXAMINER'S CERTIFICATE**

I certify that I have examined (driver's name (print)) in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of his duties, I find him qualified under the regulations.

☐ Qualified only when wearing corrective lenses.

A completed examination form for this person is on file in my office at \_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Name of examining doctor (Print))

\_\_\_\_\_  
(Signature of examining doctor)

\_\_\_\_\_  
(Signature of driver)

\_\_\_\_\_  
(Address of driver)

If the driver is qualified only when wearing a hearing aid, the following statement must appear on the medical examiner's certificate: "qualified only when wearing a hearing aid."

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 36 FR 8452, May 6, 1971; 36 FR 12857, July 8, 1971]

§ 391.45 Persons who must be medically examined and certified.

Except as provided in § 391.67, the following persons must be medically examined and certified in accordance with § 391.43 as physically qualified to drive a motor vehicle:

(a) Any person who has not been medically examined and certified as

physically qualified to drive a motor vehicle;

(b) Any driver who has not been medically examined and certified as qualified to drive a motor vehicle during the preceding 24 months; and

(c) Any driver whose ability to perform his normal duties has been impaired by a physical or mental injury or disease.

[35 FR 6460, Apr. 22, 1970, as amended at 36 FR 223, Jan. 7, 1971]

§ 391.47 Resolution of conflicts of medical evaluation.

(a) *Applications.* Applications for determination of a driver's medical qualifications under standards in this part will only be accepted if they conform to the requirements of this section.

(b) *Content.* Applications will be accepted for consideration only if the following conditions are met.

(1) The application must contain the name and address of the driver, motor carrier, and all physicians involved in the proceeding.

(2) The applicant must submit proof that there is a disagreement between the physician for the driver and the physician for the motor carrier concerning the driver's qualifications.

(3) The applicant must submit a copy of an opinion and report including results of all tests of an impartial medical specialist in the field in which the medical conflict arose. The specialist should be one agreed to by the motor carrier and the driver.

(i) In cases where the driver refuses to agree on a specialist and the applicant is the motor carrier, the applicant must submit a statement of his agreement to submit the matter to an impartial medical specialist in the field, proof that he has requested the driver to submit to the medical specialist, and the response, if any, of the driver to his request.

(ii) In cases where the motor carrier refuses to agree on a medical specialist, the driver must submit an opinion and test results of an impartial medical specialist, proof that he has requested the motor carrier to agree to submit the matter to the medical specialist and the response, if any, of the motor carrier to his request.



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(4) The applicant must include a statement explaining in detail why the decision of the medical specialist identified in paragraph (b)(3) is unacceptable.

(5) The applicant must submit proof that the medical specialist mentioned in paragraph (b)(3) of this section was provided, prior to his determination, the medical history of the driver and an agreed-upon statement of the work the driver performs.

(6) The applicant must submit the medical history and statement of work provided to the medical specialist under paragraph (b)(5) of this section.

(7) The applicant must submit all medical records and statements of the physicians who have given opinions on the driver's qualifications.

(8) The applicant must submit a description and a copy of all written and documentary evidence upon which the party making application relies in the form set out in 49 CFR 386.37.

(9) The application must be accompanied by a statement of the driver that he intends to drive in interstate commerce not subject to the commercial zone exemption or a statement of the carrier that he has used or intends to use the driver for such work.

(10) The applicant must submit three copies of the application and all records.

(c) *Information.* The Director may request further information from the applicant if he determines that a decision cannot be made on the evidence submitted. If the applicant fails to submit the information requested, the Director may refuse to issue a determination.

(d) (1) *Action.* Upon receiving a satisfactory application the Director shall notify the parties (the driver, motor carrier, or any other interested party) that the application has been accepted and that a determination will be made. A copy of all evidence received shall be attached to the notice.

(2) *Reply.* Any party may submit a reply to the notification within 15 days after service. Such reply must be accompanied by all evidence the party wants the Director to consider in making his determination. Evidence submitted should include all medical

records and test results upon which the party relies.

(3) *Parties.* A party for the purposes of this section includes the motor carrier and the driver, or anyone else submitting an application.

(e) *Petitions to review, burden of proof.* The driver or motor carrier may petition to review the Director's determination. Such petition must be submitted in accordance with § 386.13(a) of this chapter. The burden of proof in such a proceeding is on the petitioner.

(f) *Status of driver.* Once an application is submitted to the Director, the driver shall be deemed disqualified until such time as the Director makes a determination, or until the Director orders otherwise.

(49 U.S.C. 304, 322; 18 U.S.C. 831-35; Pub. L. 93-633, 88 Stat. 8156 (49 U.S.C. 1801, et seq.); 49 CFR 1.48, 301.60.)

[42 FR 18081, Apr. 5, 1977, as amended at 42 FR 53966, Oct. 4, 1977]

§ 391.49 Waiver of certain physical defects.

(a) A person who is not physically qualified to drive under § 391.41 (b) (1) or (2) and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, other than a motor vehicle which transports passengers or a motor vehicle which must be placarded or marked in accordance with § 177.823 of this Title 49 (relating to placards or markings upon vehicles which transport hazardous materials), if the Director has granted an application for a waiver with respect to that person.

(b) An application for a waiver must be submitted jointly by the person who seeks a waiver of his physical disqualification (the individual applicant) and by the motor carrier that will employ him if the application is granted. The application must be addressed to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590.

(c) An application for a waiver must contain—

(1) A description of the type, size, and special equipment (if any) of the vehicles the individual applicant intends to drive, the general area and type of roads he intends to traverse

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while driving, the distances he intends to drive, the periods of time he will be on duty while driving, the nature of the commodities or cargo he intends to transport, the methods he or any other person will use to load and secure those commodities or cargo, and the nature and extent of his experience at operating motor vehicles of the type he intends to drive;

(2) An agreement by both applicants that the motor carrier will promptly file with the Director such reports as he may require, including reports about the driving activities, accidents, arrests, license suspensions, revocations, or withdrawals, and convictions which involve the individual applicant; and

(3) An agreement that, if a waiver is granted, it authorizes the individual applicant to drive in interstate commerce only when employed by the motor carrier that joined in his application.

(d) An application for a waiver must be accompanied with—

(1) At least two reports of medical examinations made pursuant to § 391.43, at least one of which was conducted by a medical examiner selected and compensated by the motor carrier, each of which includes the medical examiner's opinion concerning the individual applicant's ability to operate safely a motor vehicle of the type he intends to drive;

(2) A copy of the certificate of driver's road test that was issued to the individual applicant pursuant to § 391.31;

(3) A copy of the certificate of written examination that was issued to the individual applicant pursuant to § 391.35; and

(4) A copy of the individual applicant's application for employment made pursuant to § 391.21.

(e) An application for a waiver shall be signed by both the individual applicant and the motor carrier. If the motor carrier is a corporation, the application shall be signed by an officer of the corporation. If the motor carrier is a partnership, the application shall be signed by a partner. If the motor carrier is an individual proprietorship, the application shall be signed by the proprietor.

(f) The Director may deny the application or he may grant it in whole or in part and issue a waiver subject to such terms, conditions, and limitations as he deems consistent with safety and the public interest. A waiver is valid for a period not exceeding 2 years, and it may be renewed upon submission of a new application pursuant to this section.

(g) If the Director grants a waiver, he will notify each applicant by a letter, which sets forth the terms, conditions, and limitations of the waiver. The motor carrier shall retain the letter (or a legible copy of it) in its files. The individual applicant shall have the letter (or a legible copy of it) in his possession whenever he drives a motor vehicle or is otherwise on duty.

(h) The Director may suspend a waiver at any time. The Director may revoke a waiver after the persons to whom it was issued are given notice of the proposed revocation and a reasonable opportunity to be heard.

(Sec. 204, Interstate Commerce Act, as amended, (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1855), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 301.60, respectively).

[35 FR 6460, Apr. 22, 1970, as amended at 42 FR 37370, July 21, 1977]

Subpart F—Files and Records

§ 391.51 Driver qualification files.

(a) Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his personnel file.

(b) The qualification file for a driver who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971, must include—

(1) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible photographic copy of the certificate;

(2) The Director's letter granting a waiver of a physical disqualification, if a waiver was issued under § 391.49;

(3) The note relating to the annual review of his driving record required by § 391.25;

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(4) The list or certificate relating to violations of motor vehicle laws and ordinances required by § 391.27; and

(5) Any other matter which relates to the driver's qualifications or ability to drive a motor vehicle safely.

(c) The qualification file for a regularly employed driver who has not been regularly employed by the motor carrier for a continuous period which began before January 1, 1971, must include—

(1) The documents specified in paragraph (b) of this section;

(2) The driver's application for employment completed in accordance with § 391.21;

(3) The responses of State agencies and past employers to the motor carrier's inquiries concerning the driver's driving record and employment pursuant to § 391.23;

(4) The certificate of driver's road test issued to the driver pursuant to § 391.31 (e), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to § 391.33; and

(5) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to § 391.35, or a copy of a certificate which the motor carrier accepted as equivalent to a written examination pursuant to § 391.37.

(d) The qualification file for an intermittent, casual, or occasional driver employed under the rules in § 391.63 must include—

(1) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible photographic copy of the certificate;

(2) The certificate of driver's road test issued to the driver pursuant to § 391.31(e), or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to § 391.31;

(3) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to § 391.35, or a copy of a certificate which the motor carrier accepted as equivalent to a written examination pursuant to § 391.37; and

(4) The driver's name, his social security number, and the identification

number, type, and issuing State of his motor vehicle operator's license.

(e) A using carrier's qualification file for a driver who is regularly employed by another motor carrier, and who is employed by the using carrier in accordance with § 391.65 of this part, shall include a copy of a certificate, as prescribed by § 391.65(a)(2) of this part, by the regularly employing carrier that the driver is fully qualified to drive a motor vehicle.

(f) Except as provided in paragraphs (g) and (h) of this section, each driver's qualification file shall be kept at the motor carrier's principal place of business for as long as a driver is employed by that motor carrier and for 3 years thereafter.

(g) Upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, the carrier may retain one or more of its drivers' qualification files at a regional or terminal office. The addresses and jurisdictions of the Directors of Regional Motor Carrier Safety Offices are shown in § 390.40 of this subchapter.

(h) The following records may be removed from a driver's qualification file after 3 years from date of execution:

(1) The medical examiner's certificate of his physical qualification to drive a motor vehicle or the photographic copy of the certificate as required by § 391.43(d).

(2) The note relating to the annual review of his driving record as required by § 391.25.

(3) The list or certificate relating to violations of motor vehicle laws and ordinance as required by § 391.27.

(4) The letter issued under § 391.49 granting a waiver of a physical disqualification.

(Sec. 204, Interstate Commerce Act, as amended, (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 301.60, respectively)).

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 7799, May 21, 1970; 35 FR 17420, Nov. 13, 1970; 41 FR 36656, Aug. 31, 1976; 42 FR 37370, July 21, 1977]

Attachment A. (Con't)

§ 391.61

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Subpart G—Limited Exemptions

§ 391.61 Drivers who were regularly employed before January 1, 1971.

The provisions of § 391.21 (relating to applications for employment), § 391.23 (relating to investigations and inquiries), § 391.31 (relating to road tests), and § 391.35 (relating to written examinations) do not apply to a driver who has been a regularly employed driver (as defined in § 395.2(f) of this subchapter) of a motor carrier for a continuous period which began before January 1, 1971, as long as he continues to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a motor vehicle if he fulfills the requirements of paragraphs (1) through (9) of § 391.11(b) (relating to qualifications of drivers).

§ 391.62 Drivers of lightweight vehicles.

(a) The following rules in this part do not apply to a person who drives only a lightweight vehicle:

(1) Subpart C (relating to disclosure of, investigation into, and inquiries about, the background, character, and driving record of drivers).

(2) Subpart D (relating to road tests and written examinations).

(3) So much of §§ 391.41, 391.43, and 391.45 as require a driver to be medically examined, to obtain a certificate of medical examination, and to carry a medical examiner's certificate on his person.

(4) Subpart F (relating to maintenance of files and records).

(b) A person who is 18 years of age or older and who is otherwise qualified to drive a motor vehicle under the rules in this part (including the modifications of those rules specified in paragraph (a) of this section) may drive a lightweight vehicle, and § 391.11(b)(1) (relating to minimum age of drivers) does not apply to that person.

[40 FR 1068, Mar. 7, 1975]

§ 391.63 Intermittent, casual, or occasional drivers.

(a) If a motor carrier employs a person who is not a regularly employed driver (as defined in § 395.2(f) of this subchapter) to drive a motor

vehicle for a single trip or on an intermittent, casual, or occasional basis, the motor carrier shall comply with all requirements of this part, except that the motor carrier need not—

(1) Require the person to furnish an application for employment in accordance with § 391.21;

(2) Make the investigations and inquiries specified in § 391.23 with respect to that person,

(3) Perform the annual review of the person's driving record required by § 391.25; or

(4) Require the person to furnish a record of violations or a certificate in accordance with § 391.27.

(b) Before a motor carrier permits a person described in paragraph (a) of this section to drive a motor vehicle, the motor carrier must obtain his name, his social security number, and the identification number, type and issuing State of his motor vehicle operator's license. The motor carrier must retain that information in its files for 3 years after the person's employment by the motor carrier ceases.

§ 391.65 Drivers furnished by other motor carriers.

(a) A motor carrier may employ a driver who is not a regularly employed driver of that motor carrier without complying with the generally applicable driver qualification file requirements in this part, if—

(1) The driver is regularly employed by another motor carrier; and

(2) The motor carrier which regularly employs the driver certifies that the driver is fully qualified to drive a motor vehicle in a written statement which—

(i) Is signed and dated by an officer or authorized employee of the regularly employing carrier;

(ii) Contains the driver's name and signature;

(iii) Certifies that the driver has been employed regularly to drive, as defined in § 391.3(c);

(iv) Certifies that the driver is fully qualified to drive a motor vehicle under the rules in Part 391 of the Federal Motor Carrier Safety Regulations;

(v) States the expiration date of the driver's medical examiner's certificate;

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(vi) Specifies an expiration date for the certificate, which shall be not longer than 2 years or, if earlier, the expiration date of the driver's current medical examiner's certificate; and

(vii) After April 1, 1977, is substantially in accordance with the following form:

\_\_\_\_\_  
(Name of driver)

\_\_\_\_\_  
(SS No.)

\_\_\_\_\_  
(Signature of driver)

I certify that the above named driver, as defined in § 391.3(c) is regularly driving a vehicle operated by the below named carrier and is fully qualified under Part 391, Federal Motor Carrier Safety Regulations. His current medical examiner's certificate expires on \_\_\_\_\_ (Date)

This certificate expires:

\_\_\_\_\_  
(Date not later than expiration date of medical certificate)

Issued on \_\_\_\_\_ (date)

Issued by \_\_\_\_\_  
(Name of carrier)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

(b) A motor carrier that obtains a certificate in accordance with paragraph (a) (2) of this section shall retain a copy of that certificate in its files for 3 years.

(c) A carrier which certifies a driver's qualifications under this section shall—

(1) Be responsible for the accuracy of the certificate; and

(2) Recall the unexpired certificate carried by a driver immediately upon learning that the driver is no longer qualified under the rules in this part.

[41 FR 36656, Aug. 31, 1976]

§ 391.67 Drivers of articulated (combination) farm vehicles.

The following rules in this part do not apply to a farm vehicle driver (as defined in § 391.3(d) ) who is 18 years of age or older and who drives an articulated motor vehicle:

(a) Paragraphs (1), (8), (10), (11), and (12) of § 391.11(b) (relating to driver qualifications in general).

(b) Subpart C (relating to disclosure of, investigation into, and inquiries about the background, character, and driving record of, drivers).

(c) Subpart D (relating to road tests and written examinations).

(d) So much of §§ 391.41 and 391.45 as require a driver to be medically examined and to have a medical examiner's certificate on his person before January 1, 1973.

(e) Subpart F (relating to maintenance of files and records).

[36 FR 24220, Dec. 22, 1971]

§ 391.69 Drivers operating in Hawaii.

(a) Drivers who will reach the age of 21 no later than April 1, 1976, may continue to drive within the State of Hawaii.

(b) The provisions of § 391.21 (relating to application for employment), § 391.23 (relating to investigations and inquiries), § 391.31 (relating to road tests), and § 391.35 (relating to written examinations and the requirements of these sections) do not apply to a driver who has been a regularly employed driver (as defined in § 395.2(f) of this subchapter) of a motor carrier operating in the State of Hawaii for a continuous period which began before April 1, 1975, as long as he continues to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a motor vehicle if he fulfills the requirements of paragraphs (1) through (9) of § 391.11(b) (relating to qualifications of drivers).

[40 FR 32336, Aug. 1, 1975]

§ 391.71 Intrastate drivers of vehicles transporting combustible liquids.

(a) The provisions of § 391.11(b) (1) (relating to minimum age), § 391.21 (relating to application for employment), § 391.23 (relating to investigations and inquiries), § 391.31 (relating

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to road test), and § 391.35 (relating to written examination) do not apply to a driver who is otherwise qualified and was a regularly employed driver (as defined in § 395.2(f) of the subchapter) as of July 1, 1975, and continues to be a regularly employed driver of that motor carrier and who drives a motor vehicle that:

(1) Is transporting combustible liquids (as defined in § 173.115 of this title), and

(2) Is being operated in intrastate commerce.

(b) In addition to the exemptions provided in paragraph (a) of this section, the provisions of § 391.41(b) (10) (relating to minimum visual requirements), do not apply to a driver who was a regularly employed driver (as defined in § 395.2(f) of this subchapter) as of July 1, 1975, and continues to be a regularly employed driver of that motor carrier and who drives a vehicle that:

(1) Is a truck (as defined in § 390.4 of this subchapter), and

(2) Is operated in retail delivery service, and

(3) Is transporting combustible liquids (as defined in § 173.115 of this title), and

(4) Is operated in intrastate commerce.

[40 FR 54756, Nov. 26, 1975; 40 FR 58858, Dec. 19, 1975]

**PART 392—DRIVING OF MOTOR VEHICLES**

**Subpart A—General**

**Sec.**

392.1 Scope of the rules in this part.

392.2 Applicable operating rules.

392.3 Ill or fatigued operator.

392.4 Narcotics, amphetamine, and other dangerous substances.

392.5 Intoxicating liquor.

392.6 Schedules to conform with speed limits.

392.7 Equipment, inspection and use.

392.8 Emergency equipment, inspection and use.

392.9 Safe loading.

392.9a Corrective lenses to be worn.

392.9b Hearing aid to be worn.

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**Subpart B—Driving of Vehicles**

**Sec.**

392.10 Railroad grade crossings; stopping required.

392.11 Railroad grade crossings; slowing down required.

392.12 Drawbridges; stopping of buses.

392.13 Drawbridges; slowing down of other vehicles.

392.14 Hazardous conditions; extreme caution.

392.15 Required and prohibited use of turn signals.

392.16 Use of seat belts.

**Subpart C—Stopped Vehicles**

392.20 Unattended vehicles; precautions.

392.21 Stopped vehicles not to interfere with other traffic.

392.22 Emergency signals: Stopped vehicles.

392.24 Emergency signals; flame-producing.

392.25 Emergency signals; dangerous cargoes.

**Subpart D—Use of Lighted Lamps and Reflectors**

392.30 Lighted lamps; moving vehicles.

392.31 Lighted lamps; stopped or parked vehicles.

392.32 Upper and lower head-lamp beams.

392.33 Obscured lamps or reflectors.

**Subpart E—Accidents and License Revocation; Duties of Driver**

392.40 All accidents.

392.41 Striking unattended vehicle.

392.42 Notification of license revocation.

**Subpart F—Fueling Precautions**

392.50 Ignition of fuel; prevention.

392.51 Reserve fuel.

392.52 Buses; fueling.

**Subpart G—Prohibited Practices**

392.60 Unauthorized persons not to be transported.

392.61 Driving by unauthorized person.

392.62 Bus driver; distraction.

392.63 Towing or pushing loaded buses.

392.64 Riding within closed vehicles without proper exits.

392.65 Sleeper berth; transfer to or from.

392.66 Carbon monoxide; use of vehicle when detected.

392.67 Heater, flame-producing; on vehicle in motion.

392.68 Motive power not to be disengaged.

392.69 Sleeper berth, occupation.

Attachment B. Letter Sent to the States

Dear :

We are presently conducting a project for the Federal government concerning the requirements for licensing operators of heavy trucks. As part of this project we are to take a look at some of the practices of State licensing authorities and especially those of States that have a system of classified licensing.

We are therefore contacting you to ask if you would send us whatever materials and information you may have available on your State's procedures for licensing operators of heavy trucks. If possible, we would also appreciate receiving a copy of your latest driver manual for such operators, if you have one.

Thank you for your help. If you have any questions about this request, please call me at 919-933-2202.

Sincerely,

Patricia F. Waller, Ph.D.  
Associate Director for  
Driver Programs

PFW:tap





Attachment C . Certification requirements for fleet safety  
examiners in Hawaii.

Examination for Certification of Fleet Safety Examiners in Accordance with the  
Rules and Regulations of the State Highway Safety Coordinator:

The following examinations and requirements shall be satisfactorily  
completed by a person applying for certification as a fleet safety examiner; the  
applicant must:

1. Complete a written and oral examination relating to: Knowledge of  
traffic laws, ordinances and rules and regulations governing the  
operation of heavy motor vehicles on the streets and highways in the  
State of Hawaii; Hazards and safety practices related to the operation  
of motor vehicles; safety features and limitations of heavy motor  
vehicles; and Basic principles and practices of driver evaluation.
  - a. Show: An ability to deal effectively with the public; An  
ability to understand and apply provisions of the laws, ordinances  
and regulations; an ability to administer oral instructions; and an  
ability to submit clear and concise reports.
2. Conduct an evaluation of vehicle pre-trip examination for the category  
type(s) of motor vehicle for which certification is being sought.
3. Conduct an evaluation and perform an off-street skill test,  
demonstrating his ability to maneuver the category type(s) of motor  
vehicle in which certification is being sought in a forward and  
backward movement in a defined area.
4. Complete a roadtest demonstrating ability to properly operate the  
category type(s) of motor vehicle for which certification is being  
sought under normal road conditions.



Attachment D . Scale of education and experience for certifying  
fleet safety examiners in Hawaii.

<u>Section</u>	<u>Points</u>
I. Basic Education	1
A. Completion of high school	
II. Specialized Training	1
A. Automotive trade school, or	
B. Truck or bus driving school	
III. Accredited Motor Fleet Safety Course	2
Such as, but not limited to, the National Committee for Motor Fleet Supervisor Training, Pennsylvania State University	
IV. Specialized Driving Instructor's Certificate	2
A. National Safety Council's DDC instructor's certificate	
V. Driving Experience (In the category for which the applicant seeks certification as fleet safety examiner)	1-3
A. 10 years and over . . . . 3	
B. 5 years and over . . . . 2	
C. 2 years and over . . . . 1	
VI. Driver Trainer/Instructor (In the category for which the applicant seeks certification as fleet safety examiner)	1-3
A. Full time, 5 years and over . . . . 3	
B. Full time, 2 years and over . . . . 2	
C. Part time or under 2 years . . . . 1	
VII. Written or Oral Test (Mandatory) (Includes test of knowledge concerning category of vehicle in which certification is being sought)	2
VIII. Road Test (Mandatory) (Test of ability to operate vehicles and to properly administer such a road test in the category for which applicant seeks certifica- tion as an examiner)	2

Attachment E . Medical requirements used in Manitoba, Canada  
(As outlined in the Manitoba's Professional  
Driver's Manual)

Applicants will be required to submit a report of a medical examination on a prescribed form, and meet the standards prescribed in the Guide for Physicians in Determining Fitness to Drive a Motor Vehicle by the Canadian Medical Association. Some of the conditions which would prohibit the issuance of a Class I, II, III or IV license are:

Epilepsy

Certain diseases of the brain

Parkinson's disease

Certain heart conditions

Multiple sclerosis

Certain diabetic conditions

Amputees and persons suffering from disabilities which interfere with functions such as a loss of rotation of the head, paralysis of any limb, disabling rheumatism or arthritis may not be allowed to drive class I, II, III or IV vehicles.



ATTACHMENT F. HIGHLIGHTS FROM NORTH CAROLINA INTERVIEWS

QUESTIONS FOR INTERVIEWS WITH SAFETY DIRECTORS

1. What is the nature of your company's business(type, class)? How many states do you operate in? Are you under the BMCS jurisdiction?  
Class I Common Carriers - four  
Private Carrier - one  
All are under BMCS jurisdiction and operate in many states.
2. Does your business involve hauling hazardous cargoes? If so, do you use special screening procedures for these drivers?
  - All five haul hazardous cargoes except explosives.
  - All drivers are subjected to haul hazardous cargoes, therefore no need for special screening procedures.
  - One carrier said they have special training for tank drivers. Another carrier said they distribute a manual to their drivers.
3. How many drivers do you have and what kind of drivers do you use most often? Do you hire union drivers? What is the average age of your drivers?
  - Range from 450 to 6000 drivers
  - Drivers usually join union after the 30 day probation period
  - Drivers are about 30 years old, most retired around 57
4. Do you use independent drivers? What type of arrangement do you have with them?
  - Three carriers used independent drivers.  
The independents are leased to the companies for hauling special commodities (steel or bulky materials) and are paid a certain percent of revenue from the freight they hauled. They are either on a trip lease, a 30 day lease or on a lease option tractor (LOT) to the company. These drivers are screened similarly as the regular drivers.
5. What about temporary or casual drivers, do you use the same screening procedures for them as for your regular drivers?
  - Casual drivers are used to supplement local operation or on weekends. Except for one company, they are screened the same way as regular drivers because it is easier and more flexible for the companies.
  - The same casuals are used because their records have already been checked and are kept in company files.
6. In your regular hiring practices, do you require applicants to take any written or performance tests? Who administers these tests?
  - All carriers test their applicants prior to employment. One will accept union certification. These tests are administered by Personnel, safety engineers or driver supervisors.
  - Road tests are usually given in a tractor trailer.
  - All are required to complete an application form and medical exam. Polygraph and the psychological stress evaluator may also be used.
7. What type of checking do you perform concerning the information listed on the application? Do you check the driver's record with your state DMV?
  - In state driver record, criminal record and record with previous employer are checked to verify information on the application form.
  - All state DMV records in which driver had recently held a license are checked.
  - One carrier said they will disqualify the applicant if he has been found to falsify information on the application form.

Attachment F. (Con't)

8. Suppose the applicant does not list a state in which he has held a license, are you able to obtain this information? Do you ask the state to access the National Driver Register for you?

One carrier will do a more in depth check if applicant has a time period which he cannot account for. Drivers from out of state will also be checked out more thoroughly. None of the carriers ask their state to check the National Driver Register for them.

9. Is literacy a requirement? If so, how is it determined? Is high school completion a condition for employment?

- High school graduation is not required. One carrier uses the Wonderlic Test.
- Another carrier feels that if applicant can complete the application form, it is enough evidence for literacy.

10. Do you require a medical exam for employment? If so, what is included in this exam and who does the exam? Do you use your company doctor or do you recommend a doctor to the driver?

- All required medical exam conducted by company assigned doctors.
- Carriers have stricter medical requirements than those of BMCS. One gives audiometric test instead of forced whisper test for hearing loss and will require further test if a person's blood pressure is borderline. Another required a SMAC profile analysis.
- Companies also have medical directors to approve applications of company doctors and to act as medical counsel to the company doctors.

11. Do you feel that the medical and physical requirements are unduly restrictive? Do you lose many prospective drivers due to physical or medical ailments?

- All felt that medical requirements are not restrictive enough, especially for blood pressure and heart problems.
- Right now, only very few applicants are disqualified on medical grounds.

12. Do you keep all these driver related information in your personnel file?

All driver related information is kept in driver's qualification file. Files are usually maintained at home office and at each terminal.

Attachment F. (Con't)

13. Do you provide on the job training to your drivers once they are hired?  
If so, what kind of training do you provide and when are these training sessions held?
- Four carriers have formal training for new employees. These include company orientation, classroom training, behind the wheel training, check out rides with safety officer before the new employee is allowed to make a delivery by himself.
  - Two firms also required one year of experience or graduation from an approved truck driving school (e.g., North Carolina Truck Driver Training School).
  - No formal retraining program.
14. Are there special training for driving different types of trucks?
- Most have tractor trailers, with some straight trucks and pickup trucks for local delivery.
  - All drivers are required to be able to drive tractor trailers so they can drive straight trucks with no problem.
  - Tank drivers are required to know how to operate valves, clean tank and dispose the residue properly.
15. Are your drivers provided with special information to handle emergencies such as spilled cargoes?
- Drivers are only required to notify company in order to obtain help and to keep the public away.
  - Most companies provide drivers with instructions on hazardous cargoes.
16. Do you encourage your drivers to participate in basic first aid courses?  
Usually left up to drivers although one carrier had the Red Cross conduct first-aid course for their employees.
17. How do you make sure that your drivers remained qualified medically and otherwise?  
Do you perform periodic evaluation and monitor their driving records?
- Medical exams are required every two years or after a serious illness or extended leave.
  - One carrier has a computerized system which prints out the dates when every driver is due for checkups and license renewal.
  - Driver record for the past year is usually checked by the companies. For one carrier, if driver fails to report a violation during annual review, he is subjected to disciplinary actions.



Attachment F. (Con't)

18. What techniques do you use to promote and encourage safe driving on the job? Do you encourage your employees to wear safety belts? Do you have some brochures describing some of these programs?
- Carriers usually have safe driving awards to recognize drivers for their good performance. One carrier sends their field staff out to perform road observations on their own drivers.
  - One carrier conducts periodic safety programs to promote safe driving.
19. If your driver is involved in an accident, what do you require him to do?
- All drivers are required to notify company and then complete an accident report when they get back to home terminal. They are also required to get help for the injured and notify the police. Company may designate an agent or adjuster to handle the settlement.
  - One carrier provided their drivers with an accident reporting kit. The kit contains instructions to driver, directory of telephone numbers and courtesy cards for witnesses.
20. Do you maintain an accident file or register? How is this register organized?
- All maintain an accident file. One carrier files accidents by terminal and by date. Others classify accident according to its preventability and keeps a separate accident listing for each driver (for giving safe driving awards).
21. Do you perform any additional investigation of the accident, especially when your driver appears to be at fault?
- All investigate accidents from a preventability standpoint. They will also review the accident with the driver.
  - The serious accidents are usually investigated by the company's safety office.
22. Do you take any action against those drivers who had been involved in accidents? When is this action likely to take place?
- For serious accident (such as rollover) or if the accident is due to driver fault (such as rear end collision or single vehicle accident), then the driver may be subject to discharge.
  - For some minor accidents, driver may get warning, suspension or discharge depending on his prior record or the severity of the crash. However, for companies who use union drivers, the company may have to reinstate a driver due to union pressure. Also, the union requires the company to investigate an accident within ten days.
23. Do you carry any type of insurance on your drivers? What kind do you carry?
- All companies carry liability insurance for all their drivers. The amount of this insurance usually exceeds state requirements. One carrier is also self insured.
22. (cont.)
- One carrier will not take driver off work if driver goes to a "loss prevention school" conducted by the company.

Attachment F. (Con't)

24. Are your drivers required to do pretrip inspection? Is there a pretrip report and is this report the same as the vehicle condition report?
  - Drivers are required to do pre-trip inspection. One carrier also checks to see if drivers are doing their pre-trip properly--this company also requires drivers to use a gauge in checking tire pressure.
  - Problems identified during pre-trip are usually attended to before driver and his vehicle are dispatched.
25. How many vehicles (tractors and trailers) do you have? How are your vehicles maintained? Do you have your own maintenance staff or is it the responsibility of your drivers to maintain vehicles?
  - Companies have several hundred tractors and straight trucks, 2 to 3 thousand trailers.
  - Carriers maintain and fix their vehicles in own shops. They also have co-op garages or vendors to take care of breakdowns on the road.
26. How frequently are your vehicles checked?
  - Vehicles are checked at the end of each trip and any necessary repair will be made before the vehicle leaves the terminal.
  - One carrier has a preventive maintenance program for all vehicles passing through their four largest domiciles.
27. What types of emergency equipment do you require on your vehicles?
  - Reflective flares, triangles and fire extinguishers required by DOT are usually available on the vehicles.
28. Do you follow the format suggested by DOT in keeping your inspection and maintenance records? What about the vehicle condition reports?
  - Vehicle condition reports are completed according to BMCS requirements. Two carriers input these reports into their computer system for identifying "problem" vehicles or vehicles needing repair.
  - One carrier keeps a complete history on each of vehicles in their possession.
29. Do you instruct your drivers on how to complete the vehicle condition reports? Do you check them for accuracy and omission? Is there a special file for them?
  - Carriers provide instructions on filling out the vehicle condition report during company orientation. Driver turns in the report when he checks into the terminal and carrier usually files them.
  - These reports are usually checked by the maintenance people as they repair the vehicles.
  - They remain in company files as long as company owns the vehicle.
30. Have you been visited by DOT safety inspectors? Have any of your vehicles ever been inspected while on the road? Have they been taken out of service by inspectors?
  - Most have been inspected and have only one or two vehicles taken out of service. One carrier said when their vehicles were taken out of service, it is usually due to either chafed air lines, air leaks, broken springs or defective lights. Some of these problems could occur after the driver leaves the terminal.

Attachment F. (Con't)

31. How are your drivers paid? Is it based on driving time or mileage?  
If based on driving time, is he being compensated while he is performing safety checks or taking rest breaks?  
-Local drivers are paid by the hour while over the road drivers are paid by time and mileage. Time for delivery and breakdown are also being paid for but drivers do not get compensated for lunch or rest breaks.  
-Company also pays for the driver's sleeping accommodation.
32. How long do your drivers usually work?  
Drivers usually averaged 7 to 9 hours per day and less than 60 hours in an eight day period.
33. Are they require to keep a log of hours worked? What instructions do you give your drivers in keeping their logs? When are these logs submitted by the drivers?  
-New drivers are given instructions to complete the log book during their training.  
-Drivers are required to keep a log of hours and turn in the log at the end of each trip.
34. Do you check the logs for accuracy?  
-Either the driver's supervisor or a log clerk checks these logs to ensure that the hours of service regulations are not violated.  
-One carrier uses a tactograph to verify the accuracy of driver's log.
35. How do your drivers feel about keeping these logs?  
-Local drivers really do not need to keep a log of hours.  
-Most drivers see log as something they have to do.
36. Do you think the requirement for maintaining logs should be deleted?  
-The carriers did not feel that the logs were beneficial to increasing safety.  
-One carrier suggests eliminating these logs as the carrier already has other means of documenting the driver's time.  
-One carrier see log as a method of controlling driver's hours to prevent their abuse.

Attachment F. (Con't)

- 37a. What do you think about the proposed legislative changes regarding the hours of service? For example, do you think longer off duty hours and mandatory rest periods are needed?

Not really necessary as union contract takes care of most of these hours of service regulations. Furthermore, the regulated drivers seldom exceed the maximum driving time, the problem is with the exempted carriers and owner operators. Also, longer off duty hours do not necessarily guarantee longer  
(Continued on next page)

- b. What do you think about Senator Percy's bill about enlarging the scope of the Federal Motor Safety Regulation to include any truck over 10,000 GVW for both interstate and intrastate commerce?

Same regulation ought to apply to city operation and vehicles over 10,000 GVW. The four carriers we asked do not see Percy's bill creating any special problems for their operation.

- 38a. Have you encountered any problems in trying to comply with the federal motor safety regulations? Which ones give you the most trouble?

The areas mentioned by carriers include: 121 brake standard, cab size and dimension standard, driver logs and transport of hazardous cargos. One carrier also felt that the rules were difficult to understand due to the legal jargon.

- b. What do you think about the idea of a federal license for the commercial drivers?

One carrier felt it is a good idea because the driver information will be centralized and be more readily available to the employer. Another carrier indicated that it might lead to a lot of paper work and duplicate state's efforts. Two other carriers felt that a state administered classified licensing system would accomplish the job more efficiently.

39. Do you have any complaints which you think should be communicated?

Federal regulations should be more specific and be stated in simpler terms, especially in disqualifying drivers.

40. Are there any areas in which additional restrictions are needed?

- Medical requirements should be more restrictive.
- Commercial zone drivers should not be exempted.
- BMCS takes too long to review medical cases and meanwhile the driver can still drive.

41. Any other suggestions to improve the safety of driving these large vehicles?

- BMCS's enforcement activities should be more uniform and aggressive. In addition, the state and local police should more uniformly enforce their motor vehicle laws.
- emphasis should be placed on selection, training and supervision (if necessary, disciplines) and safety responsibility should involve all levels from top management down to drivers.

[ REQUEST APPLICATION FORMS OR OTHER SAFETY MATERIALS]

Attachment F. (Con't)

37a. (Continued)

rest as there is no way to control driver's off duty activities. Studies by these carriers do not show more accidents with the longer driving hours. Certain proposed changes may affect the driver's and carrier's income adversely.

ATTACHMENT G. HIGHLIGHTS FROM INDIANA INTERVIEWS

QUESTIONS FOR INTERVIEWS WITH SAFETY DIRECTORS

1. What is the nature of your company's business(type, class)? How many states do you operate in? Are you under the BMCS jurisdiction?  
Common Carriers - 2 (one is a general freight, the other is a household mover)  
Exempt Carrier - 1 (livestock)  
Other Carrier - 1 (driver leasing)  
All except driver leasing are under BMCS jurisdiction and operate in 4 to 48 states
2. Does your business involve hauling hazardous cargoes? If so, do you use special screening procedures for these drivers?  
Only general freight common carrier hauls hazardous cargoes and all drivers receive special training.
3. How many drivers do you have and what kind of drivers do you use most often? Do you hire union drivers? What is the average age of your drivers?  
Between 11 (exempt) to 731 (household mover) drivers.  
Average ages of drivers are between 28 to 38.
4. Do you use independent drivers? What type of arrangement do you have with them?  
Only household moving company uses independent drivers.  
All their drivers are independent contractors working directly through the company or an agent.  
Each receives a percentage of the revenue generated.
5. What about temporary or casual drivers, do you use the same screening procedures for them as for your regular drivers?  
Only the general freight and livestock companies employ temporary or casual drivers. General freight contacts union and uses a trial and error method of screening. Livestock hauler uses same screening procedures for temporary as for permanent.
6. In your regular hiring practices, do you require applicants to take any written or performance tests? Who administers these tests?  
All use DOT written & road tests. General freight hauler uses terminal managers to give tests. Household mover has personnel department (or agency manager) give written test and any qualified driver give road test. Owners of livestock hauler and driver leasing firm administer both written and road tests personally.
7. What type of checking do you perform concerning the information listed on the application? Do you check the driver's record with your state DMV?  
Household mover uses a private firm to check background of applicants.  
All others check with previous employer and DMV for driver's record.  
(General freight hauler only checks for current license except if anything questionable, then checks driver record).

Attachment G. (Con't)

8. Suppose the applicant does not list a state in which he has held a license, are you able to obtain this information? Do you ask the state to access the National Driver Register for you?

Cannot obtain this information and most were not aware of NDR. Household mover, however, checks with states where the driver lists his current residence but uses a license from another state.

9. Is literacy a requirement? If so, how is it determined? Is high school completion a condition for employment?

None require literacy directly other than the ability to complete the applications and forms. High school is not required.

10. Do you require a medical exam for employment? If so, what is included in this exam and who does the exam? Do you use your company doctor or do you recommend a doctor to the driver?

All require standard DOT physical except general freight hauler who also requires a back X-ray. Two companies require exam to be given by company doctor and other two make it optional for the driver.

11. Do you feel that the medical and physical requirements are unduly restrictive? Do you lose many prospective drivers due to physical or medical ailments?

Only general freight hauler felt requirements were unduly restrictive. Others felt requirements are good and none lose very many prospective drivers due to these requirements.

12. Do you keep all these driver related information in your personnel file?

All keep files on drivers. Household mover keeps DOT required information on driver in one file and maintains another file on medical information. Filed by expiration date so that a letter can be sent out to driver 30 days prior to its expiration. All others only keep one file.

Attachment G. (Con't)

13. Do you provide on the job training to your drivers once they are hired? If so, what kind of training do you provide and when are these training sessions held?

In general, only the livestock hauler provides any on-the-job training consisting of sending an inexperienced new driver on the road with an experienced driver to primarily learn how to handle livestock.

14. Are there special training for driving different types of trucks?

General freight hauler hires only experienced drivers and others. Only have one type of truck--air brake tractor/trailers.

15. Are your drivers provided with special information to handle emergencies such as spilled cargoes?

Only general freight hauler provides special training (on hazardous materials)

16. Do you encourage your drivers to participate in basic first aid courses?

Only general freight hauler and driver leasing firm encourage drivers to take first-aid--suspect only casually

17. How do you make sure that your drivers remained qualified medically and otherwise? Do you perform periodic evaluation and monitor their driving records?

The largest company (Household Moving) maintains a "tickler" system for medical records. The terminal manager for the general freight company periodically checks medical records. It is the driver's responsibility in two smaller companies. For driver's records, the household mover annually reviews driver's file; the driver leasing firm checks with state DMV each year; the general freight hauler periodically checks to make sure driver's license is current; and small livestock hauler is personally aware of driving record of each of his employees.



Attachment G. (Con't)

18. What techniques do you use to promote and encourage safe driving on the job? Do you encourage your employees to wear safety belts? Do you have some brochures describing some of these programs?
- Formal safe driving programs, money or gift awards are techniques used to promote safe driving.
  - Driver Leasing Company also holds biannual safety meetings.
  - Belt Usage are not heavily emphasized.
19. If your driver is involved in an accident, what do you require him to do?
- Most required the driver to notify the company, call the police and submit an accident report.
20. Do you maintain an accident file or register? How is this register organized?
- Accidents are filed by date of accident.
21. Do you perform any additional investigation of the accident, especially when your driver appears to be at fault?
- All perform additional investigation if accident is severe, no matter who is at fault.
22. Do you take any action against those drivers who had been involved in accidents? When is this action likely to take place?
- Companies employing union drivers (all except livestock hauler) use a similar procedure (controlled by union).
- |              |                   |                            |
|--------------|-------------------|----------------------------|
| 1st Accident | - Warning Letter  | Livestock Hauler Treats    |
| 2nd "        | - 3 Days Off      | Each Accident Individually |
| 3rd "        | - 5 to 9 Days Off |                            |
| 4th "        | - Termination     |                            |
23. Do you carry any type of insurance on your drivers? What kind do you carry?
- All have liability, hospitalization and workmen's compensation insurance for their drivers except for drivers in the household moving company who carries own workmen's compensation.

Attachment G. (Con't)

24. Are your drivers require to do pretrip inspection? Is there a pretrip report and is this report the same as the vehicle condition report?
- All stated that DOT requires pre-trip inspection and therefore drivers must do it. Only driver leasing company requires his drivers to file a separate pre-trip report.
25. How many vehicles (tractors and trailers) do you have? How are your vehicles maintained? Do you have your own maintenance staff or is it the responsibility of your drivers to maintain vehicles?
- 2 Common carriers have 600 to 800 tractors and trailers. Exempt carrier has 12 tractors and 13 trailers.
  - General freight and livestock companies have own maintenance staff but drivers in household moving company have to maintain own vehicles.
26. How frequently are your vehicles checked?
- Ranges from every month to every three months to every 5000 miles.
27. What types of emergency equipment do you require on your vehicles?
- Fire extinguisher, flares or reflectors are the most common emergency equipment carried.
28. Do you follow the format suggested by DOT in keeping your inspection and maintenance records? What about the vehicle condition reports?
- All stated they follow DOT's Format.
  - Household Moving Company files vehicle condition report with drivers daily log.
29. Do you instruct your drivers on how to complete the vehicle condition reports? Do you check them for accuracy and omission? Is there a special file for them?
- All stated they instruct their drivers when hired.
  - the 2 common carriers check and file these reports.
  - Individual companies within driver leasing checks and file their own reports.
  - No formal checking in the livestock company.
30. Have you been visited by DOT safety inspectors? Have any of your vehicles ever been inspected while on the road? Have they been taken out of service by inspectors?
- Very seldom been visited or inspected by DOT inspectors.
  - Drivers for Driver Leasing Company are occasionally stopped on road and occasionally put out of service.

Attachment G. (Con't)

31. How are your drivers paid? Is it based on driving time or mileage?  
If based on driving time, is he being compensated while he is performing safety checks or taking rest breaks?
- Local drivers are paid by the hour while road drivers are paid by mileage supplemented with half of an hour pay for hookup and safety check.
  - Household moving company paid their drivers a percent of revenue based on weight and mileage.
32. How long do your drivers usually work?
- Local drivers work between 8 to 10 hours a day; road drivers work 60 hours for a 7 day week or 70 hours for an 8 day week.
  - Drivers for household moving set own schedule but also claimed that they follow the DOT rules.
33. Are they require to keep a log of hours worked? What instructions do you give your drivers in keeping their logs? When are these logs submitted by the drivers?
- All road drivers keep logs. They are submitted either after each tour of duty (general freight), each trip (driver leasing) or every week to ten days (household moving and livestock).
34. Do you check the logs for accuracy?
- All except exempt carrier check their logs.
35. How do your drivers feel about keeping these logs?
- Most drivers do not think it is necessary.
36. Do you think the requirement for maintaining logs should be deleted?
- All agree it should not be deleted.
  - Livestock hauler thinks system can be improved but doesn't know how.

Attachment G. (Con't)

37a. What do you think about the proposed legislative changes regarding the hours of service? For example, do you think longer off duty hours and mandatory rest periods are needed?

- All are firmly against longer off duty hours - will increase costs.
- Driver Leasing Company thought mandatory rest periods would be o.k.

b. What do you think about Senator Percy's bill about enlarging the scope of the Federal Motor Safety Regulation to include any truck over 10,000 GVW for both interstate and intrastate commerce?

All think including trucks over 10,000 GVW would be o.k.

38a. Have you encountered any problems in trying to comply with the federal motor safety regulations? Which ones give you the most trouble?

- Only Livestock Hauler has difficulties - trying to comply with hours of service.
- Household mover has most trouble with obtaining information on driver's background.

b. What do you think about the idea of a federal license for the commercial drivers?

- All except exempt carrier think it is a good idea.
- The exempt carrier stated that current DOT requirements are similar to the federal license concept already.

39. Do you have any complaints which you think should be communicated?

- Complaints mentioned are: regulations for hazardous materials are too strict; conflicting regulations by different federal agencies and unsystematic safety inspections.

40. Are there any areas in which additional restrictions are needed?

- Only General Freight Company commented that it is difficult to discharge bad drivers because of the union.

41. Any other suggestions to improve the safety of driving these large vehicles?  
None besides uniform weight limits.

[ REQUEST APPLICATION FORMS OR OTHER SAFETY MATERIALS ]