

DO THE COMMERCIAL VEHICLE REGULATIONS APPLY TO YOU?

1. Do you declare prize money as income from a business for tax purposes?
2. Are the costs for the underlying activities deducted as a business expense for tax purposes?
3. Do you accept products and / or money for advertising a sponsor?
4. Is the transport vehicle being used in the furtherance of a commercial operation?

If you answered “**YES**” to either question 1, 2, 3 or 4, continue to question 5. If you answered “**NO**” to **ALL** questions (1-4), **STOP HERE**, you are not in the furtherance of a commercial operation.

5. Is the “gross vehicle weight” of the single vehicle or combination (truck and trailer) greater than 10,000 lbs?

YES – You must follow the appropriate regulations for the location(s) you travel in. i.e. interstate or intrastate

NO – STOP HERE! You are not subject to the commercial vehicle regulations.

Gross Vehicle Weight (GVW) is the greater of the manufacturer’s gross weight rating (GVWR) or the actual weight of the vehicle plus the load. If the transport vehicle consists of a truck and trailer, add the GVWR or actual weight of truck to the GVWR or actual weight of the trailer to obtain the gross vehicle weight of the combination. **DO NOT** use the registered weight on the vehicle license plate(s) to determine your GVW or GVWR.

Interstate requirements

(If you travel into another state you are an “interstate” carrier)

- If the vehicle/combination’s GVW is greater than 10,000 lbs:
 - CMV driver must be at least 21 and possess a valid USDOT physical card/form
 - Equipment requirements apply
 - Hours of Service requirements apply
 - You must have a USDOT number and display it on the power unit in addition to the carrier name.
 - Transport vehicle(s) must carry proof of an annual inspection
 - Record keeping requirements apply
 - Accident Recording requirements apply
- If the vehicle/combination’s GVW is greater than 26,000 lbs:
 - You must follow the above items
 - CMV drivers must possess the proper class Commercial Driver’s License
 - Drug and Alcohol Testing requirements apply. Contact an agency listed in this brochure for specific requirements.

Alcoholic beverages may not be consumed in a Commercial Motor Vehicle. Alcohol may only be transported in a CMV as part of the manifested shipment.

Intrastate requirements

(Not-crossing State border)

- If the vehicle/combination’s GVW is greater than 10,000 lbs:
 - CMV driver must be at least 18 and possess a valid USDOT physical card/form
 - Hours of Service requirements apply
 - Carrier must have a USDOT number if the power unit has a GVW / GVWR greater than 10,000 pounds. The USDOT number must be displayed on power unit in addition to the carrier name.
 - Record keeping requirements apply
 - Accident Recording requirements apply
- If the vehicle/combination’s GVW is greater than 26,000 lbs:
 - You must follow the above items, and
 - CMV drivers must possess an appropriate Commercial Driver’s License
 - Drug and Alcohol requirements apply. Contact an agency listed in this brochure for specific requirements.
 - Transport vehicle(s) must show proof of an Annual Inspection performed by a Minnesota Certified Inspector.

MOTOR HOMES registered as “recreational vehicles” (RV license plate) **CANNOT** be used in the furtherance of a commercial operation. If you wish to use a motor home as part of your commercial operation, it must be registered as a Commercial-use RV.

Transporting hazardous materials: If you transport gasoline, alcohol, starting fluid, acetylene, oxygen or other hazardous material, you are subject to the Hazardous Materials regulations. If the hazardous materials you transport are used in your business you may qualify for the “**Materials of Trade**” exception. To qualify for this exception certain conditions must be adhered to including:

- Containers used to transport gasoline must be marked with “gasoline” on the container and be DOT or OSHA approved.
- Containers cannot be greater than 8 gallons.
- Cylinders must be labeled as required by the hazardous material regulations.
- Aggregate gross weight of all “Materials of Trade” cannot exceed 440 pounds. (Nine 8 gallon cans of gasoline @ 6 lbs/gal. = 432 lbs.)
- All containers must be secured against movement or damage and closed to prevent leakage during transportation.

The Hazardous Materials regulations and the conditions of the “Materials of Trade” exception cannot be fully explained here. If you have questions regarding the Hazardous Material regulations or exceptions, please contact your State Commercial Enforcement Division or Federal Motor Carrier Safety Administration (FMCSA) at 800-832-5660 or the federal website of www.fmcsa.dot.gov.

Interstate transportation of hazardous materials in **any** quantity requires a minimum of \$1,000,000 liability insurance. **Intrastate** requirements vary based on how the material is transported e.g.: bulk or non-bulk. Contact an agency listed in this brochure for specific requirements.

Federal Motor Carrier Safety Regulation Interpretation for Part 390.3

Does the exemption in 390.3(f)(3) for the “occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise” apply to persons who occasionally use CMV’s to transport cars, boats, horses, etc., to races, tournaments, shows or similar events, even if prize money is offered at these events?

Guidance:

The exemption would apply to this kind of transportation, provided; (1) The underlying activities are not under taken for profit, i.e., (a) prize money is declared as ordinary income for tax purposes, and (b) the cost of the underlying activities is not deducted as a business expense for tax purposes; and, where relevant (2) corporate sponsorship is not involved. Drivers must confer with their State of licensure to determine the licensing provisions to which they are subject.

**Federal Motor Carrier Safety
Administration
800-832-5660 www.fmcsa.dot.gov**

Contact FMCSA

Address

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Phone

FMCSA Contact Center support number:
1-800-832-5660

Forms

Fax Data Forms Service number:
1-844-397-9350

Email

<https://ask.fmcsa.dot.gov/app/ask>