



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

Minimum Qualifications for Entry as a Motor Carrier Addendum – CVSA Recommendations

Safety on the roadways is paramount, particularly within the motor carrier industry. It is critical that motor carriers operating in commerce understand what is required, how to comply with the federal regulations and how to establish a strong safety culture within their operations. Currently, however, very little is required of a new entrant to obtain registration/operating authority and begin operations as a commercial motor carrier. In comparison, commercial motor vehicle (CMV) inspectors and enforcement personnel must be trained and certified to conduct inspections, and CMV drivers must go through a rigorous Entry Level Driver Training and/or qualification process and be properly credentialed in order to drive a CMV. No such standards or pre-qualifications exist to become a motor carrier. Motor carriers applying for a USDOT number do not have to demonstrate qualifications in the same way as CMV inspectors and drivers. To address this oversight and ensure new motor carriers are qualified and prepared to meet the rigorous safety standards set for the motor carrier industry, CVSA supports the creation of minimum qualification standards for entry as a motor carrier.

The Federal Motor Carrier Safety Administration (FMCSA) should establish a comprehensive training and testing program to evaluate an applicant's understanding of the Federal Motor Carrier Safety Regulations (FMCSR), the Hazardous Materials Regulations (HMR) when applicable, and their responsibilities as a motor carrier, particularly given that congress has already established a legislative requirement for the agency to establish such a pre-qualification standard.

The training course should be eight hours in length and offered in both in-person and virtual formats. When courses are offered virtually, additional parameters should be put into place to prevent fraud, such as verifying the identity of the applicant tied to actual virtual attendance and completion. Specifically, the course participant should be the registrant for the motor carrier, owner or designated safety manager. FMCSA should consider whether to allow third party consultants to complete the course and test, and if so, there should be a limit to the number of carriers a third-party consultant can represent when completing the training program. These roles should be designated in the testing system to assist with identifying who is participating in the course and taking the test. Additionally, upon registration, motor carriers should be required to upload a complete safety and maintenance program.

FMCSA should consider adding additional training and testing for a motor carrier's other employees who are assigned safety responsibilities. If implemented, this additional training should be completed within six months and would further reinforce the safety culture of the motor carrier.

The test component of the minimum qualification standard should evaluate basic regulatory understanding. It should be designed to include a bank of questions that changes each time someone takes the test.

The content for both the training course and evaluation will be essential to determining if a motor carrier meets the minimum qualifications for entry. The content for both the training and testing should address the following sections from the FMCSR.

- *49 Code of Federal Regulations (CFR) Part 390 – Federal Motor Carrier Safety Regulations; General*
This section should cover who is responsible for complying with the FMCSR.

- *49 CFR Part 365 – Rules for Governing Applications for Operating Authority and 49 CFR Part 387 – Minimum Levels of Financial Responsibility for Motor Carriers*
This section should cover the carrier registration process, how to update and maintain registration and operation specific registration requirements. It should also cover topics such as the Unified Carrier Registration (UCR) Plan, as well as other administrative requirements including International Fuel Tax Agreement (IFTA), International Registration Plan (IRP) and the heavy vehicle use tax. This section should also address the insurance financial responsibility of motor carriers.
- *49 CFR Part 385 – Safety Fitness Procedures*
This section should address all of the relevant safety components for operating as a safe motor carrier, including:
 - Safety Ratings
 - New Entrant Safety Assurance Program
 - Pre-Employment Screening Program
 - CVSA North American Standard Inspection Program
 - DataQs – Request for Data Review
 - FMCSA’s Adjudicated Citations Policy
 - Compliance, Safety and Accountability (CSA)
 - Safety Measurement System (SMS)
 - Behavior Analysis and Safety Improvement Categories (BASICS)
 - Safety Audits and Compliance Reviews
 - Type of Interventions (Warning Letter, Offsite Investigation, Onsite Focused Investigation, Onsite Comprehensive Investigation)
 - Critical vs. Acute Violations
 - Penalties and Fines
 - Safety Management Cycle
 - Safety Fitness Determination
- *49 CFR Part 396 – Inspection, Repair and Maintenance*
This section should cover the expectations for repair and maintenance of a motor carrier’s CMVs. It should also address the expectations for vehicle record retention requirements and periodic inspections.
- *49 CFR Part 395 - Hours of Service of Drivers*
This section should provide an overview of the hours-of-service regulations.
- *49 CFR Part 391 – Qualification of Drivers and Longer Combination Vehicle Driver Instructors*
This section should provide an overview of qualifications for CMV drivers. It should also present an overview of requirements for longer combination vehicle driver instructors.
- *49 CFR Part 383 – Commercial Driver’s License Standards; Requirements and Penalties*
This section should provide an overview of the commercial driver’s license (CDL) and the requirements needed to obtain a CDL, in addition to other CDL-related topics.

- *49 CFR Part 393 – Parts and Accessories Necessary for Safe Operation*
This section should cover vehicle parts and accessories requirements and also include topics such as size and weight and cargo securement.
- *40 CFR Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs and Part 382 - Controlled Substances and Alcohol Use and Testing*
This section should cover the requirements related to implementing a drug and alcohol testing program, as well as the applicability of the drug and alcohol testing and reporting requirements. Specifically, this section should address:
 - FMCSA Drug & Alcohol Clearinghouse
 - Management Information Systems (MIS) Reporting
 - Responsibilities of a Designated Employer Representative
 - DOT Supervisor Training for Reasonable Suspicion (49 CFR § 382.603)
 - Working with Service Agents
- *Operations Specific Rules*
This section should cover regulations specific to certain operations, such as passenger carrier operations, hazardous materials operations, household goods operations, for-hire operations, private carrier operations and agricultural operations. The application of the safety regulations to each of the included operations should also be addressed.
- *State Specific and Country Specific Rules*
This section should cover rules specific to the state and/or country in which a motor carrier is operating in. Examples of state specific rules to include are oversize and overweight permits, fuel tax, and intrastate operating authority.

In addition to the course content, FMCSA should also provide a list of resources, in order to provide the prospective motor carrier with additional information for how to operate safely once they have a USDOT number. The resources should include:

- eCFRs
- FMCSA Regulatory Guidance and Interpretations
- FMCSA Drug & Alcohol Clearinghouse
- [North American Fatigue Management Program](#)
- Safety Measurement System
 - FMCSA's Motor Carrier Safety Planner
 - Compliance, Safety, Accountability
 - Pre-Employment Screening Program
- Federal Register
- [Hazardous Materials Registration](#)
 - 49 CFR § 171.1 – “Applicability of Hazardous Materials Regulations (HMR) to Persons and Functions.”
 - [Materials of Trade](#)