§ 390.21 Marking of self-propelled CMVs and intermodal equipment.

(a) General. Every self-propelled CMV subject to subchapter B of this chapter must be marked as specified in paragraphs (b), (c), and (d) of this section, and each unit of intermodal equipment

shall file its update in every odd-numbered calendar year. If the next-to-last digit of the USDOT Number is even, the motor carrier or intermodal equipment provider shall file its update in every even-numbered calendar year.

(c) Availability of forms. The forms described under paragraph (a) of this section and complete instructions are available from the FMCSA Web site at http://www.fmcsa.dot.gov (Keyword “MCS–150,” or “MCS–150B,” or “MCS–150C”); from all FMCSA Service Centers and Division offices nationwide; or by calling 1–800–832–5660.

(d) Where to file. The required form under paragraph (a) of this section must be filed with FMCSA Office of Information Management. The form may be filed electronically according to the instructions at the Agency’s Web site, or it may be sent to Federal Motor Carrier Safety Administration, Office of Information Management, MC–R10, 1200 New Jersey Avenue, SE., Washington, DC 20590.

(e) Special instructions for for-hire motor carriers. A for-hire motor carrier should submit the Form MCS–150, or Form MCS–150B, along with its application for operating authority (Form OP–1, OP–1(MX), OP–1(NNA) or OP–2), to the appropriate address referenced on that form, or may submit it electronically or by mail separately to the address mentioned in paragraph (d) of this section.

(f) Only the legal name or a single trade name of the motor carrier or intermodal equipment provider may be used on the forms under paragraph (a) of this section (Form MCS–150, MCS–150B, or MCS–150C).

(g) A motor carrier or intermodal equipment provider that fails to file the form required under paragraph (a) of this section, or furnishes misleading information or makes false statements upon the form, is subject to the penalties prescribed in 49 U.S.C. 521(b)(2)(B).

(h)(1) Upon receipt and processing of the form described in paragraph (a) of this section, FMCSA will issue the motor carrier or intermodal equipment provider an identification number (USDOT Number).

(2) The following applicants must additionally pass a pre-authorization safety audit as described below before being issued a USDOT Number:

(i) A Mexico-domiciled motor carrier seeking to provide transportation of property or passengers in interstate commerce between Mexico and points in the United States beyond the municipalities and commercial zones along the United States-Mexico international border must pass the pre-authorization safety audit under § 365.507 of this subchapter. The Agency will not issue a USDOT Number until expiration of the protest period provided in § 365.115 of this subchapter or—if a protest is received—after FMCSA denies or rejects the protest.

(ii) A non-North America-domiciled motor carrier seeking to provide transportation of property or passengers in interstate commerce within the United States must pass the pre-authorization safety audit under § 385.607(c) of this subchapter. The Agency will not issue a USDOT Number until expiration of the protest period provided in § 365.115 of this subchapter or—if a protest is received—after FMCSA denies or rejects the protest.

(3) The motor carrier must display the number on each self-propelled CMV, as defined in § 390.5, along with the additional information required by § 390.21.

(4) The intermodal equipment provider must identify each unit of interchanged intermodal equipment by its assigned USDOT number.

(i) A motor carrier that registers its vehicles in a State that participates in the Performance and Registration Information Systems Management (PRISM) program (authorized under section 4004 of the Transportation Equity Act for the 21st Century [(Public Law 105–178, 112 Stat. 107)]) is exempt from the requirements of this section, provided it files all the required information with the appropriate State office.

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interchanged or offered for interchange to a motor carrier by an intermodal
equipment provider subject to sub-
chapter B of this chapter must be
marked as specified in paragraph (g) of
this section.

(b) Nature of marking. The marking
must display the following informa-
tion:

(1) The legal name or a single trade
name of the motor carrier operating
the self-propelled CMV, as listed on the
motor carrier identification report
(Form MCS–150) and submitted in ac-
cordance with § 390.19.

(2) The identification number issued
by FMCSA to the motor carrier or
intermodal equipment provider, pre-
ceded by the letters “USDOT.”

(3) If the name of any person other
than the operating carrier appears on
the CMV, the name of the operating
carrier must be followed by the infor-
mation required by paragraphs (b)(1),
and (2) of this section, and be preceded
by the words “operated by.”

(4) Other identifying information
may be displayed on the vehicle if it is
not inconsistent with the information
required by this paragraph.

(5) Each motor carrier shall meet the
following requirements pertaining to
its operation:

(i) All CMVs that are part of a motor
carrier's existing fleet on July 3, 2000,
and which are marked with an ICCMC
number must come into compliance with paragraph (b)(2) of this section by

(ii) All CMVs that are part of a motor
carrier's existing fleet on July 3, 2000,
and which are not marked with the
legal name or a single trade name on
both sides of their CMVs, as shown on the
Motor Carrier Identification Re-
port, Form MCS–150, must come into
compliance with paragraph (b)(1) of
this section by July 5, 2005.

(iii) All CMVs added to a motor car-
rrier's fleet on or after July 3, 2000,
must meet the requirements of this
section before being put into service
and operating on public ways.

(c) Size, shape, location, and color of
marking. The marking must—

(1) Appear on both sides of the self-
propelled CMV;

(2) Be in letters that contrast sharply
in color with the background on which
the letters are placed;

(3) Be readily legible, during daylight
hours, from a distance of 50 feet (15.24
meters) while the CMV is stationary;

and

(4) Be kept and maintained in a man-
ner that retains the legibility required
by paragraph (c)(3) of this section.

(d) Construction and durability. The
marking may be painted on the CMV or
may consist of a removable device, if
that device meets the identification
and legibility requirements of para-
graph (c) of this section, and such
marking must be maintained as re-
quired by paragraph (c)(4) of this sec-
 tion.

(e) Rented CMVs. A motor carrier op-
erating a self-propelled CMV under a
rental agreement having a term not in
excess of 30 calendar days meets the re-
quirements of this section if:

(1) The CMV is marked in accordance
with the provisions of paragraphs (b)
through (d) of this section; or

(2) The CMV is marked as set forth in
paragraph (e)(2)(i) through (iv) of this
section:

(i) The legal name or a single trade
name of the lessor is displayed in ac-
cordance with paragraphs (c) and (d) of
this section.

(ii) The lessor’s identification num-
ber preceded by the letters “USDOT” is
displayed in accordance with para-
graphs (c) and (d) of this section; and

(iii) The rental agreement entered
into by the lessor and the renting
motor carrier conspicuously contains
the following information:

(A) The name and complete physical
address of the principal place of busi-
ness of the renting motor carrier;

(B) The identification number issued
the renting motor carrier by the
FMCSA, preceded by the letters
“USDOT,” if the motor carrier has
been issued such a number. In lieu of
the identification number required in
this paragraph, the following may be
shown in the rental agreement:

(I) Information which indicates
whether the motor carrier is engaged
in “interstate” or “intrastate” com-
merce; and

(2) Information which indicates
whether the renting motor carrier is
transporting hazardous materials in the rented CMV;

(C) The sentence: “This lessor cooperates with all Federal, State, and local law enforcement officials nationwide to provide the identity of customers who operate this rental CMV”;

and

(iv) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental CMV during the full term of the rental agreement. See the leasing regulations at 49 CFR 376 for information that should be included in all leasing documents.

(f) Driveaway services. In driveaway services, a removable device may be affixed on both sides or at the rear of a single driven vehicle. In a combination driveaway operation, the device may be affixed on both sides of any one unit or at the rear of the last unit. The removable device must display the legal name or a single trade name of the motor carrier and the motor carrier’s USDOT number.

(g) Intermodal equipment. (1) The requirements for marking intermodal equipment apply to each intermodal equipment provider, as defined in §390.5, that interchanges or offers for interchange intermodal equipment to a motor carrier.

(2) Each unit of intermodal equipment interchanged or offered for interchange to a motor carrier by an intermodal equipment provider subject to subchapter B of this chapter must identify the intermodal equipment provider.

(3) The intermodal equipment provider must be identified by its legal name or a single trade name and the identification number issued by FMCSA, preceded by the letters “USDOT.”

(4) The intermodal equipment must be identified as follows, using any one of the following methods:

(i) The identification marking must appear on the curb side of the item of equipment. It must be in letters that contrast sharply in color with the background on which the letters are placed. The letters must be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and be kept and maintained in a manner that retains this legibility; or

(ii) The identification marking must appear on a label placed upon the curb side of the item of equipment. The label must be readily visible and legible to an inspection official during daylight hours when the vehicle is stationary. The label must be a color that contrasts sharply with the background on which it is placed, and the letters must also contrast sharply in color with the background of the label. The label must be kept and maintained in a manner that retains this legibility; or

(iii) The USDOT number of the intermodal equipment provider must appear on the interchange agreement so that it is clearly identifiable to an inspection official. The interchange agreement must include additional information to identify the specific item of intermodal equipment (such as the VIN and 4-character SCAC code and 6-digit unique identifying number); or

(iv) The identification marking must be shown on a document placed in a weather-tight compartment affixed to the frame of the item of intermodal equipment. The color of the letters used in the document must contrast sharply in color with the background of the document. The document must include additional information to identify the specific item of intermodal equipment (such as the VIN and 4-character SCAC code and 6-digit unique identifying number).

(v) The USDOT number of the intermodal equipment provider is maintained in a database that is available via real-time internet and telephonic access. The database must:

(A) Identify the name and USDOT number of the intermodal equipment provider responsible for the intermodal equipment, in response to an inquiry that includes:

(i) Standard Carrier Alpha Code (SCAC) plus trailing digits, or

(ii) License plate number and State of license, or

(iii) Vehicle Identification Number (VIN) of the item of intermodal equipment.

(B) Offer read-only access for inquiries on individual items of intermodal equipment, without requiring advance
§ 390.23 Relief from regulations.

(a) Parts 390 through 399 of this chapter shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide emergency relief during an emergency, subject to the following time limits:

(1) Regional emergencies. (i) The exemption provided by paragraph (a)(1) of this section is effective only when:
   (A) An emergency has been declared by the President of the United States, the Governor of a State, or their authorized representatives having authority to declare emergencies; or
   (B) The FMCSA Field Administrator has declared that a regional emergency exists which justifies an exemption from parts 390 through 399 of this chapter.
   (ii) Except as provided in § 390.25, this exemption shall not exceed the duration of the motor carrier’s or driver’s direct assistance in providing emergency relief, or 30 days from the date of the initial declaration of the emergency or the exemption from the regulations by the FMCSA Field Administrator, whichever is less.

(2) Local emergencies. (i) The exemption provided by paragraph (a)(2) of this section is effective only when:
   (A) An emergency has been declared by a Federal, State or local government official having authority to declare an emergency; or
   (B) The FMCSA Field Administrator has declared that a local emergency exists which justifies an exemption from parts 390 through 399 of this chapter.
   (ii) This exemption shall not exceed the duration of the motor carrier’s or driver’s direct assistance in providing emergency relief, or 5 days from the date of the initial declaration of the emergency or the exemption from the regulations by the FMCSA Field Administrator, whichever is less.

(3) Tow trucks responding to emergencies. (i) The exemption provided by paragraph (a)(3) of this section is effective only when a request has been made by a Federal, State or local police officer for tow trucks to move wrecked or disabled motor vehicles.
   (ii) This exemption shall not exceed the length of the motor carrier’s or driver’s direct assistance in providing emergency relief, or 24 hours from the time of the initial request for assistance by the Federal, State or local police officer, whichever is less.

(b) Upon termination of direct assistance to the regional or local emergency relief effort, the motor carrier or driver is subject to the requirements of parts 390 through 399 of this chapter, with the following exception: A driver may return empty to the motor carrier’s terminal or the driver’s normal work reporting location without complying with parts 390 through 399 of this chapter.

(c) When the driver has been relieved of all duty and responsibilities. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo not destined for the emergency relief effort, or when the motor carrier dispatches such driver or commercial motor vehicle to another location to begin operations in commerce.

(d) When the driver has been relieved of all duty and responsibilities upon termination of direct assistance to a regional or local emergency relief effort, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive in commerce until:

(1) The driver has met the requirements of §§ 395.3(a) and 395.5(a) of this chapter; and

(2) The driver has had at least 34 consecutive hours off-duty when:
   (i) The driver has been on duty for more than 60 hours in any 7 consecutive days at the time the driver is relieved of all duty if the employing motor carrier does not operate every day in the week; or
   (ii) The driver has been on duty for more than 70 hours in any 8 consecutive days at the time the driver is relieved of all duty if the employing