

Minnesota Commercial Truck and Passenger Regulations Fact Sheet

Landscaper's Rules of the Road

Businesses (such as landscapers), who operate vehicles or vehicle combinations over 10,000 pounds gross vehicle weight (GVW) in Minnesota, are subject to various commercial vehicle safety regulations including:

- Driver Qualifications (DOT physical, driver's files, etc);
- Hours of Service (logbook or timesheet);
- Vehicle Maintenance (pre-trip inspection, post-trip inspection report); and
- Hazardous Materials (HM).

Note: Most "one ton trucks" or pickup truck and trailer combinations exceed the 10,000 pounds GVW and are subject to the safety regulations.

If the vehicle or vehicle combination is over 26,000 pounds and/or requires a commercial driver's license (CDL), the carrier and drivers are also subject to the Federal Motor Carrier Safety Regulations for drug and alcohol testing found in 49 CFR, Part 382.

This fact sheet is intended to give an overview of those regulations.

Gross Vehicle Weight (GVW) means the **greater of**:

- The unloaded weight of the vehicle or vehicle combination, plus the weight of the load (**the actual weight**); or
- The value specified by the manufacturer as the maximum gross vehicle weight rating (GVWR) of the vehicle or vehicle combination.

Driver Qualifications (DQ)

The driver qualification rules set minimum standards of driver training, experience, and ability. They are designed to reduce fatalities, injuries, property damage, and HM incidents. Minnesota has adopted the Federal Motor Carrier Safety Regulations for driver qualifications found in 49 CFR, Part 391.

A carrier (landscaper) engaged in Minnesota transportation is subject to the DQ rules if it is operating a vehicle or vehicle combination over 10,000 pounds GVW. **Again, most "one ton trucks" or pick-up truck and trailer combinations exceed the 10,000 pounds GVW.**

Minimum Qualifications for a Driver

A driver is considered qualified if the driver:

- Is 18 years old, 21 if transporting HM other than Materials of Trade (MOT). See the hazardous material section of this fact sheet for information on MOT.
- Can speak and read English well enough to do the job;
- Has the ability to drive the vehicle safely;
- Knows how to properly load and secure cargo;
- Meets the DOT physical qualifications and possesses a valid medical card; and
- Has a driver's license that is valid for the type of vehicle driven.

How a Driver Becomes Medically Qualified

A driver must get the required DOT physical and a signed medical examiner's certificate (health card). The health card must be in the driver's possession while operating a commercial motor vehicle (CMV).

Mn/DOT may grant waivers from the physical qualification requirements (vision, insulin-dependent diabetes, hearing impairment, and limb impairment). Waiver applications are available from, and must be submitted to, Mn/DOT's Office of Freight and Commercial Vehicle Operations.

What a DQ File Must Contain

A motor carrier must keep a driver qualification file for each driver at its principal place of business for as long as the driver is employed by the carrier and for 3 years after the driver leaves the carrier's employ. Each driver file must contain:

- Driver's application for employment;
- Driver's medical examiner's certificate (medical waiver if one has been granted);
- Driver's road test and certificate of road test or legible photocopy of the driver's CDL;
- Record of response from past employers for past 3 years;
- Response from state agencies about driver's driving record from past 3 years;
- Note on the carrier's annual review of driving record, showing date and who performed the review;
- Response from state agencies to the annual driving record inquiry;
- Driver's listing of all his/her moving traffic violations for the past 12 months; and
- Certain information on those drivers who are subject to controlled substance testing.

Hours of Service

The purpose of hours of service requirements is to limit work periods and require periods of rest to ensure highway safety by reducing highway accidents that result from driver fatigue. Minnesota has adopted the Federal Motor Carrier Safety Regulations for hours of service of drivers found in 49 CFR, Part 395.

A carrier (landscaper) engaged in Minnesota intrastate transportation is subject to the hours of service rules if it is operating a vehicle or vehicle combination over 10,000 pounds GVW.

Landscapers may not permit or require a driver to drive, and no driver shall drive a vehicle with 10,001 pounds or greater GVW after:

- 11 cumulative hours driving following 10 consecutive hours off duty;
- For any period after the end of the 14th hour after coming on duty following 10 consecutive hours off duty;
- Being on duty 60 hours in any 7 consecutive days if the carrier does not operate every day of the week;
- Being on duty 70 hours in any 8 consecutive days if the carrier operates every day of the week;
or
- For a property carrier, any period of 7 or 8 consecutive days may end with the beginning of any off duty period of 34 or more consecutive hours.

Motor carriers shall require every driver to record their duty status for each 24-hour period work period. A record of duty status (RODS) may be a logbook document or a 100 air-mile radius time record. In order to use the time record exemption in lieu of the logbook, **all** of the following conditions must be met:

- The driver must operate within 100 air-miles (115.08 miles) of the normal work reporting location;
- The driver must return to the work reporting location and be relieved of duties within 12 consecutive hours;
- The driver can not exceed 11 hours of driving;
- The driver must take 10 consecutive hours off duty separating each 12 hours of on duty; and
- The carrier must maintain for a period of 6 months true and accurate time records showing the drivers' start and ending times, total hours worked, and total time for preceding 7 days if driver is used for the first time or intermittently.

Drivers of property-carrying CMV's that do not require a CDL for operation **and** who operate within a 150 air-mile radius of their normal work reporting location:

- May drive a maximum of 11 hours after coming on duty following 10 or more consecutive hours off duty;
- Are not required to keep records-of-duty status (RODS); and
- May not drive after the 14th hour after coming on duty 5 days a week or after the 16th hour after coming on duty 2 days a week.

Time Records

Employer's must maintain and retain accurate time records for a period of 6 months showing the time the duty period began, ended, and the total hours on duty each day in place of RODS.

Vehicle Maintenance & Inspection Records

A carrier (landscaper) engaged in Minnesota transportation is subject to the vehicle maintenance record keeping requirements if it is operating a vehicle or vehicle combination over 10,000 pounds GVW. The record keeping requirements are:

- Systematic or routine maintenance;
- Annual Inspections; and
- Pre trip Inspection and Post trip Inspection Report.

Systematic Maintenance

For vehicles controlled for 30 consecutive days or more, maintenance files must be kept either where the vehicle is housed or maintained for a minimum of 1 year and for 6 months after the vehicle leaves a motor carrier's control. Each vehicle file must contain:

- Vehicle identification including company number (if so marked), make, serial number, year, and tire size. If the vehicle is leased, the person furnishing the vehicle must be identified;
- Due date and type of inspections and maintenance operations to be performed;
- A record of inspections, repairs, and maintenance indicating their date and nature; and
- A record of tests conducted on push out windows, emergency doors, and emergency door marking lights on buses.

Periodic (annual) Inspection Reports

A carrier who operates a CMV with Minnesota license plates is required to have the vehicle inspected annually. These reports must be retained for 14 months from the date of the inspection report. A CMV includes:

- Vehicles or vehicle combinations with a GVW over 26,000 pounds;
- Vehicles or vehicle combinations with a GVW over 10,000 pounds who operate interstate; and
- Vehicles transporting HM of a type or quantity that requires the vehicle to be placarded.

Driver's Pre-trip Inspection

Before driving a motor vehicle, the driver must:

- Be satisfied the motor vehicle is in safe operating condition;
- Review the last vehicle inspection report to be sure noted defects have been corrected; and
- Sign the report only if noted defects and deficiencies were corrected.

Post-Trip Inspection Reports

A carrier must require its drivers to report, and every driver must prepare a report in writing at the completion of each day, on each vehicle the driver operated. A vehicle inspection report must:

- Identify the vehicle(s);
- List defects that affect safety of operation or that might result in mechanical breakdown; and
- Be signed by the driver.

The vehicle inspection report must cover:

- Tires
- Wheels and Rims
- Parking Break
- Coupling Devices
- Windshield Wipers
- Steering Mechanism
- Horn
- Rear Vision Mirrors
- Emergency Equipment
- Lighting Devices and Reflectors
- Service Brakes including Trailer Brake Connections

Drug and Alcohol Testing

Carriers (landscapers) operating CMV's, whose operators are required to possess a CDL, are required to implement the drug and alcohol testing requirements found in 49 CFR Part 382. A driver must be in a drug and alcohol testing program if the CMV as defined in Part 382 is a vehicle that:

- Has a gross combination vehicle weight rating of 26,001 or more pounds inclusive of a towed unit with a GVWR of more than 10,000 pounds;
- Has a GVWR of 26,001 or more pounds;
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of HM that requires the vehicle to be placarded.

Types of Testing

The types of alcohol and controlled substance tests are:

- Pre-employment (for drug testing only);
- Random;
- Reasonable Suspicion;
- Post-accident;
- Return to duty; and
- Follow-up.

Hazardous Materials (HM)

Landscapers may transport various types of HM (gasoline, diesel fuel, compressed gas, chemicals, etc). Unless there is a specific exemption, **HM must be transported in compliance with the Federal Hazardous Material Regulations**. One exception is Materials of Trade (MOT). A MOT is a HM, other than a hazardous waste, that is carried on a motor vehicle:

- For the purpose of protecting the health and safety of the vehicle operator or passengers (e.g. self-contained breathing apparatus or insecticide);
- For the purpose of supporting the operation or maintenance of a motor vehicle including its auxiliary equipment (e.g. engine starting fluid or spare wet batteries); or
- By a **private motor carrier**, in direct support of a principal business that is other than transportation by motor vehicle (e.g. cylinders of compressed gas carried by a plumber for use with a cutting torch).

MOT's are restricted to the following hazard classes or divisions:

- Hazard Classes 3 (flammable liquids), 8 (corrosives), 9 (miscellaneous HM), and ORM-D (Consumer Commodities); and
- Hazard Divisions 2.1 (flammable gases), 2.2 (nonflammable gases):
 - 4.1 (flammable solids), 5.1 (oxidizers), 6.1 (poison liquids or solids); and
 - 6.2 diagnostic specimens, biological products, or regulated medical waste.

MOT Weight Limits

Single or individual packages transported by landscapers are limited to a capacity of 8 gallons or 66 pounds. No more than 200 kg (440 pounds) aggregate gross weight of MOT may be transported on a single vehicle (e.g. a tow truck driver could carry a 150 pound cylinder of division 2.1 acetylene and a 150 pound cylinder of 2.2 oxygen, two 8 gallon cans of gasoline weighing 60 pounds each, and a 20 pound battery and use the MOT exception).

Packages of MOT must be leak tight, sift proof, closed and secured in the vehicle against movement and damage. The package should be the original manufacturer's package, or one of equal or greater strength.

Gasoline transported as MOT must be packaged in metal or plastic containers that meet either the DOT packaging or OSHA requirements.

Miscellaneous

A carrier (landscaper) engaged in Minnesota transportation is subject to additional commercial vehicle safety regulations while operating a vehicle or vehicle combination over 10,000 pounds GVW, including:

- Vehicle Identification (name, city, state; and US DOT number if operating in interstate commerce);
- Load securement (cargo, equipment, and tools must be contained, immobilized or secured in accordance with 49 CFR, Part 393);
- Emergency equipment (fire extinguisher and emergency triangles); and
- Increased insurance limits if transporting HM in bulk.

This Fact Sheet is intended as a resource. It is not intended to explain all the requirements of Minnesota or Federal law. The actual Statutes and Regulations are recommended as a resource, and can be purchased at the Minnesota Bookstore (phone number 651/297-3000 or 1-800-657-3757). For additional assistance contact the US DOT at 651/291-6150 or Mn/DOT's Office of Freight and Commercial Vehicle Operations.



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