

Commercial Vehicle Drivers

What is the definition of a “Commercial Motor Vehicle (CMV)”?

There are two definitions for “commercial motor vehicle” with which a driver should be familiar.

For the applicability of CDL laws and some MN traffic laws a commercial motor vehicle is defined as:

A motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

1. has a gross vehicle weight of more than 26,000 pounds;
2. has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;
3. is a bus;
4. is of any size and is used in the transportation of hazardous materials requiring the vehicle to be placarded; or
5. is outwardly equipped and identified as a school bus.

For the applicability of MN Motor Carrier Laws and the Federal Motor Carrier Safety Regulations (FMCSRs) a commercial motor vehicle is defined as:

Any self propelled or towed motor vehicle used on a highway in commerce to transport passengers or property when the vehicle-

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 10,001 pounds or more, whichever is greater, or is designed or used to transport more than 8 passengers including the driver for compensation; or
2. is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
3. is used in transporting hazardous materials requiring the vehicle to be placarded.

What class of driver’s license do I need?

Minnesota Statutes provide that driver licenses will be classified according to the types of vehicles which may be driven by the holder of each class of license.

Class D driver’s licenses are valid for:

- 1) all farm trucks operated by a farmer, including operation by an immediate family member or an employee of the farmer; used to transport agricultural products, farm machinery, or farm supplies, including hazardous materials, to or from a farm and not used in the operations of a common or contract motor carrier; and used within 150 miles of the farm.
 - 2) fire trucks and emergency fire equipment operated by a firefighter while on duty;
 - 3) recreational equipment operated for personal use, and
 - 4) all other single unit vehicles except vehicles with a gross weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials requiring placards.
- 5) may also tow vehicles if:
- the combination of vehicles has a gross weight of 26,000 lbs regardless of the weight of the trailer, or
 - the combination of vehicles exceed a gross weight of 26,000 lbs and the trailer does not exceed 10,000 lbs.

Commercial Driver’s Licenses (CDLs)

Class C – Valid for operating Class D vehicle. With a hazardous materials endorsement, the holder of a Class C license may transport hazardous materials in Class D vehicles; and with a school bus endorsement, may operate school buses designed to transport 15 or fewer passengers, including the driver.

Class B – Valid for all vehicles in Class C, Class D, and all other single unit vehicles including, with a passenger endorsement, buses. The holder of a Class B license may tow vehicles with a gross weight of 10,000 pounds or less.

Class A – Valid for any vehicle or combination thereof.

An operator must also obtain endorsements to his/her CDL to operate commercial vehicles which are 1) double or triple trailers; 2) passenger vehicles; 3) tank vehicles; or 4) required to be placarded for hazardous materials.

Is there a lower threshold for DWI while driving a CMV?

Under the FMCSRs, no driver of a commercial motor vehicle greater than 10,000 pounds GVW shall use alcohol, be under the influence of alcohol, have any measured alcohol concentration or detected presence of alcohol, or be in possession while on duty, or operating, or in physical control of a commercial motor vehicle.

Under both the FMCSRs and Minnesota Statutes, the driver of a commercial motor vehicle requiring a CDL cannot drive, operate or be in physical control of any commercial motor vehicle when the person’s alcohol concentration is 0.04 percent or more. A driver convicted of operating a commercial motor vehicle requiring a CDL with an alcohol concentration of 0.04 percent or more is guilty of a misdemeanor. In addition to paying fines and/or serving jail time, the driver will be disqualified from driving a commercial motor vehicle requiring a CDL for one year (for the first conviction).

Am I subject to drug and alcohol testing?

Generally a driver who is required to possess a CDL is subject to the controlled substances and alcohol testing requirements found in the FMCSRs.

What are other driver qualifications may I be subject to?

Drivers of commercial motor vehicles (greater than 10,000 pounds) are subject to certain driver qualifications found in Minnesota Motor Carriers Laws and FMCSRs. Generally, these drivers have a minimum age requirement of 18 years of age if the driver is involved in intrastate operations and 21 years of age if the driver is involved in interstate operations. (There are exceptions to the age requirements.)

The driver of a commercial motor vehicle greater than 10,000 pounds must be in possession of a valid medical examiner’s certificate (health card). There are some exceptions to this requirement found in the FMCSRs and Minnesota Motor Carrier Laws.

Am I subject to the Hours of Service rules?

Drivers of commercial motor vehicles greater than 10,000 pounds are subject to the Hours of Service rules found in the FMCSRs. Drivers of commercial motor vehicles involved in intrastate operations may not be subject to the Hours of Service rules depending upon the nature of their operations.

Do I need to do a pre-trip inspection? Do I need to fill out a Daily Vehicle Inspection Report (DVIR)?

A driver of a commercial motor vehicle greater than 10,000 pounds, involved in interstate operations or made subject to the FMCSRs by Minnesota Motor Carrier Laws, must comply with the FMCSRs pre-trip and Daily Vehicle Inspection Reporting requirements. These regulations require the driver to perform a pre-trip inspection on a vehicle before driving it. At the completion of each day’s work, a driver is required to prepare a report in writing on each vehicle operated. The report shall identify the vehicle and list any defect or deficiency discovered by or reported to the driver which would affect the safety of operation of the vehicle.

Minnesota Statutes also requires the driver of a commercial motor vehicle greater than 26,000 pounds to report in writing at the completion of each day’s work on each commercial motor vehicle the driver has operated.

Does my truck need to have an annual inspection performed on it? Is the driver responsible for this?

Commercial motor vehicles greater than 10,000 pounds operating in **interstate** commerce are required by the FMCSRs to carry proof that the vehicle has passed a periodic inspection sometime during the preceding 12 months.

Commercial motor vehicles greater than 26,000 pounds registered in Minnesota must display a current Minnesota Annual Inspection decal.

The driver and owner of the vehicle are responsible to ensure the annual inspection is current and the proof of an annual inspection is carried in or upon the vehicle.

Is the driver responsible for complying with the various weight laws?

Minnesota Traffic Laws prohibit a vehicle or combination of vehicles from being operated upon the highways of this state in excess of legal limits.

The driver of a vehicle may be directed to a scale by an official traffic control device. The driver of a vehicle which has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales. The officer may require that the vehicle be driven to the nearest available scale.

The driver and/or the owner of the vehicle may receive citations when a vehicle is found to be operating in excess of the legal limits. In addition, a vehicle found to be in excess of the legal limits may be required to unload a portion of the load until the vehicle's weight is within legal limits.

Are there other regulations a driver should know?

Commercial motor vehicles greater than 10,000 pounds and involved in interstate operations or those involved in intrastate operations that are subject to the FMCSRs by Minnesota Motor Carrier Laws must also comply with regulations pertaining to parts and accessories necessary for safe operation. Found in the FMCSRs Part 393, these regulations address the various parts of a commercial motor vehicle including but not limited to lights, brakes, tires, steering systems, fuel systems, frames, suspension systems, load securement and emergency devices.

Safe and proper loading is also the responsibility of the driver. The FMCSRs prohibit a driver from driving a commercial motor vehicle greater than 10,000 pounds unless the vehicle's cargo is properly distributed and adequately secured. Minnesota Traffic Laws prohibits any vehicle from being driven or moved unless it is constructed, loaded or the load securely covered to prevent any of its load from leaking or escaping.

Commercial motor vehicles greater than 10,000 pounds must display the carrier's name and USDOT number on both sides of the power unit.

Drivers of commercial motor vehicles greater than 26,000 pounds or power units with three or more axles who operate interstate should also be aware of the registration and fuel tax requirements when entering other states.

What is an interstate operation? What determines if I'm involved in intrastate operations?

Basically an interstate operation is one that involves trade, traffic or transportation that crosses a state line. It is determined by the character of the movement and the shipper's fixed and persistent intent at the time the movement started. When the intent of the transportation being performed is interstate in nature, even when the route is within the boundaries of a single state, the driver and commercial motor vehicle are considered to be involved in an interstate movement.

Intrastate transportation involves trade, traffic or transportation that occurs entirely within the boundaries of one state.



Drivers of Commercial Motor Vehicles

**Minnesota State Patrol
Commercial Vehicle Section
1110 Centre Pointe Curve
Suite 410
Mendota Heights, MN 55120
651-405-6171**

www.dps.state.mn.us/patrol/comveh

Other agency phone numbers are listed below.

Information on Interstate and Intrastate Commerce and Operating Authority, Unified Carrier Registration.
Minnesota Department of Transportation
Office of Freight and Commercial Vehicle Operations
(651)215-6330

International Registration Plan and International Fuel Tax Agreement, prorate and reciprocity:
Minnesota Department of Public Safety
Driver & Vehicle Services – Prorate Section
(651)205-4141

Special Permits (Over dimension, over weight loads, twin-trailer routes, etc...)
Minnesota Department of Transportation
Permit Section
(651)296-6000

Licensing information (CDL)
Minnesota Department of Public Safety
Driver & Vehicles Services
445 Minnesota Street
St. Paul, MN 55101
(651)296-6911



Rules and Regulations