§ 398.4 Driving of motor vehicles.

(2) No mental, nervous, organic, or functional disease, likely to interfere with safe driving.

(3) No loss of fingers, impairment of use of foot, leg, fingers, hand or arm, or other structural defect or limitation, likely to interfere with safe driving.

(4) Eyesight. Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors red, green and yellow; drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.

(5) Hearing. Hearing shall not be less than 10/20 in the better ear, for conversational tones, without a hearing aid.

(6) Liquor, narcotics and drugs. Shall not be addicted to the use of narcotics or habit forming drugs, or the excessive use of alcoholic beverages or liquors.

(7) Initial and periodic physical examination of drivers. No person shall drive nor shall any motor carrier require or permit any person to drive any motor vehicle unless within the immediately preceding 36 month period such person shall have been physically examined and shall have been certified in accordance with the provisions of paragraph (b)(8) of this section by a licensed doctor of medicine or osteopathy as meeting the requirements of this subsection.

(8) Certificate of physical examination. Every motor carrier shall have in its files at its principal place of business for every driver employed or used by it a legible certificate of a licensed doctor of medicine or osteopathy based on a physical examination as required by paragraph (b)(7) of this section or a legible photographically reproduced copy thereof, and every driver shall have in his/her possession while driving, such a certificate or a photographically reproduced copy thereof covering himself/herself.

(9) Doctor’s certificate. The doctor’s certificate shall certify as follows:
such measures as are necessary to in-
sure compliance therewith by such per-
sons. All officers, agents, representa-
tives, drivers, and employees of motor
carriers directly concerned with the
management, maintenance, operation,
or driving of motor vehicles, shall com-
ply with and be conversant with the re-
quirements of this part.

(b) Driving rules to be obeyed. Every
motor vehicle shall be driven in ac-
cordance with the laws, ordinances,
and regulations of the jurisdiction in
which it is being operated, unless such
laws, ordinances and regulations are at
variance with specific regulations of
this Administration which impose a
greater affirmative obligation or re-
straint.

(c) Driving while ill or fatigued. No
driver shall drive or be required or per-
mitted to drive a motor vehicle while
his/her ability or alertness is so im-
paired through fatigue, illness, or any
other cause as to make it unsafe for
him/her to begin or continue to drive,
except in case of grave emergency
where the hazard to passengers would
be increased by observance of this sec-
tion and then only to the nearest point
at which the safety of passengers is as-
sured.

(d) Alcoholic beverages. No driver shall
drive or be required or permitted to
drive a motor vehicle while his/her ability or alertness is so im-
paired through fatigue, illness, or any
other cause as to make it unsafe for
him/her to begin or continue to drive,
except in case of grave emergency
where the hazard to passengers would
be increased by observance of this sec-
tion and then only to the nearest point
at which the safety of passengers is as-
sured.

(e) Schedules to conform with speed lim-
its. No motor carrier shall permit nor
require the operation of any motor ve-
hicle between points in such period of
time as would necessitate the vehicle
being operated at speeds greater than
those prescribed by the jurisdictions in
or through which the vehicle is being
operated.

(f) Equipment and emergency devices.
No motor vehicle shall be driven unless
the driver thereof shall have satisfied
himself/herself that the following parts, accessories, and emergency de-
vices are in good working order; nor
shall any driver fail to use or make use
of such parts, accessories, and devices
when and as needed:

- Service brakes, including trailer brake con-
nections.
- Parking (hand) brake.
- Steering mechanism.
- Lighting devices and reflectors.
- Tires.
- Horn.
- Windshield wiper or wipers.
- Rear-vision mirror or mirrors.
- Coupling devices.
- Fire extinguisher, at least one properly
mounted.
- Road warning devices, at least one red burn-
ing fusee and at least three flares (oil burn-
ing pot torches), red electric lanterns, or
red emergency reflectors.

(g) Safe loading—(1) Distribution and
securing of load. No motor vehicle shall
be driven nor shall any motor carrier
permit or require any motor vehicle to
be driven if it is so loaded, or if the
load thereon is so improperly distrib-
uted or so inadequately secured, as to
prevent its safe operation.

(2) Doors, tarpaulins, tailgates and
other equipment. No motor vehicle shall
be driven unless the tailgate, tailboard,
tarpaulins, doors, all equipment and
rigging used in the operation of said
vehicle, and all means of fastening the
load, are securely in place.

(3) Interference with driver. No motor
vehicle shall be driven when any object
obscures his/her view ahead, or to the
right or left sides, or to the rear, or
interferes with the free movement of
his/her arms or legs, or prevents his/her
free and ready access to the accessories
required for emergencies, or prevents
the free and ready exit of any person
from the cab or driver’s compartment.

(4) Property on motor vehicles. No vehi-
cle transporting persons and property
shall be driven unless such property is
stowed in a manner which will assure:

(i) Unrestricted freedom of motion to
the driver for proper operation of the
vehicle;

(ii) Unobstructed passage to all exits
by any person; and

(iii) Adequate protection to pas-
sengers and others from injury as a re-
sult of the displacement or falling of
such articles.

(5) Maximum passengers on motor vehi-
cles. No motor vehicle shall be driven if
the total number of passengers exceeds
the seating capacity which will be per-
mitted on seats prescribed in § 398.5(f)
when that section is effective. All pas-
sengers carried on such vehicle shall
remain seated while the motor vehicle is in motion.

(h) Rest and meal stops. Every carrier shall provide for reasonable rest stops at least once between meal stops. Meal stops shall be made at intervals not to exceed six hours and shall be for a period of not less than 30 minutes duration.

(i) Kinds of motor vehicles in which workers may be transported. Workers may be transported in or on only the following types of motor vehicles: A bus, a truck with no trailer attached, or a semitrailer attached to a trucktractor provided that no other trailer is attached to the semitrailer. Closed vans without windows or means to assure ventilation shall not be used.

(j) Limitation on distance of travel in trucks. Any truck when used for the transportation of migrant workers, if such workers are being transported in excess of 600 miles, shall be stopped for a period of not less than eight consecutive hours either before or upon completion of 600 miles travel, and either before or upon completion of any subsequent 600 miles travel to provide rest for drivers and passengers.

(k) Lighting devices and reflectors. No motor vehicle shall be driven when any of the required lamps or reflectors are obscured by the tailboard, by any and all lighting devices required by subpart B of part 393 of this subchapter shall be lighted during darkness or at any other time when there is not sufficient light to render vehicles and persons visible upon the highway at a distance of 500 feet.

(l) Ignition of fuel; prevention. No driver or any employee of a motor carrier shall:

1. Fuel a motor vehicle with the engine running, except when it is necessary to run the engine to fuel the vehicle;
2. Smoke or expose any open flame in the vicinity of a vehicle being fueled;
3. Fuel a motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank;
4. Permit any other person to engage in such activities as would be likely to result in fire or explosion.

(m) Reserve fuel. No supply of fuel for the propulsion of any motor vehicle or for the operation of any accessory thereof shall be carried on the motor vehicle except in a properly mounted fuel tank or tanks.

(n) Driving by unauthorized person. Except in case of emergency, no driver shall permit a motor vehicle to which he/she is assigned to be driven by any person not authorized to drive such vehicle by the motor carrier in control thereof.

(o) Protection of passengers from weather. No motor vehicle shall be driven while transporting passengers unless the passengers therein are protected from inclement weather conditions such as rain, snow, or sleet, by use of the top or protective devices required by §398.5(f).

(p) Unattended vehicles; precautions. No motor vehicle shall be left unattended by the driver until the parking brake has been securely set, the wheels chocked, and all reasonable precautions have been taken to prevent the movement of such vehicle.

(q) Railroad grade crossings; stopping required; sign on rear of vehicle. Every motor vehicle shall, upon approaching any railroad grade crossing, make a full stop not more than 50 feet, nor less than 15 feet from the nearest rail of such railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear; except that a full stop need not be made at:

1. A street car crossing within a business or residence district of a municipality;
2. A railroad grade crossing where a police officer or a traffic-control signal (not a railroad flashing signal) directs traffic to proceed;
3. An abandoned or exempted grade crossing which is clearly marked as such by or with the consent of the proper state authority, when such marking can be read from the driver’s position.

All such motor vehicles shall display a sign on the rear reading, “This Vehicle Stops at Railroad Crossings.”