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would make them subject to the regulations.

(b) An exemption provides the person or class of persons with relief from the regulations for up to 5 years, and may be renewed, upon request, for subsequent 5-year periods.

(c) Exemptions may only be granted from one or more of the requirements contained in the following parts and sections of the FMCSRs:

(1) Part 380—Special Training Requirements;

(2) Part 382—Controlled Substances and Alcohol Use and Testing;

(3) Part 383—Commercial Driver's License Standards; Requirements and Penalties;

(4) Part 384—State Compliance with Commercial Driver's License Program;

(5) Part 391—Qualifications of Drivers;

(6) Part 392—Driving of Commercial Motor Vehicles;

(7) Part 393—Parts and Accessories Necessary for Safe Operation;

(8) Part 395—Hours of Service of Drivers;

(9) Part 396—Inspection, Repair, and Maintenance (except for § 396.25); and

(10) Part 399—Step, Handhold and Deck Requirements.

[63 FR 67608, Dec. 8, 1998, as amended at 81 FR 47720, July 22, 2016; 86 FR 35639, July 7, 2021]

§ 381.305 How do I determine when I may apply for an exemption?

(a) You may apply for an exemption if one or more FMCSR prevents you from implementing more efficient or effective operations that would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption.

(b) Before you decide to apply for an exemption you should carefully review the regulation to determine whether there are any practical alternatives already available that would allow you to conduct your motor carrier operations. You should also determine whether you need an exemption from all of the requirements in one or more parts of the regulations, or whether a more limited exemption from certain sections within one or more parts of the regulations would provide an acceptable level of regulatory relief. For example, if you need regulatory relief from one of the recordkeeping requirements concerning driver qualifications, you should not request regulatory relief from all of the requirements of part 391.

§ 381.310 How do I apply for an exemption?

(a) You must send a written request (for example, a typed or handwritten (printed) letter), which includes all of the information required by this section, to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590–0001.

(b) You must identify the person or class of persons who would be covered by the exemption. The application for an exemption must include:

(1) Your name, job title, mailing address, and daytime telephone number;

(2) The name of the individual or motor carrier that would be responsible for the use or operation of CMVs;

(3) Principal place of business for the motor carrier (street address, city, State, and zip code); and

(4) The USDOT identification number for the motor carrier.

(c) You must provide a written statement that:

(1) Describes the reason the exemption is needed, including the time period during which it is needed;

(2) Identifies the regulation from which you would like to be exempted;

(3) Provides an estimate of the total number of drivers and CMVs that would be operated under the terms and conditions of the exemption;

(4) Assesses the safety impacts the exemption may have;

(5) Explains how you would ensure that you could achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation; and

(6) Describes the impacts (e.g., inability to test innovative safety management control systems, etc.) you could experience if the exemption is not granted by the FMCSA.

(d) Your application must include a copy of all research reports, technical

papers, and other publications and documents you reference.

[63 FR 67608, Dec. 8, 1998, as amended at 72 FR 55700, Oct. 1, 2007; 69 FR 29404, May 21, 2004, 78 FR 58479, Sept. 24, 2013]

§ 381.315 What will the FMCSA do after the agency receives my application for an exemption?

(a) The Federal Motor Carrier Safety Administration will review your application and prepare, for the Administrator's signature, a FEDERAL REGISTER notice requesting public comment on your application for an exemption. The notice will give the public an opportunity to review your request and your safety assessment or analysis (required by § 381.310) and any other relevant information known to the agency.

(b) After a review of the comments received in response to the FEDERAL REGISTER notice described in paragraph (a) of this section, the Federal Motor Carrier Safety Administration will make a recommendation(s) to the Administrator to either to grant or deny the exemption. Notice of the Administrator's decision will be published in the FEDERAL REGISTER.

(c)(1) If the exemption is granted, the notice will identify the provisions of the FMCSRs from which you will be exempt, the effective period, and all terms and conditions of the exemption.

(2) If the exemption is denied, the notice will explain the reason for the denial.

(d) A copy of your application for an exemption and all comments received in response to the FEDERAL REGISTER notice will be included in a public docket and be available for review by interested parties.

(1) Interested parties may view the information contained in the docket by visiting the Department of Transportation, Docket Management Facility, 1200 New Jersey Ave., SE., Washington, DC 20590–0001. All information in the exemption docket will be available for examination at this address from 10 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

(2) Internet users can access all information received by the Department of Transportation, Docket Management Facility by using the Federal Docket Management System using the uniform resources locator (URL): *http://www.regulations.gov*. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

[63 FR 67608, Dec. 8, 1998, as amended at 72 FR 55700, Oct. 1, 2007]

§ 381.317 May I resubmit my application for exemption if it is denied?

If the Administrator denies your application for exemption and you can reasonably address the reasons for denial, you may resubmit your application following the procedures in § 381.310.

[81 FR 47720, July 22, 2016]

§ 381.320 How long will it take the agency to respond to my application for an exemption?

The agency will attempt to issue a final decision within 180 days of the date it receives your application. However, if you leave out important details or other information necessary for the FMCSA to prepare a meaningful request for public comments, the agency will attempt to issue a final decision within 180 days of the date it receives the additional information.

§ 381.325 Who should I contact if I have questions about the information I am required to submit to the FMCSA or about the status of my application for an exemption?

You should contact the Federal Motor Carrier Safety Administration, Office of Bus and Truck Standards and Operations (MC–PS), 1200 New Jersey Ave., SE., Washington, DC 20590–0001.

[63 FR 67608, Dec. 8, 1998, as amended at 72 FR 55700, Oct. 1, 2007]

§ 381.330 What am I required to do if the FMCSA grants my application for an exemption?

(a) You must comply with all the terms and conditions of the exemption.

(b) The FMCSA will immediately revoke your exemption if:

(1) You fail to comply with the terms and conditions of the exemption;

(2) The exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or