

An Educational Booklet on

Motor Carrier Services Guide and Regulations



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Common Terms

Commercial Motor Vehicles ([ARM 18.8.101](#), [MCA 61-1-101](#), [MCA 61-10-154](#), [49 CFR 383.5](#), [49 CFR 390.5](#)):

For purpose of safety regulations ([49 CFR Part 390.5](#)), “a commercial motor vehicle (CMV) means any self-propelled or towed motor vehicle used on a highway in interstate 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 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.”

For purpose of Commercial Driver’s License (CDL, [49 CFR Part 383.5](#)), a CMV is “a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of hazardous materials as defined in this section.”

The [MCA 61-1-101](#) provision is identical to the [49 CFR Part 383.5](#) definition, except that the MCA provision also lists school bus as a CMV. The definition provided by [ARM 18.8.101](#) is identical to the [49 CFR Part 390.5](#).

The [MCA 61-10-154](#) describes the commercial motor vehicle for which department of transportation can adopt safety standards. According to this provision, “The department of transportation shall adopt, by rule, standards for safety of operations of:

any for-hire motor carrier or any private motor carrier;

any motor vehicle or vehicle combination used in interstate commerce that has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is greater, of 10,001 pounds or more;

any motor vehicle or vehicle combination used in intrastate commerce that has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is greater, of 26,001 pounds or more and that is not a farm vehicle operating solely in Montana;

any motor vehicle that is designed or used to transport at least 16 passengers, including the driver, and that is not used to transport passengers for compensation;

any motor vehicle that is designed or used to transport at least nine passengers, including the driver, for compensation; or
any motor vehicle that is used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR, part 172.”

Critical Violation:

A critical violation is a violation of a critical regulation. A critical regulation is a regulation within the Federal Motor Carrier Safety Regulations (FMCSR) and Hazardous Materials Regulations (HMR) where noncompliance would indicate a breakdown in the motor carrier’s management and/or operational controls. For example, requiring a property-carrying CMV operator to driver more than 11 hours.

Declared Weight ([ARM 23.3.801](#) and [MCA 61-1-101](#)):

Declared weight means the total unladen weight of a bus, heavy truck, truck tractor or trailer plus the weight of the maximum load to be carried on the vehicle as provided by the applicant in an original or prior registration application submitted to the department. Notes: “department” refers to the Montana Department of Justice or its designated agencies.

Driving Time ([49 CFR 395.2](#)):

Driving time includes all of the time that a driver spends at the driving controls of a CMV in operation.

Gross Vehicle Weight ([MCA 61-1-101](#)):

Gross vehicle weight means the weight of a vehicle without load plus the weight of any load on the vehicle.

Gross Vehicle Weight Rating ([MCA 61-1-101](#)):

Gross vehicle weight rating (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

Gross Combination Weight ([ARM 18.8.1501](#))

Gross combination weight (GCW)" means the loaded weight of a combination of vehicles. In the absence of a readily available means to determine the weight of a vehicle combination, GCW will be deemed to equal the declared weight of the power unit or the aggregate value of the tire rating in pounds for each tire on a vehicle missing a manufacturer's rating certification plate, whichever is greater.

Gross Combination Weight Rating ([MCA 61-1-101](#)):

Gross combination weight rating (GCWR) means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle.

The Gross Combination Weight Rating (GCWR) is the maximum allowable weight for a truck and trailer combination including the tare weight of the truck; any cargo being carried on the truck; the weight of the trailer, the driver, passengers, and fuel (basically everything that moves with the vehicle). According to [ARM 18.8.431](#) the maximum allowable weight can be found from the federal bridge formula as described in [MCA 61-10-107](#).

Hazardous Material (HAZMAT) ([49 CFR 171.8](#)):

A hazardous material or HAZMAT is a substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to the health, safety, and property when transported in commerce.

Heavy Trucks ([ARM 23.3.801](#)):

Heavy truck means a truck that has a manufacturer's rated capacity of more than 1 ton. The term also includes a van or sport utility vehicle that has a manufacturer's rated capacity of more than 1 ton.

Light Vehicle ([ARM 23.3.801](#) and [MCA 61-1-101](#)):

Light vehicle means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

Manufacturer's Rated Capacity ([ARM 23.3.801](#)):

Rated capacity means the *manufacturer's rated gross vehicle weight* for a bus or heavy truck or the *manufacturer's rated gross combination weight* for a truck tractor, excluding the allowable load.

Manufacturer's Rated Gross Combination Weight ([ARM 23.3.801](#) and [MCA 61-1-101](#)):

Manufacturer's rated gross combination weight means the manufacturer's published weight of the allowable load for a truck tractor and trailer combined and includes the weight of the truck tractor and the trailer. It is also known as the *gross combination weight rating (GCWR)*.

Manufacturer's Rated Gross Vehicle Weight ([ARM 23.3.801](#) and [MCA 61-1-101](#)):

Manufacturer's rated gross vehicle weight means the manufacturer's published weight of the allowable load for a truck and includes the weight of the truck. It is also known as *the gross vehicle weight rating (GVWR)*.

On-duty Time ([49 CFR 395.2](#)):

On-duty time is the time includes all of the time from when a driver begins work until the time that the driver is relieved from work and all responsibilities of performing work.

Review ([49 CFR 385.3](#)):

A review is an on-site investigation of a motor carrier's operations, such as maintenance and inspection, driver qualifications, hazardous materials, drivers' hours of service, CDL requirements, and other safety and transportation records to determine if a motor carrier meets the safety fitness standard. A review may be conducted in response to potential violations or complaints or in response to a motor carrier requesting to change their safety rating.

Roadside Inspection:

A roadside inspection is an examination of a CMV and/or the CMV operator by a Motor Carrier Safety Assistance Program (MCSAP) inspector. A roadside inspection is conducted to ensure that both the CMV and the operator are in compliance with the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations (if applicable). If a serious violation is found during a roadside inspection, the driver will be issued a driver or vehicle out-of-service order. The violation must be corrected before the driver or vehicle can return to service.

Shipping Paper ([49 CFR 171.8](#)):

A shipping paper is the shipping order, bill of lading, shipping manifest or other shipping document service a similar purpose. The shipping paper must contain information required by [49 CFR 172.202](#), [49 CFR 172.203](#), and [49 CFR 172.204](#).

Trucks ([ARM 23.3.801](#) and [MCA 61-1-101](#)):

Truck means a motor vehicle designed to carry an entire load. The truck may consist of a chassis and body or a chassis-cab and body or it may be of unitized construction so that the body and cab appear to be a single unit.

Truck Tractor ([ARM 23.3.801](#)):

Truck tractor means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.



Speed Limit

General Rule ([MCA 61-8-312](#))

The truck speed limit for different truck types and conditions are shown in Table 1.

Table 1. Speed limit

Vehicle Type and Condition		Speed Limit	
		Day	Night
Truck or truck tractor of more than 1 ton “manufacturer’s rated capacity” ¹	On federal-aid interstate highway	65 mph	65 mph
	On other public highway	60 mph	55 mph

Notes: ¹ Manufacturer’s rated capacity is defined in the Common Terms section. The manufacturer’s rated capacity is labeled on the vehicle ID plate located on the door frame of the driver’s door or inside the glove box, along with other technical specifications.

Examples

Examples of the vehicles that are required to comply with the truck speed limit are shown in Figure 1.



Truck (manufacturer's rated capacity greater than 1 ton)



Pickup with a Gooseneck Trailer



Oversize Loads



Truck-Trailer-Trailer Combination

Figure 1. Examples of vehicles following the truck speed limit

Heavy Vehicles

Buses and vehicles towing a trailer are not subject to the truck speed limit.



Commercial Motor Vehicle Safety Regulations, to Include Inspections

General Rule ([MCA 61-10-154](#) and [ARM 18.8.1502](#))

Vehicles in commerce are subject to safety regulations. In particular, a vehicle must comply with roadside safety inspection if it meets any of the conditions shown in Table 2.

Table 2. Vehicles required to follow safety standards

Has gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight ¹ , whichever is greater	10,001 lbs. or more (interstate)
	26,001 lbs. or more (intrastate)
Is designed or used to transport (for compensation)	9 people or more (including the driver)
Is designed or used to transport (not for compensation)	16 people or more (including the driver)
Is used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR Part 172 and ARM 18.8.1501 .	

Notes: ¹. GCWR, GVWR, GCW, and GVW are defined in the Common Terms section.

Rental Trucks (e.g., U-Hauls)

- Vehicles operating in commerce are subject to commercial motor vehicle safety and inspection regulations.
- All vehicles for personal use are not subject to commercial motor vehicle safety regulations.



Weigh Station

General Rule ([MCA 61-10-141](#))

- All vehicles or vehicle combinations with gross vehicle weight (GVW) of 26,000 lbs. or more must stop at all weigh stations.
- All vehicles or vehicle combinations with GVW less than 26,000 lbs. but over 10,000 lbs. may be stopped and weighed by the portable scale crews.

Examples of vehicles that must stop at a weight station are shown in Figure 2.



Tandem Dump Truck



Pickup with a Gooseneck Trailer

Figure 2. Examples of vehicle following weigh station rule

Exemptions ([MCA 61-10-141](#))

Vehicles that are exempted from the weigh station rules include: recreation vehicles (travel trailers and motor homes)– new or used– that are not traveling into or through Montana for delivery to a distributor or dealer unless the vehicle is over 26,000 GVW and operating in commerce.

- Intrastate/Interstate: CDL license is required for RVs weighing 26,001 lbs. or greater and used in commerce.
- Interstate: RVs weighing 10,001 lbs. or greater and used in commerce must follow commercial motor vehicle safety regulations.
- Figure 3 shows the vehicles that are exempted from the weigh station rule.



Recreational Vehicles (RVs)



Travel Trailers



Motor Homes

Figure 3. Vehicles exempted from weigh station rule



Farm Exemptions

Definitions ([MCA 61-1-101](#), [MCA 61-10-154](#), and [ARM 18.8.1501](#))

- “Farm vehicle” means a commercial motor vehicle that is:
 - Controlled and operated by a farmer, family member of the farmer, or person employed by the farmer as a private motor carrier of property;
 - Used to transport agricultural products, farm machinery, or farm supplies to or from the farm;
 - Not used to transport goods for compensation or for hire;
 - Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with [49 CFR 177.823](#).
- "Farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person.
- An interstate farm vehicle may be exempted from the FMCSA regulations regarding CDL, medical card, logbook, or annual inspection depending on the vehicle weight and how far the vehicle travels from the farm/ranch ([MAP 21](#)), as shown in Table 3.

Table 3. Farm vehicle exemptions

Air Miles from Farm	Farm Vehicle GVWR, GCWR, GVW, or GCW, whichever is greater	Farm vehicle drives in state only or crosses state line.	CDL	Federal Motor Carrier Safety Administration (FMCSA) Regulations
Less than 150 miles	>10,001lbs	Crosses state line	No CDL needed	MAP 21 exemptions apply
		Doesn't cross state line	No CDL needed	FMCSA Regulations do not apply
Greater than 151 miles	>10,000lbs	Crosses state line	No CDL needed	FMCSA Regulations apply
		Doesn't cross state line	No CDL needed	FMCSA Regulations do not apply
Less than 150 miles	>26,000lbs	Crosses state line	No CDL needed	MAP 21 exemptions apply
		Doesn't cross state line	No CDL needed	FMCSA Regulations do not apply
Greater than 151 miles	>26,000lbs	Crosses state line	CDL needed	FMCSA Regulations apply
		Doesn't cross state line	CDL needed	FMCSA Regulations do not apply



Commercial Driver's License (CDL)

General Rule ([49 CFR 383.5](#))

A commercial driver's license (CDL) is required to operate a commercial motor vehicle (CMV). A CMV is defined as shown in Table 4.

Table 4. Commercial motor vehicle definition

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property, if the motor vehicle	a) Has a GCWR or GCW ¹ of 26,001 lbs. or more, whichever is greater, inclusive of towed unit(s) with a GVWR or GVW ¹ of more than 10,000 lbs., whichever is greater; or
	b) Has a GVWR or GVW ¹ of 26,001 lbs. or more, whichever is greater; or
	c) Is designed to transport 16 or more passengers including the driver; or
	d) Is used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with federal hazardous materials regulations in 49 CFR Part 172 and ARM 18.8.1501 .

Notes:

¹ GCWR, GVWR, GCW, and GVW are defined in the Common Terms section.

Commercial Driver's License Classification ([Montana Department of Justice](#))




Three types of license are available (Class A, Class B, and Class C). The classification scheme is shown in Table 5.

Table 5. Classification of CDL

Class A	Class B	Class C
<p>A vehicle exceeding 26,000 lbs. GVW, GVWR, GCW, or GCWR that is towing a trailer over 10,000 lbs. GVWR.</p> <p>Any vehicle authorized to be driven under Class B, C or D</p>	<p>A straight vehicle exceeding 26,000 lbs. GVW, GVWR, GCW, or GCWR or any such vehicle that is towing a trailer/vehicle not in excess of 10,000 lbs. GVWR.</p> <p>All vehicles under Class C or D</p>	<p>A single vehicle under 26,000 lbs. GVW, GVWR, GCW, or GCWR or any such vehicle that is towing another vehicle or trailer and meets any of the following conditions:</p> <p>A vehicle that hauls hazardous materials in an amount sufficient to require placarding under <u>Title 49 Code of Federal Regulations (CFR) Part 391</u></p> <p>A school bus, or any vehicle that hauls 16 or more passengers, including the driver</p> <p>All vehicles under Class D</p>

Examples of these three classes of vehicles are illustrated in the images shown in Figure 4.

Figure 4. CDL classification examples

Class A	Class B	Class C
		

Note: Commercial motor vehicle safety rules apply. Refer to the [MDT Getting Started Guidebook](#).

Medical Requirements

All commercial motor vehicle drivers need to be medically fit to operate a CMV. Most of the drivers are required to have a valid medical certificate; very few exceptions exist (see “interstate excepted” on the [Montana Department of Justice website](#)). Details about medical requirements and exceptions for operating a CMV can be found at Montana Department of Justice [website](#) or the [Montana Commercial Driver License Manual](#).



Commercial Motor Vehicle Hours of Service (HOS)

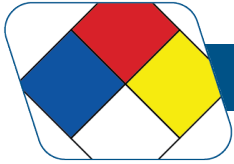
General Rule ([Getting Started Guidebook](#), pages 23 & 31)

Maximum Hours that a Driver Can Drive ([49 CFR 395.3](#) and [49 CFR 395.5](#))

Hours of service limitations are shown in Table 6.

Table 6. Hours of service limitations

		Property-Carrying	Passenger-Carrying
Daily	On-Duty	Maximum 14 consecutive hours on-duty following 10 consecutive hours off-duty	Maximum 15 hours on-duty following 8 consecutive hours off-duty
	Driving Time	Maximum 11 hours of driving during the 14 hour on-duty period	Maximum 10 hours of driving following 8 consecutive hours off-duty
	Rest Break	At least 8 hours have passed since the end of the drivers' last off-duty/sleeper period of at least 30 minutes	N/A
Weekly	If the motor carrier does not operate every day of the week	Maximum 60 hours on-duty in any period of 7 consecutive days	Maximum 60 hours on-duty in any period of 7 consecutive days.
	If the motor carrier operates every day of the week	Maximum 70 hours on-duty in any period of 8 consecutive days	Maximum 70 hours on-duty in any period of 8 consecutive days



Hazardous Materials (HAZMAT) Regulations

General Rule ([49 CFR 107.601](#))

HAZMAT registration is required to carry the following types and quantities of HAZMAT.

- Any highway route controlled quantity of a Class 7 (radioactive) material.
- More than 55 lbs. of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car or freight container.
- More than 1 liter per package of a material extremely poisonous by inhalation.
- A hazardous material in a bulk packaging having a capacity of 3,500 gallons for liquids or gases, or more than 468 cubic feet for solids.
- A shipment in other than bulk packaging of 5,000 pounds gross weight or more than one class of hazardous material for which the transport vehicles require placarding.
- Any quantity of materials requiring placarding.
 - NOTE: A Hazardous Materials endorsement is required on a CDL for any CMV requiring placarding.
More details about HAZMAT endorsement are available at Section 9 of the [Montana Commercial Driver License Manual](#).

Registration

Registration can be completed online on PHMSA's [website](#). The following information must be provided before paying the registration fee:

- Information of the driver
- Information of the employing company,
- The registrants USDOT number, and
- Information on the mode(s) used to transport HAZMAT.

Shipping Papers

HAZMAT carriers and drivers must prepare a shipping paper with necessary information as shown in the Table 7.

Table 7. Shipping paper information

Item Description ¹	Shipping name ²
	Hazardous material class and division
	Packing group
	Identification number
	Total quantity and units of measure
Emergency response information	How to safely handle incidents
	Shipping name of HAZMAT
	List risks to health
	List methods for handling spills, fires, or leaks
Emergency contact information	
Shipper certification	
Notes:	
1. Must include information for all hazardous and non-hazardous items in the shipment	
2. Shipping name must be properly determined using the Hazardous Materials Table in 49 CFR 172.101	

Details on what needs to include in shipping papers and how long the drivers and carriers must retain the shipping papers are available in PHMSA’s guide book “[Guide for Preparing Shipping Papers](#)”.

A motor carrier must retain the shipping paper for three years after the material is accepted by the initial carrier for hazardous waste (e.g., used motor oil, batteries, etc.), or for two years if transporting any other hazardous materials.

For more clarification contact Motor Carrier Services (MCS) at (406) 431-0806 or (406) 523-2689.

Refer to [49 CFR, Part 172](#) for applicable placarding. A general guidance is also provided in the PHMSA’s guide titled “[HAZMAT Markings, Labeling and Placarding Guide](#).”

Commercially Hauled Watercraft and Aquatic Invasive Species

General Rule ([MCA 80-7-10](#))

Requirements for Commercially Hauled Watercraft Entering the State of Montana.

- 1.) Commercial Haulers transporting watercraft should be aware of Montana's laws and rules. (MCA 80-7-1015).
- 2.) Penalties can reach up to a no bond felony. (MCA 80-7-1014)
 - a. It is illegal to transport aquatic invasive species, dead or alive, within the State of Montana. Aquatic invasive species can be plants, animals or diseases. (MCA 80-7-1010)
 - b. All watercraft being transported in the State of Montana **must stop** at all open watercraft inspection stations. (MCA 80-7-1011)
 - c. It is illegal to transport surface water in the State of Montana. (ARM 12-5-706 (e))
 - d. All aquatic vegetation must be removed from watercraft and trailers prior to transport. (ARM 12-5-706 (d))
 - e. All watercraft must be inspected prior to launch in the State of Montana. (ARM 12-5-706 (b))
- 3.) If there are any questions, please call 406-444-2449



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Alternative Format Statement

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