



Applicability of FMCSRs



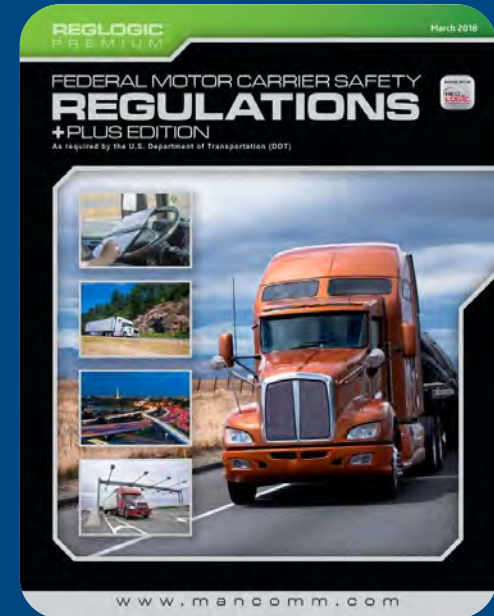
49 CFR Part 390, Wisconsin Trans 327



FMCSR Adoption – Trans 327.03

Wisconsin has adopted the following FMCSRs:

- Part 382 – Controlled substance and alcohol Testing
- Part 390 - General Requirements
- Part 391 - Driver Qualifications (with exceptions)
- Part 392 - Driving of Commercial Motor Vehicles
- Part 393 - Vehicle Equipment
- Part 395 – Hours of Service (with exceptions)
- Part 396 - Inspection, Repair and Maintenance
- Part 397 – Transportation of Hazardous Materials



FMCSR Applicability – 390.3T

The rules in this subchapter are applicable to all employers, employees, and commercial motor vehicles that transport property or passengers in interstate commerce.



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Defining a CMV



Defining a CMV – 49 CFR 390.5

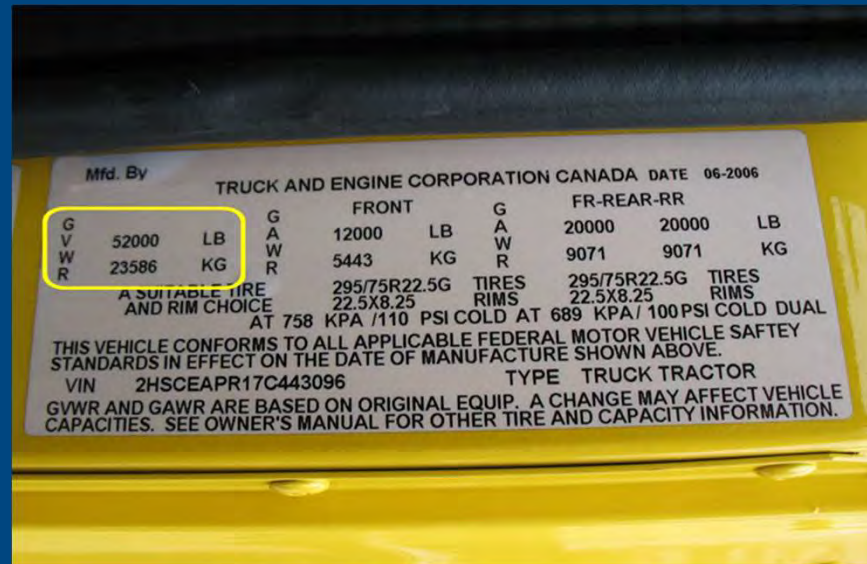
..any self propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle –

1. Has a gross vehicle weight rating, gross combination weight rating, or gross vehicle weight or gross combination weight, of 10,001 pounds or more; or



FMCSR Definitions – 390.5T

- **Gross vehicle weight rating** (GVWR) means the value specified by the manufacturer as the loaded weight of a single motor vehicle.



FMCSR Definitions – 390.5T

Gross combination weight rating (GCWR) is the greater of:

- A value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration; or
- The sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit(s), or any combination thereof, that produces the highest value. Exception: The GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.



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3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation, or



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3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation, or
4. Is used in transporting material found...to be hazardous in a quantity requiring placarding...



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FMCSR Definitions – 390.5T

Interstate commerce means trade, traffic, or transportation in the United States—

- Between a place in a State and a place outside of such State (including a place outside of the United States);
- Between two places in a State through another State or a place outside of the United States; or
- Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Intrastate commerce means any trade, traffic, or transportation in any State which is not described in the term “interstate commerce.”



Clear as Salt Crystals?



Clear as Salt Crystals?



A Prime Example?



FMCSR Applicability – 390.3T

Question 6: How does one distinguish between intra- and interstate commerce for the purposes of applicability of the FMCSRs?



FMCSR Applicability – 390.3T

Guidance: Interstate commerce is determined by the essential character of the movement, **manifested by the shipper's fixed and persistent intent at the time of shipment**, and is ascertained from all of the facts and circumstances surrounding the transportation. When the intent of the transportation being performed is interstate in nature, even when the route is within the boundaries of a single State, the driver and CMV are subject to the FMCSRs.



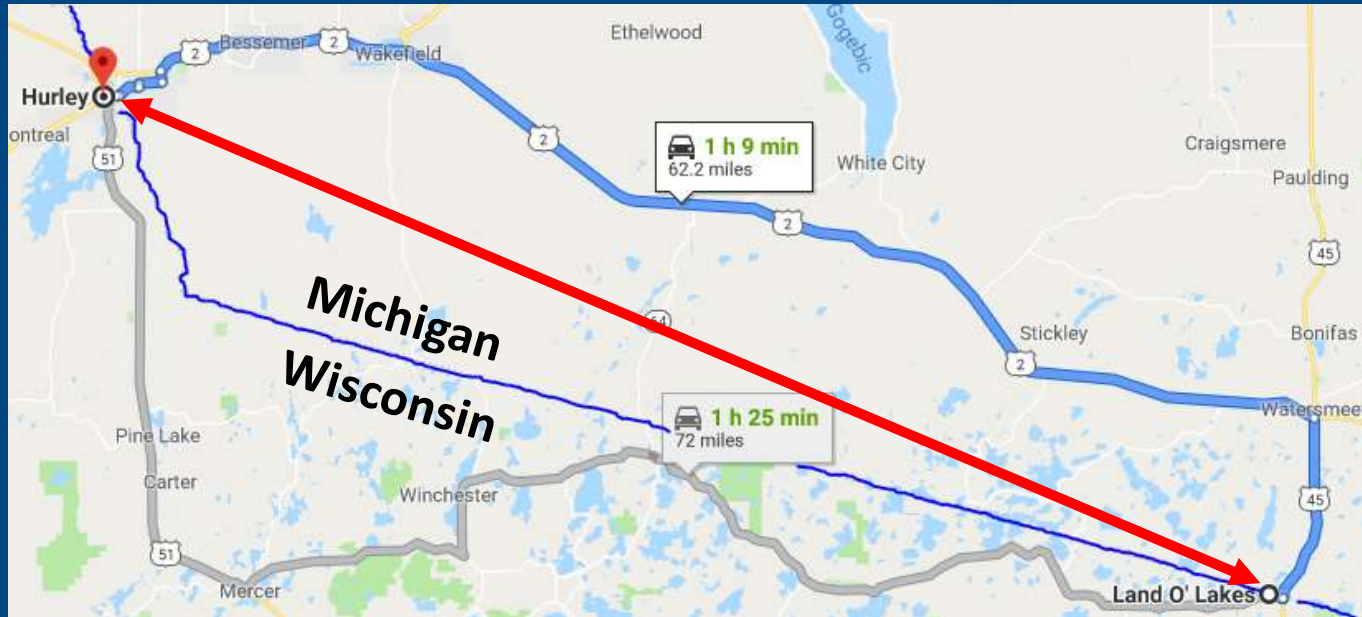
Clear as Salt Crystals?



A Prime Example?



Hurley, WI to Land O' Lakes, WI



FMCSR Definitions – 390.5T

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FMCSR Exemptions – 390.3T(f)

- Unless otherwise specifically provided, the rules in this subchapter do not apply to—
 - All school bus operations as defined in §390.5T
 - Transportation performed by the Federal government, a State, or any political subdivision of a State
 - The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise
 - The transportation of human corpses or sick and injured persons
 - The operation of fire trucks and rescue vehicles while involved in emergency and related operations
 - Driver of a CMV used in the transportation of propane heating fuel or a motor vehicle used to respond to a pipeline emergency, if such regulations would prevent the driver from responding to an emergency condition requiring immediate response



Covered Farm Vehicle – 390.39

Covered Farm Vehicles are exempt from:

- Part 382
- Part 383
- Part 391 – Subpart E only (Physical Qualifications)
- Part 395
- Part 396



Trans 327 – FMCSRs not adopted

- Part 391.11(b)(1) – Drivers age, not required to be 21
- Part 391.41(b)(3) – Drivers with diabetes requiring insulin (see also 391.46), must have DMV medical variance
- 391.41(b)(10) – Vision requirements, must have DMV medical variance
- 392.16 – Seat belt requirement
- 393.42 – Requiring brakes on all axles if placed in service prior to 6/1/87



Trans 327.09 - Exemptions

- School buses used for authorized educational, extracurricular or charter activities
- Part 391 not applicable to vehicles with GVWR 26,000 lbs. or less
- Part 391 (med card) not applicable to drivers who obtained CDL prior to 7/29/96 and who have not been revoked (Grandfather clause)
- Hours of Service not applicable to Emergency Vehicles, GVWR 26,000 lbs. or less, drivers of tow trucks at the request of Law Enforcement
- Farm truck combined with semitrailer or farm trailer. GVWR, registration and actual weight does not exceed 26,000 lbs.



Is this Subject to the FMCSRs?



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Is this Subject to the FMCSRs?



Vehicle Markings 390.21T



Vehicle Markings 390.21T

Carrier Name & USDOT Number

- Both Sides of Power Unit
- Contrasting Color
- Legible from 50'
- Kept Legible



Need a USDOT Number?

Wisconsin Motor Carrier Investigation Unit

Do I need a USDOT Number?
With a few exceptions the answer is YES...

Apply online at:
www.fmcsa.dot.gov/lurs

Wisconsin State Patrol
Motor Carrier
Investigation Unit



Do I need a USDOT Number?
With a few exceptions the answer is YES...



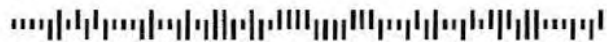
Apply online at:
www.fmcsa.dot.gov/lurs



Beware of Aggressive Marketing



Beaver Dam, WI 53916-9627



Beware of Aggressive Marketing



Regarding your USDOT #, you are PAST DUE to complete and file your Biennial Update with DOT per CFR part 49 article 390. FMCSA requires all entities under its jurisdiction to update their information every two years. Your last biennial update was filed 1/22/2019 and was due to have been updated on 5/31/2019. **Failure to complete a Biennial Update may result civil penalties of up to \$1,000 per day, not to exceed \$10,000 and possible deactivation of your USDOT #.**

Log onto www.DotService.com to enter your DOT # to complete your Biennial Update or call us directly at 855-368-7233 extension #1.

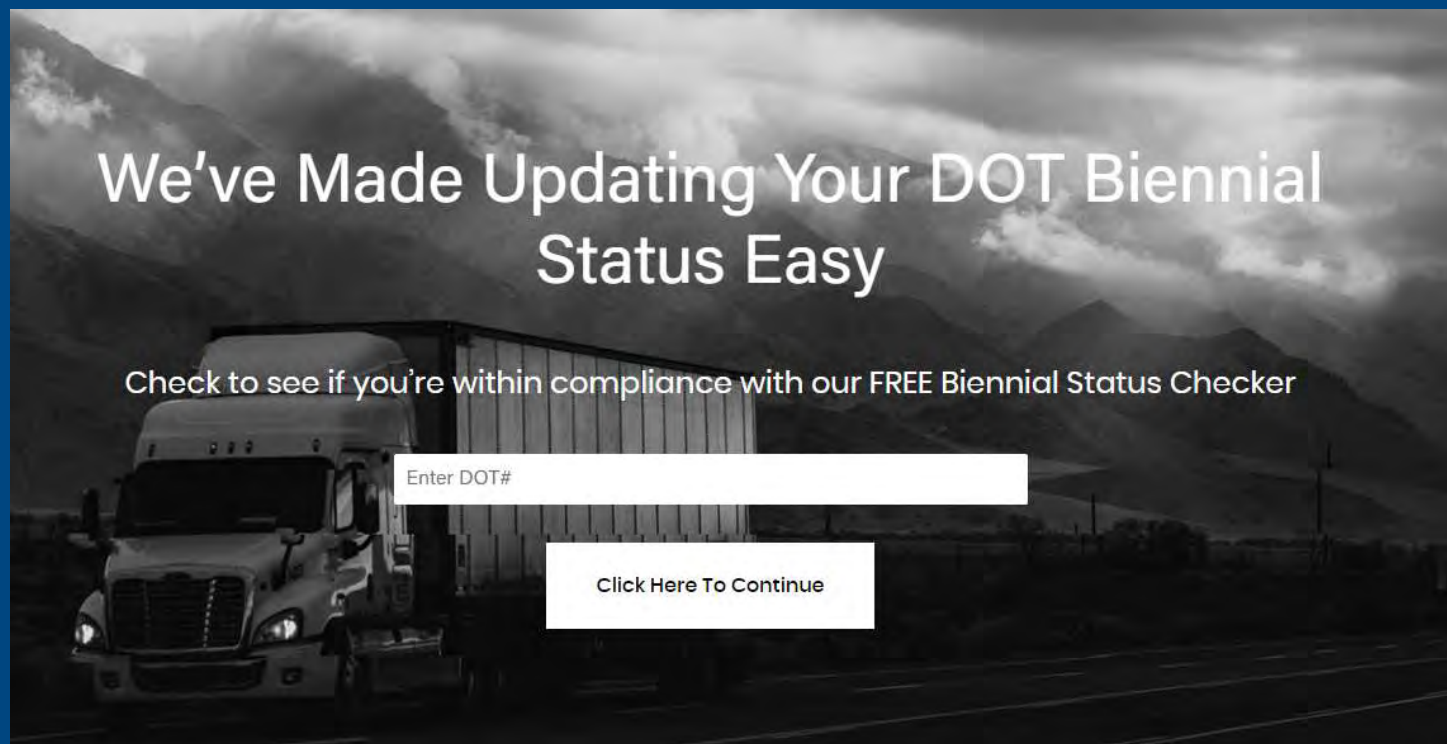
Sincerely,

DOT Compliance Group

Support@DotService.com



Beware of Aggressive Marketing



Beware of Aggressive Marketing



Please file the MCS-150 Form Application for Reactivation of your USDOT Number or registering as Out-of-Business.



Click On Proceed

As per our records, you are not DUE for a Biennial Update right now. Please click on Proceed button below if you want to file for updating your details with FMCSA or want to report as Out of Business.

If you do not wish to file, please click on the Cancel button.

Proceed

Cancel



Beware of Aggressive Marketing

Payment Method

Card Number

Please enter your card number.

Expiry Date

Month Year CVV

What is CVV/CVV2 Number?

I have read and agree to the [Terms & Conditions](#) and [Refund Policy](#).

Place Order





Wisconsin Statute 194 - Authority

Wisconsin Statute 194 - Authority

“For hire” means for compensation, and includes compensation obtained by a motor carrier indirectly, by subtraction from the purchase price or addition to the selling price of property transported, where the purchase or sale thereof is not a bona fide purchase or sale. Any person who pretends to purchase property to be transported by such person or who purchases property immediately prior to and sells it immediately after the transportation thereof shall be deemed to be transporting the property for hire and not a bona fide purchaser or seller thereof. The rental of a motor vehicle to a person for transportation of the person's property which rental directly or indirectly includes the services of a driver shall be deemed to be transportation for hire and not private carriage. This subsection does not apply to motor vehicle operations which are conducted merely as an incident to or in furtherance of any business or industrial activity.



Wisconsin Statute 194 - Authority

For Hire?



For Hire?



Wisconsin Statute 194 - Authority




LC – For Hire Property Carriers




PC – For Hire Passenger Carriers



Wisconsin Statute 194 - Authority



WISCONSIN MOTOR CARRIER AUTHORITY APPLICATION
Wisconsin Department of Transportation
MV2843 10/2019



[Clear Form](#)

US DOT Number	Federal Employer Identification Number (FEIN)	OR	Social Security Number (if no FEIN or applying as individual)
<input type="text"/>	<input type="text"/>		<input type="text"/>

Legal applicant name (Insurance on file and vehicle registration must be filed in this name)

Contact Person regarding application- name and phone and email (Your authority will be sent to this email address)

Physical address/ Principal place of business

Mailing address

Name and address of each partner, if partnership; officer and director if a corporation; each member if an LLC (or attach a copy of the Articles of Inc.)

List all types of commodities transported

Do you or have you had IRP or IFTA under this name or a Different name? Provide account number and name

☐ Yes ☐ No Name Account number



Trans 176.06

		OCT. 1, 1982 THROUGH December 31, 1984	ON AND AFTER January 1, 1985
1.	Vehicles transporting hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	\$1,000,000	\$5,000,000.
2.	Vehicles transporting oil listed in 49 CFR 172.101, hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in subd. 1.	\$500,000	\$1,000,000.
3.	Vehicles of 10,000 pounds or less gross vehicle weight transporting non-hazardous substances.	\$300,000	\$300,000.
4.	Vehicles of over 10,000 pounds gross vehicle weight transporting non-hazardous substances.	\$500,000	\$750,000.



Interstate Passenger Carriers



15 or fewer passengers (including driver): \$1,500,000

16 or more passengers (including driver): \$5,000,000



Intrastate Passenger Carriers



Actual Weight 10,000 lbs or Less: \$300,000

Over 10,000 lbs; 15 or fewer passengers (including driver): \$500,000

Over 10,000 lbs; 16 or more passengers (including driver): \$1,000,000



CMV? Authority?



Accident Register – 390.15



What is an Accident? – 390.5T

An occurrence involving a CMV operating on a highway which results in:

- A fatality
- Bodily injury to a person who immediately receives medical treatment away from the scene
- One or more vehicles sustaining disabling damage



Accident Register – 390.15

Carrier must maintain an accident register for 3 years after date of incident:

- Date of accident
- City or town, or most near to accident
- Driver name
- Number of injuries
- Number of fatalities
- Whether or not Hazmat was released (other than fuel spilled from fuel tanks)



Accident Register – 390.15

ACCIDENT REGISTER									
FROM _____, 20____ TO _____, 20____									
Date & Hour of Accident		Location of Accident			No. of Deaths	No. of Non-Fatal Injuries	H/M	Driver's Name	Copy of State or Insurance Report
Date	Hour	Street Address	City	State					





Motor Carrier Information Line: 608-267-9762

