

## FLEET SAFETY COMPLIANCE MANUAL

(1) Every employer shall be knowledgeable of and comply with all regulations contained in this subchapter which are applicable to that motor carrier's operations.

(2) Every driver and employee shall be instructed regarding, and shall comply with, all applicable regulations contained in this subchapter.

(3) All motor vehicle equipment and accessories required by this subchapter shall be maintained in compliance with all applicable performance and design criteria set forth in this subchapter.

(f) Exceptions: Unless otherwise specifically provided, the rules in this subchapter do not apply to—

(1) All school bus operations as defined in §390.5;

(2) Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States. The accident recordkeeping requirements of §390.15 of this part remain applicable to the entities identified in this paragraph when engaged in the interstate charter transportation of passengers;

(3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;

(4) The transportation of human corpses or sick and injured persons;

(5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations;

(6) The operation of commercial motor vehicles designed to transport less than 16 passengers. However, motor carriers operating 9 to 15 passenger vehicles for hire must file a Motor Carrier Identification Report (MCS-150), maintain an accident register, and mark their vehicles with their USDOT number.

### PRIVATE MOTOR CARRIERS OF PASSENGERS

Effective January 1, 1995, private motor carriers of passengers (PMCPs) are no longer exempt from the FMCSR. However, for purposes of compliance with the FMCSRs, the FHWA breaks PMCPs into two groups: Those PMCPs involved in a business activity which provide transportation in the furtherance of a commercial enterprise will be subject to all of the FMCSRs. Those PMCPs engaged in nonbusiness activities, but providing transportation of some kind, will be subject to many of the FMCSRs but not to the current recordkeeping requirements. Any special exceptions for PMCPs, recordkeeping or otherwise, will be noted in the appropriate subject tab in the "Compendium" section of this manual.

### DEFINITION OF COMMERCIAL MOTOR VEHICLE

Two definitions of *commercial motor vehicle* are used in the regulations.

For Part 391 (driver qualification), a *commercial motor vehicle* is defined as follows:

- having a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR), or gross vehicle weight (GVW) or gross combination weight (GCW) of 10,001 pounds or more, whichever is greater;
- a vehicle designed to transport more than 8 passengers (including the driver) for compensation or more than 15 passengers (including the driver) not for compensation;
- or transporting hazardous materials in quantities requiring the vehicle to be placarded.

An additional criterion was added to this definition concerning passenger vehicles: vehicles designed to transport more than 8 passengers (including the driver) for compensation. At the same time this item was added, however, DOT published an exception in Sec. 390.3(f)(6) exempting these newly-included