



DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Chapter III

[Docket No. FMCSA-2025-0754]

RIN 2126-AC75

General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends its regulations by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSR). The Agency makes minor changes to correct inadvertent errors and omissions, remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. FMCSA also makes a change to its rules of organization, procedures, and practice. Because the rule does not impose any new material requirements or increase compliance obligations, it is issued without prior notice and opportunity for comment, pursuant to the good cause exception in the Administrative Procedure Act (APA).

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The incorporation by reference of the material described in the rule is approved by the Director of the *Federal Register* as of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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SUPPLEMENTARY INFORMATION:

I. ABBREVIATIONS

APA	Administrative Procedure Act
CDC	U.S. Center for Disease Control and Prevention
CDL	Commercial Driver's License
CDLIS	Commercial Driver's License Information System
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
DOT	Department of Transportation
E.O.	Executive Order
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulations
GVWR	Gross vehicle weight rating
IC	Information collection
ICC	Interstate Commerce Commission
ICCTA	ICC Termination Act of 1995
IT	Information technology
LCV	Longer combination vehicle
MCSIA	Motor Carrier Safety Improvement Act of 1999
MVR	Motor vehicle records
NARA	National Archives and Records Administration
OFR	Office of the Federal Register
OMB	Office of Management and Budget
PIA	Privacy Impact Analysis
PTA	Privacy Threshold Assessment
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act:
A	Legacy for Users
SDLAs	State Driver's Licensing Agencies
SPE	Skills performance evaluation
UMRA	Unfunded Mandates Reform Act of 1995
U.S.C.	United States Code

II. LEGAL BASIS FOR THE RULEMAKING

Congress delegated certain powers to regulate interstate commerce to DOT in numerous pieces of legislation, most notably in section 6 of the Department of Transportation Act (DOT Act) (Pub. L. No. 89–670, 80 Stat. 931, 937, Oct. 15, 1966). Section 6 of the DOT Act transferred to DOT the authority of the former Interstate Commerce Commission (ICC) to regulate the qualifications and maximum hours of

service of employees, the safety of operations, and the equipment, of motor carriers in interstate commerce (80 Stat. 939; *see also* 49 U.S.C. 31502(b)). This authority, first granted to the ICC in the Motor Carrier Act of 1935 (Pub. L. No. 74–255, 49 Stat. 543, Aug. 9, 1935), now appears in 49 U.S.C. chapter 315. The regulations issued under this authority, as well as subsequently enacted laws, became known as the FMCSR and are codified at 49 CFR parts 350–399. The administrative powers to enforce chapter 315 (codified in 49 U.S.C. chapter 5) were also transferred from the ICC to DOT in 1966, assigned first to the Federal Highway Administration (FHWA), and then to FMCSA. The FMCSA Administrator, whose powers and duties are set forth in 49 U.S.C. 113, has been delegated authority by the Secretary of Transportation (the Secretary) under 49 CFR 1.81 to prescribe regulations and to exercise authority over and with respect to any personnel within the organization, and under 49 CFR 1.87 to carry out the motor carrier functions vested in the Secretary.

Between 1984 and 1999, enforcement of the FMCSR, the Hazardous Materials Regulations, and the Commercial Regulations was added to FHWA’s authority. The statutes granting these authorities include the Motor Carrier Safety Act of 1984 (Pub. L. No. 98–554, Title II, 98 Stat. 2832, Oct. 30, 1984), codified at 49 U.S.C. chapter 311, subchapter III; the Commercial Motor Vehicle Safety Act of 1986 (Pub. L. No. 99–570, Title XII, 100 Stat. 3207-170, Oct. 27, 1986), codified at 49 U.S.C. chapter 313; the Hazardous Materials Transportation Uniform Safety Act of 1990, as amended (Pub. L. No. 101–615, 104 Stat. 3244, Nov. 16, 1990), codified at 49 U.S.C. chapter 51; the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. No. 102–143, Title V, 105 Stat. 917, 952, Oct. 28, 1991), codified at 49 U.S.C. 31306; the ICC Termination Act of 1995 (ICCTA) (Pub. L. No. 104–88, 109 Stat. 803, Dec. 29, 1995), codified at 49 U.S.C. chapters 131–149; and the Transportation Equity Act for the 21st Century (Pub. L. No. 105–178, 112 Stat. 107, June 9, 1998).

The Motor Carrier Safety Improvement Act of 1999 (MCSIA), Pub. L. No. 106–159, 113 Stat. 1748, Dec. 9, 1999, established FMCSA as a new operating administration within DOT, effective January 1, 2000, and transferred authorities specifically related to commercial motor vehicle safety to FMCSA. Accordingly, since that time the motor carrier safety, and certain commercial, responsibilities previously assigned to both the ICC and FHWA have been the jurisdiction of FMCSA. These responsibilities also include regulations relating to section 18 of the Noise Control Act of 1972, codified at 42 U.S.C. 4917, which were originally assigned to the Secretary of Transportation (Pub. L. No. 92–574, 86 Stat. 1249, Oct. 27, 1972) and delegated to FHWA (39 FR 7791, Feb. 28, 1974), and are now the jurisdiction of FMCSA, as codified at 49 U.S.C. 113(f)(1).¹

Congress subsequently expanded, modified, and amended FMCSA’s authority in the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (Pub. L. No. 107–56, 115 Stat. 272, Oct. 26, 2001); the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. No. 109–59, 119 Stat. 1144, Aug. 10, 2005); the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. No. 110–244, 122 Stat. 1572, June 6, 2008); the Moving Ahead for Progress in the 21st Century Act (Pub. L. No. 112–141, 126 Stat. 405, July 6, 2012); Fixing America’s Surface Transportation Act (Pub. L. No. 114–94, 129 Stat. 1312, Dec. 4, 2015); and the Infrastructure Investment and Jobs Act (Pub. L. No. 117–58, 135 Stat. 429, Nov. 15, 2021).

The regulations amended by this rule are based on the statutes detailed above. Generally, the legal authority for each provision being amended was explained when the requirement was originally adopted and is noted at the beginning of each part in Title 49 of the CFR.

¹ Responsibility for the regulations related to section 18 of the Noise Control Act was given to FMCSA by Congress in section 101 of the Motor Carrier Safety Improvement Act (Pub. L. No. 106–159, 113 Stat. 1748, 1750, Dec. 9, 1999).

The APA specifically provides exceptions to its notice and comment rulemaking procedures when an agency finds there is good cause to dispense with them, and incorporates the finding, and a brief statement of reasons therefore, in the rules issued (5 U.S.C. 553(b)(B)). Good cause exists when an agency determines that notice and public comment procedures are impractical, unnecessary, or contrary to the public interest. The amendments made in this final rule primarily correct inadvertent errors and omissions, remove or update obsolete references, and make minor language changes to improve clarity and consistency. The technical amendments do not impose any new material requirements or increase compliance obligations. For these reasons, FMCSA finds good cause that notice and public comment on this final rule are unnecessary.

In addition to amendments that fall within the APA good cause exception, this rule also contains amendments that fall within the APA exception for rules of agency organization, procedure, or practice. Specifically, the Agency amends 49 CFR 387.307(e) to specify the same procedures for Agency review of documents filed by brokers notified of a pending suspension of operating authority due to insufficient financial responsibility as are followed by the Agency when such brokers file documents in support of a reinstatement from suspension. These amendments fall within the exception to the APA's notice and comment rulemaking procedures for "rules of agency organization, procedure, or practice," (5 U.S.C. 553(b)(A)) because the procedures for filing such documents are already specified in § 387.307(e) and so are made clearer with this amendment. Similarly, an amendment to part 389 also concerns matters of Agency policy. These changes are therefore excepted from the notice and public comment requirements.

The APA also allows agencies to make rules effective immediately with good cause (5 U.S.C. 553(d)(3)), instead of requiring publication 30 days prior to the effective date. For the reasons already stated, FMCSA finds there is good cause for this rule to be effective immediately.

This rule contains numerous, unrelated provisions that focus on unique aspects of FMCSA's regulations. Therefore, FMCSA finds that the various provisions of this final rule are severable and able to operate functionally if severed from each other. In the event a court were to invalidate one or more of this final rule's unique provisions, the remaining provisions should stand.

III. SECTION-BY-SECTION ANALYSIS

A. PART 372—EXEMPTIONS, COMMERCIAL ZONES, AND TERMINAL AREAS

Appendix A to Part 372 Commercial zones

FMCSA is updating Appendix A to part 372 to ensure internal consistency in the regulations. On December 12, 1976, the ICC modified its regulations, which were then codified at 49 CFR part 1048, to expand commercial zones and motor carrier and freight forwarder terminal areas. (41 FR 56655). This amendment was based on a new population-mileage formula, which better reflected the growing economic and social development of American municipalities. As a result, ICC expanded the population-mileage boundaries beyond the existing zones in the regulations to better equalize competition between shippers located beyond the existing shipping zones and those located within the existing zones.

Congress transferred jurisdiction over these regulations to the Federal Highway Administration (FHWA) as part of ICCTA (Pub. L. No. 104-88, 109 Stat. 803). In a final rule published on May 19, 1988 (53 FR 18042), FHWA added Appendix F to section 1048 and titled it, “Appendix F to Subchapter B – Commercial Zones.” A note was added to Appendix F to mention that its text is identical to the text of part 1048, revised as of October 1, 1975, which is no longer in print. On April 1, 1997, FHWA issued a final rule (62 FR 15417) to amend the former ICC regulations. The rule modified references to the ICC Act by changing references to provisions no longer in effect following enactment of ICCTA. As a result, part 372 was amended by replacing the words “part II of the ICC Act” and “part II of the Act” with “49 U.S.C. subtitle IV, part B.” In a later technical amendment published on September 24, 1997 (62 FR 49939), § 1048.101 was removed and replaced with § 372.241.

Jurisdiction over commercial zones transferred to FMCSA in 2000, after Congress created the Agency as part of MCSIA. On October 14, 2021, FMCSA published a final rule moving Appendix F of subchapter B of chapter III, to part 372, and redesignating it as Appendix A (86 FR 57060).

It has come to FMCSA's attention that when the regulatory language was moved in 1997 from its former position at 49 CFR 1048.101 to its current position at 372.241, conforming changes were never made in Appendix A (formerly Appendix F of subchapter B). FMCSA now amends the outdated language in Appendix A to part 372 to match that of § 372.241, so that all references will be to the correct authority of 49 U.S.C. subtitle IV, part B.

B. PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

Section 384.234 Driver medical certification recordkeeping.

Section 384.234 requires that States meet the medical certification recordkeeping requirements set out in the referenced sections of part 383. FMCSA published a final rule in October 2021 (86 FR 57060) to delete obsolete language from § 383.73 by revising the introductory paragraph (a), removing paragraph (a)(1), and renumbering paragraphs (a)(2)(i) through (vii) as paragraphs (a)(1) through (7). As a result of the change, prior § 383.73(a)(2)(vii) became 383.73(a)(7). However, the cross-references in § 384.234 were not updated to maintain consistency. FMCSA amends § 384.234 to change the outdated cross-reference to § 383.73(a)(2)(vii) to the current regulation, § 383.73(a)(7).

Section 384.301 Substantial compliance-general requirements

FMCSA amends § 384.301 to more clearly explain which requirements the States need to comply with. Currently, the regulations cause confusion among State Driver's Licensing Agencies (SDLAs) because they do not specifically describe which requirements are covered by each compliance date paragraph; in most cases, the wording

of each paragraph is identical except for the dates. To eliminate confusion, FMCSA supplements the words “requirements of subpart B of this part” each time they appear with the precise regulation each paragraph references. FMCSA also supplements “the requirements of part 383 of this chapter” in paragraph (m) with the name of the applicable regulation and adds the name of the applicable regulation to paragraph (n). No substantive changes to the requirements are made by this revision. Instead, this revision will eliminate confusion for SDLAs and ensure the compliance dates applicable to States are clear.

C. PART 386—RULES OF PRACTICE FOR FMCSA PROCEEDINGS

Appendix B to part 386.

FMCSA is amending paragraph (g)(1) in Appendix B to part 386 to make clear that all entities required to register pursuant to 49 U.S.C. 13901 are subject to the civil penalty set out in 49 U.S.C. 14901 for failure to register. In 2015, FMCSA made numerous technical amendments to Appendix B, during which the earlier provision addressing civil penalties for noncompliance with 13901 was split in two. The first provision was made applicable to motor carriers and the second, to brokers. However, the provision addressing brokers, which is found at paragraph (g)(2) of Appendix B, only sets out the penalty for entities who knowingly operate as a broker in violation of registration requirements of 49 U.S.C 13904 or financial security requirements of 49 U.S.C 13906. It does not address the registration obligations in 13901, which are applicable to motor carriers, brokers, and freight forwarders.

At the same time, the term “carrier” in paragraph (g)(1) was amended to read, “motor carrier.” Under the definition in 49 U.S.C. 13102(3), which applies to 49 U.S.C. 13901, the term “carrier” is defined to include freight forwarders (and water carriers)² in

² References to water carriers were carried over from FMCSA’s predecessor agencies, the ICC and FHWA. However, FMCSA does not have jurisdiction over water carriers. The Agency proposed to remove obsolete references to water carriers from its regulations on May 30, 2025 (90 FR 22892).

addition to motor carriers. By specifying that (g)(1) was applicable only to motor carriers, the 2015 amendments erroneously removed freight forwarders from the entities subject to civil penalties for violations of 49 U.S.C. 13901.

FMCSA is therefore conforming paragraph (g)(1) of Appendix B to the statute to correct the omission of covered entities and clarify once again that brokers and freight forwarders are also subject to the penalty specified in that paragraph for failure to comply with the requirements of 49 U.S.C. 13901.

D. PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

Section 387.9 Financial Responsibility, minimum levels.

Section 387.9 specifies minimum levels of financial responsibility that motor carriers must maintain to comply with § 387.7. FMCSA, and FHWA before it, have amended table 1 to § 387.9 several times to clarify that the list generally refers to commodities carried in bulk (see 59 FR 63921, 63924 (Dec. 12, 1994), 73 FR 76472, 76496 (Dec. 16, 2008), 86 FR 57060, 57064 (Oct. 14, 2021), and 88 FR 80169 (Nov. 17, 2023)). The table previously used various terms to describe the quantities of these commodities, which were all revised to read “in bulk” in order to eliminate confusion and increase consistency by replacing the various terms with a single defined term.

The second row of the table specifies a combination of carriage type and commodity subject to a \$5,000,000 level of financial responsibility. In the description in the “Commodity transported” column of this row, the words “with capacities in bulk” were inadvertently added to describe hopper-type vehicles. This phrase is redundant, as the requirements already apply to hazardous materials transported “in bulk in cargo tanks, portable tanks, or hopper-type vehicles.” In order to clarify and streamline the description, FMCSA revises table 1, second row, second column, by removing the words “with capacities in bulk.”

Section 387.307 Property broker surety bond or trust fund.

FMCSA amends § 387.307(e)(1)(iv)(C) and (e)(3)(ii) to correct an inadvertent typographical error from a previous final rule titled “Broker and Freight Forwarder Financial Responsibility” (88 FR 78656). The rule set out financial responsibility requirements for brokers of property and freight forwarders in five separate areas: assets readily available; immediate suspension of broker and freight forwarder operating authority; surety or trust responsibilities in cases of broker and freight forwarder financial failure or insolvency; enforcement authority; and entities eligible to provide trust funds for brokers and freight forwarders. The rule introduced new paragraphs, including paragraph (e), subparagraphs (e)(1) through (e)(6), which set out specific requirements for immediate suspension of broker and freight forwarder operating authority. When the Agency introduced paragraphs (e)(1)(iv)(C) and (e)(3)(ii), references to a non-existent paragraph (e)(1)(D) were inadvertently introduced. FMCSA amends both paragraphs to remove references to non-existent paragraph (e)(1)(D) and replace them with the correct provision, paragraph (e)(1)(ii).

PART 389—RULEMAKING PROCEDURES—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Section 389.31 Petitions for rulemaking.

FMCSA amends part 389 to simplify the process for any interested person to petition the Administrator to establish, amend, interpret, clarify, or withdraw a rule, by clarifying the process to submit a petition. The Agency modifies the regulations to replace the general FMCSA website listed in § 389.31(b)(1) with a direct link to www.regulations.gov, which will facilitate submitting petitions for a rulemaking for the public. Docket number FMCSA-2021-0054 continues to serve as a mailbox for the public’s submission of a petition for rulemaking. All petitions submitted to the docket will continue to be tracked on FMCSA’s Petitions website.

**E. PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS;
GENERAL**

Section 390.5 Definitions.

FMCSA amends this section by making a clarifying change to the definition of *Gross vehicle weight rating (GVWR)*. Some stakeholders have found the definition ambiguous regarding whether a vehicle with a GVWR of 10,001 pounds or more ceases to be a commercial motor vehicle (CMV) when, unladen, the vehicle weighs less than 10,001 pounds. This amendment serves to clarify that a vehicle with a GVWR of 10,001 pounds or more are always a CMV, regardless of the vehicle's actual weight at any point in time, as actual weight may fluctuate. Because the manufacturer determines a vehicle's GVWR, the weight rating does not change regardless of the actual weight of a vehicle at any given time. Although this section is currently suspended, FMCSA is amending it to mirror the amendments to temporary regulations in § 390.5T.

Section 390.5T Definitions.

As explained in the prior paragraph, Section 390.5 Definitions, FMCSA amends this section by making a clarifying change to the definition of *Gross vehicle weight rating (GVWR)*.

Section 390.27 Locations of motor carrier safety service centers

Section 390.27 provides the addresses of the motor carrier safety service centers. FMCSA revises § 390.27 to change the address of the Midwestern Service Center from 600 Holiday Plaza Drive, Suite 240, Matteson, Illinois 60443, to 600 Town Center Road, Suite 240, Matteson, Illinois 60443. Although the Midwestern Service Center has not changed physical locations, FMCSA was notified that the Village of Matteson has changed the name of "Holiday Plaza Drive" to "Town Center Road," requiring this technical update to the address.

FMCSA also revises § 390.27 to change the address for the Western Service Center from 12600 West Colfax Avenue, Suite B-300, Lakewood, Colorado 80215, to 12300 West Dakota Avenue, Suite 131, Lakewood, Colorado 80229. This location change is effective as of December 2025.

**F. PART 391—QUALIFICATIONS OF DRIVERS AND LONGER
COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS**

Section 391.23 Investigation and Inquiries.

This section describes the investigations and inquiries a motor carrier conducts to ensure the qualifications of each driver it employs. Section 391.23(a)(1) describes the inquiry process to obtain a motor vehicle record covering the driver’s prior 3-year driving history, which must be initiated within 30 days of the date the driver’s employment begins. A final rule published in March 2022 (87 FR 13192) eliminated the requirement that drivers operating CMVs in interstate commerce prepare and submit an annual list of their convictions for traffic violations to their employers. As a result of the final rule, the language in § 391.23(a)(1) was amended to require inquiries for motor vehicle records (or MVRs) be made to “driver’s licensing authorities” where the driver holds or has held a motor vehicle operator’s license or permit, rather than to a “State.” The change of term usage from “State” to “driver’s licensing authorities” was established to ensure motor carriers are aware of traffic convictions for a driver who is licensed by a foreign authority and not only drivers licensed by a State.

In a subsequent rule published in November 2023, FMCSA amended its regulations by making technical corrections throughout the FMCSRs, including to § 391.23 (88 FR 80169, 80176 (Nov. 17, 2023)). As explained in the 2023 rule, the amendment was intended to clarify that the initial MVR required by § 391.23(a) is to cover the prior 3 years. However, the language inadvertently utilized the term “State” that had been replaced the in the rulemaking the prior year.

Accordingly, FMCSA revises § 391.23(a)(1) to revert the word “State” to the term “driver’s licensing authorities,” as accomplished in the March 2022 rule, as this is the accurate terminology.

Separately, Section 391.23(m)(3)(i)(C) allows a driver to use a copy of the medical examiner's certificate as proof of the driver's certification for up to 15 days after the date it was issued, if the driver provided the motor carrier with a copy of the current medical examiner's certificate that was submitted to the State in accordance with § 383.73(a)(2)(vii). FMCSA published a final rule in October 2021 (86 FR 57060), in which it deleted obsolete language from § 383.73 by revising the introductory paragraph (a), removing paragraph (a)(1), and renumbering paragraphs (a)(2)(i) through (vii) as paragraphs (a)(1) through (7). As a result of the change, prior § 383.73(a)(2)(vii) became 383.73(a)(7). The rule failed to change cross-references to § 383.73(a)(2)(vii) in § 391.23(m)(3)(i)(C). FMCSA amends § 391.23(m)(3)(i)(C) to change an obsolete cross-reference to § 383.73(a)(2)(vii) to the current regulation, § 383.73(a)(7).

Section 391.41 Physical qualifications for drivers.

Section 391.41(a)(1)(i) describes the medical certification requirements for drivers physically qualified to operate a CMV. It requires drivers to obtain a medical certification to operate a CMV and have on their person the original or a copy of the current medical examiner's certificate indicating they can operate a CMV (with exceptions indicated in Section 391.41(a)(2)). FMCSA amends § 391.41(2)(1)(i) to correct an error in the last sentence referencing medical variance by replacing the words "medical variance" with "exemption or waiver."

In 1999, the United States and Canada entered into a Reciprocity Agreement (the Agreement), recognizing that a Canadian commercial driver's license is proof of medical fitness to drive a CMV. In 2000, the waiver program then codified at § 391.49 was changed to an alternative physical qualification standard under FMCSA's general safety authority, following changes to exemption authorities mandated by the Transportation Equity Act for the 21st Century, Pub. L. No. 105-178 (Jun. 9, 1998). Also in 2000, the Agreement was amended to prohibit drivers with medical exemptions, in addition to

those who were medically certified via waivers or grandfathering, from engaging in cross-border operations.

On December 1, 2008, FMCSA published a final rule amending the FMCSR to add a provision excluding CDL drivers subject to part 391 from the requirement to carry the medical examiner's certificate because their current medical certification status information is reflected in the electronic Commercial Driver's License Information System (CDLIS) driver record. The rule also amended the regulations in § 390.5 to add the definition for "medical variance," which means a driver has received either an exemption letter permitting operation of a CMV, or a skills performance evaluation (SPE) permitting CMV operation per § 381.49. However, the last sentence introduced in the amendments to § 391.41(2)(1)(i) states that U.S. drivers who received a medical variance from FMCSA cannot operate a CMV in Canada. By using the term "medical variance," this amendment included drivers with SPE certificates in the category of drivers prohibited from cross-border operations in Canada, when only drivers with exemptions or waivers are actually prohibited under the Agreement.³ The amendment is clearly erroneous because SPE certificates are neither an exemption nor waiver, and the Agreement does not specifically mention limb loss or impairment. FMCSA revises this section to replace the words "medical variance" with "exemption or waiver" to rectify that error.

Section 391.45 Persons who must be medically examined and certified.

FMCSA deletes a cross-reference in 391.45(b) that is no longer valid. In 2023, paragraph (d) of 391.45 was removed and reserved because it related to an obsolete vision waiver program that no longer exists (88 FR 80169). However, the cross-reference in paragraph (b) was not deleted at that time, and FMCSA is now making the correction.

³ As of 2025, FMCSA has eliminated all medical grandfathering provisions from the FMCSR, and there are no longer any drivers medically qualified via grandfathering.

G. PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section 393.45 Brake tubing and hoses; hose assemblies and end fittings

FMCSA corrects a spelling error found in § 393.45(b)(2), which describes brake tubing and hose installation and assembly. Currently, the section uses the word “chaffing” which will be corrected to “chafing.” The revised spelling conforms to the use of the word in other FMCSR, including § 393.65(f)(2) and § 393.77(b)(7).

H. PART 395—HOURS OF SERVICE OF DRIVERS

Section 395.38 Incorporation by reference.

FMCSA revises the section heading of § 395.38 to change “Incorporation by reference” to “Matter incorporated by reference”, as the latter more accurately describes the contents of the section.

I. PART 396—INSPECTION, REPAIR, AND MAINTENANCE

Section 396.3 Inspection, repair, and maintenance.

Section 396.3(b) sets out the required records that motor carriers and intermodal equipment providers must maintain or cause to be maintained. The first recordkeeping requirement found in § 369.3(b)(1) states that records must include an identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. This regulation was established by the FHWA in 1979 to mitigate vehicle defects and defect-related accidents. FMCSA revises this regulation to remove tire size from the recordkeeping requirement, as the Agency believes this requirement is obsolete.

J. PART 399—EMPLOYEE SAFETY AND HEALTH STANDARDS

Section 399.205 Definitions.

Section 399.205 under Subpart L sets out a definition of the term “person” as described by the 1962 Health Examination Survey. This definition was incorporated by reference and approved by the Director of the *Federal Register* on July 17, 1979. In

FMCSA's current regulations, the survey is available for purchase from the U.S. Department of Commerce, National Technical Information Service, or for inspection at the National Archives and Records Administration (NARA). However, the material incorporated by reference into FMCSA's regulations is now available for free at the U.S. Center for Disease Control and Prevention (CDC) website at: www.cdc.gov/nchs/data/series/sr_11/sr11_008.pdf. Accordingly, FMCSA amends the paragraph describing the definition of "person" to provide free online public access to view copies of the 1962 Health Examination Survey via the CDC website. In addition, FMCSA updates NARA's contact information as the information currently listed dates to 1979.

Since the Office of the Federal Register (OFR) updated the incorporation by reference system and the Director revoked approval for all previously approved IBR material in the CFR as of August 6, 1982, FMCSA has received a new approval under the changed system to continue using the section.

IV. REGULATORY ANALYSES

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Order 2100.6B, Policies and Procedures for Rulemakings.⁴ The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866 and has not reviewed it under that E.O.

⁴ DOT Order 2100.6B, *available at* <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>

In addition, this rule is not significant within the meaning of DOT regulations (49 CFR 5.13(a)). The amendments made in this final rule primarily correct inadvertent errors and omissions, remove or update obsolete references, and make minor language changes to improve clarity and consistency. In accommodating those changes, the Agency is performing nondiscretionary, ministerial acts. Other changes merely align regulatory requirements with the underlying statutory authority. None of the changes in this final rule impose new material requirements or increase compliance obligations; therefore, this final rule imposes no new costs and a full regulatory evaluation is unnecessary.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁵

Implementation guidance for E.O. 14192 issued by OMB (Memorandum M-25-20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁶

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rulemaking is expected to have total costs equal to zero, and is therefore neither an E.O. 14192 deregulatory nor regulatory action.

C. Congressional Review Act

This rule is not a major rule as defined under the Congressional Review Act (5

⁵ Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*, 90 FR 9065-9067 (Feb. 6, 2025).

⁶ Executive Office of the President, Office of Management and Budget, *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation”* Memorandum M-25-20 (Mar. 26, 2025).

D. Regulatory Flexibility Act (Small Entities)

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. No. 104-121, 110 Stat. 857), FMCSA is not required to prepare a regulatory flexibility analysis under 5 U.S.C. 604(a) for this final rule because FMCSA has not issued a notice of proposed rulemaking prior to this action.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. No. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under FOR FURTHER INFORMATION CONTACT.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration’s Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by

⁷ A *major rule* means any rule that the Office of Management and Budget finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 802(4)).

employees of FMCSA, call 1-888-REG-FAIR (1-888-734-3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The UMRA addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$206 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2024 levels) or more in any 1 year. Though this final rule would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, FMCSA discusses the effects of this rule elsewhere in this preamble.

G. Paperwork Reduction Act

This rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). Although this rule makes changes to part 387, which is covered by an information collection (IC), these amendments to the regulations are not expected to result in more than a de minimis change to the existing collections and will be reflected in the next renewal of that IC.

H. Executive Order 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” FMCSA has determined that this rule will not have substantial direct costs on or for States, nor will it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,⁸ requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. Because this rule does not require the collection of personally identifiable information, FMCSA is not required to conduct a privacy impact assessment.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,⁹ requires Federal agencies to conduct a Privacy Impact Analysis (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

In addition, FMCSA submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the rulemaking may have on collecting, storing, and sharing

⁸ Pub. L. No. 108-447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

⁹ Pub. L. No. 107-347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

personally identifiable information. The PTA was adjudicated by DOT's Chief Privacy Officer on October 30, 2025.

J. Executive Order 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

K. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,¹⁰ Subpart B, subsection (e), paragraphs 6(b) and 6(e). These categorical exclusions address technical amendments and other minor amendments such as those found in this rulemaking, regulations concerning internal agency functions, organization, or personnel administration, and regulations to handle the processing of applications for operating authority and certificates of registration.

List of Subjects

49 CFR Part 372

Agricultural Commodities, Buses, Cooperatives, Freight Forwarders, Motor Carriers, Moving of household goods, Seafood.

49 CFR Part 384

¹⁰ Available at <https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts>.

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Incorporation by reference, Motor carriers.

49 CFR Part 386

Administrative practice and procedure, Brokers, Freight forwarders, Hazardous materials transportation, Highway safety, Highways and roads, Motor carriers, Motor vehicle safety, Penalties.

49 CFR Part 387

Buses, Freight, Freight forwarders, Hazardous materials transportation, Highway safety, Insurance, Intergovernmental relations, Motor carriers, Motor vehicle safety, Moving of household goods, Penalties, Reporting and recordkeeping requirements, Surety bonds.

49 CFR Part 389

Administrative practice and procedure, Highway safety, Motor carriers, Motor vehicle safety.

49 CFR Part 390

Highway safety, Intermodal transportation, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

49 CFR Part 391

Alcohol abuse, Drug Abuse, Drug testing, Highway safety, Motor carriers, Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 393

Highway safety, Motor carriers, Motor vehicle safety.

49 CFR Part 395

Highway safety, Motor carriers, Reporting and recordkeeping requirements.

49 CFR Part 396

Highway safety, Motor carriers, Motor vehicle safety, Safety and recordkeeping requirements.

49 CFR Part 399

Incorporation by reference, Motor carriers, Motor vehicle safety, Occupational safety and health.

In consideration of the foregoing, FMCSA amends 49 CFR chapter III as set forth below:

PART 372—EXEMPTIONS, COMMERCIAL ZONES, AND TERMINAL AREAS

1. The authority citation for part 372 continues to read as follows:

Authority: 49 U.S.C. 13504 and 13506; Pub. L. 105-178, sec. 4031, 112 Stat. 418; and 49 CFR 1.87.

2. Amend appendix A by revising and republishing sec. 44 to read as follows:

Appendix A to Part 372 – Commercial Zones

* * * * *

Sec. 44 Commercial zones determined generally, with exceptions.

The commercial zone of each municipality in the United States, with the exceptions indicated in the note at the end of this section, within which the transportation of passengers or property, in interstate or foreign commerce, when not under a common control, management, or arrangement for a continuous carriage or shipment to or from a

point without such zone, is exempt from all provisions of 49 U.S.C. subtitle IV, part B shall be deemed to consist of:

- a. The municipality itself, hereinafter called the base municipality;
- b. All municipalities which are contiguous to the base municipality;
- c. All other municipalities and all unincorporated areas within the United States

which are adjacent to the base municipality as follows:

(1) When the base municipality has a population less than 2,500 but less than 25,000 all unincorporated areas within 4 miles of its corporate limits and all of any other municipality any part of which is within 4 miles of the corporate limits of the base municipality.

(2) When the base municipality has a population of 2,500 but less than 25,000 all unincorporated areas within 4 miles of its corporate limits and all of any other municipality any part of which is within 4 miles of the corporate limits of the base municipality.

(3) When the base municipality has a population of 25,000 but less than 100,000 all unincorporated areas within 6 miles of its corporate limits and all of any other municipality any part of which is within 6 miles of the corporate limits of the base municipality, and

(4) When the base municipality has a population of 100,000 but less than 200,000 all unincorporated areas within 8 miles of its corporate limits and all of any other municipality any part of which is within 8 miles of the corporate limits of the municipality.

(5) When the base municipality has a population of 200,000 but less than 500,000 all unincorporated areas within 10 miles of its corporate limits and all of any other municipality any part of which is within 10 miles of the corporate limits of the base municipality.

(6) When the base municipality has a population of 500,000 but less than 1 million, all unincorporated areas within 15 miles of its corporate limits and all of any other municipality any part of which is within 15 miles of the corporate limits of the base municipality.

(7) When the base municipality has a population of 1 million or more, all unincorporated areas within 20 miles of its corporate limits and all of any other municipality any part of which is within 20 miles of the corporate limits of the base municipality, and

d. All municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality, by any municipality contiguous thereto, or by any municipality adjacent thereto which is included in the commercial zone of such base municipality under the provisions of paragraph (c) of this section. Note: Except: Municipalities the commercial zones of which have been or are hereafter individually or specially determined.

* * * * *

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

3. The authority citation for part 384 continues to read as follows:

Authority: 49 U.S.C. 31136, 31301, *et seq.*, and 215 of Pub. L. 106-159, 113 Stat. 1748, 1753, 1767; sec. 32934 of Pub. L. 112-141, 126 Stat. 405, 830; sec. 5524 of Pub. L. 114-94, 129 Stat. 1312, 1560; and 49 CFR 1.87.

§ 384.234 [Amended]

4. Amend § 384.234 by removing the text “383.73(a)(2)(vii)” and adding in its place the text “383.73(a)(7)”.

5. Revise and republish § 384.301 to read as follows:

§ 384.301 Substantial compliance-general requirements.

(a) *Compliance, generally.* To be in substantial compliance with 49 U.S.C. 31311(a), the State must meet each and every standard of subpart B of this part by means of the demonstrable combined effect of its statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, and personnel), and enforcement practices.

(b)(1) *Commercial driver's license program improvements and noncommercial motor vehicle violations.* Except as provided in paragraph (b)(2) of this section, a State must come into substantial compliance with 49 CFR part 384, subpart B (revised as of Oct. 1, 2002) as soon as practical, but, unless otherwise specifically provided in this part, not later than September 30, 2005.

(2) *School bus endorsement exception.* A State must come into substantial compliance with 49 CFR 383.123 (revised as of Oct. 1, 2002) not later than September 30, 2006.

(c) *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for User (SAFETEA-LU).* A State must come into substantial compliance with 49 CFR part 384, subpart B (revised as of Oct. 1, 2007) as soon as practical but, unless otherwise specifically provided in this part, not later than September 4, 2010.

(d) *Commercial driver's license medical certification requirements.* A State must come into substantial compliance with 49 CFR part 384, subpart B (revised as of Oct. 1, 2009), as soon as practical, but not later than January 30, 2012.

(e) *Limiting the use of wireless communication devices.* A State must come into substantial compliance with 49 CFR part 384, subpart B (revised as of Oct. 1, 2010, as amended at 75 FR 59118, 59135, in effect as of Oct. 27, 2010) as soon as practical, but not later than October 28, 2013.

(f) *Commercial driver's license testing and commercial learner's permit standards.* A State must come into substantial compliance with 49 CFR part 384, subpart

B (revised as of Oct. 1, 2011), and 49 CFR part 384, subpart B (revised as of Oct. 1, 2012, as amended at 78 FR 17875, 17881, in effect as of Apr. 24, 2013) as soon as practical but, unless otherwise specifically provided in this part, not later than July 8, 2015.

(g) *Commercial driver's license information system state procedures manual.* A State must come into substantial compliance with 49 CFR part 384, subpart B (revised as of Oct. 1, 2011, as amended at 76 FR 68328, 68332, in effect as of Dec. 5, 2011) as soon as practicable, but not later than January 30, 2012.

(h) *Restricting the use of cellular phones for commercial motor vehicle drivers.* A State must come into substantial compliance with 49 CFR part 384, subpart B (revised as of Oct. 1, 2011, as amended at 76 FR 68328, 68332 and further amended at 76 FR 75470, 75486, in effect as of Jan. 3, 2012) as soon as practical, but not later than January 3, 2015.

(i) *Medical examiner's certification integration.* A State must come into substantial compliance with the requirements of 49 CFR parts 383 and 384, subpart B (revised as of Oct. 1, 2015) as soon as practical, but, unless otherwise specifically provided in this part, not later than June 23, 2025.

(j) *Commercial driver's license requirements of the Moving Ahead for Progress in the 21st Century Act and the Military Commercial Driver's License Act of 2012.* A State must come into substantial compliance with 49 CFR parts 383 and 384, subpart B (revised as of Oct. 1, 2016, as amended at 81 FR 70634, 70646, in effect as of Dec. 12, 2016) as soon as practicable, but, unless otherwise specifically provided in this part, not later than December 12, 2019.

(k) *Minimum training requirements for entry-level commercial vehicle operators.* A State must come into substantial compliance with 49 CFR parts 383 and 384, subpart B (revised as of Oct. 1, 2017) not later than February 7, 2022.

(l) *Military licensing and state commercial driver's license reciprocity.* A State must come into substantial compliance with 49 CFR part 384, subpart B (revised as of Oct. 1, 2019) and 49 CFR parts 383 (revised as of Oct. 1, 2018, as amended at 83 FR 48964, 48975, in effect as of Nov. 27, 2018) as soon as practicable, but, unless otherwise specifically provided in this part, not later than November 27, 2021.

(m) *Lifetime disqualification for human trafficking.* A State must come into substantial compliance with 49 CFR part 383 (revised as of Oct. 1, 2021) as of September 23, 2019, or as soon as practicable, but not later than September 23, 2022.

(n) *Exclusively electronic exchange of driver history record information.* A State must come into substantial compliance with the requirements of 49 CFR parts 383 and 384, subpart B (revised as of Oct. 1, 2022) as soon as practicable, but not later than August 22, 2024.

(o) *State driver's licensing agency non-issuance/downgrade of commercial driver's license related to controlled substances and alcohol testing.* A State must come into substantial compliance with the requirements of 49 CFR part 384, subpart B (revised as of Oct. 1, 2024) as soon as practicable, but, unless otherwise specifically provided in this part, not later than November 18, 2024.

(p) *State procedures manual.* A State must come into substantial compliance with the requirements of 49 CFR part 384, subpart B (revised as of Oct. 1, 2024) as soon as practicable, but not later than August 22, 2024.

(q) *Non-domiciled commercial driver's licenses.* A State must come into substantial compliance with the requirements of subpart B of this part, in effect as of February 13, 2026, and part 383 of this chapter, in effect as of February 13, 2026, prior to issuing (which includes amending, correcting, reprinting, or otherwise duplicating a previously issued CLP or CDL), transferring, renewing, or upgrading a non-domiciled CLP or CDL.

PART 386—RULES OF PRACTICE FOR FMCSA PROCEEDINGS

6. The authority citation for part 386 continues to read as follows:

Authority: 28 U.S.C. 2461 note; 49 U.S.C. 113, 1301 note, 31306a; 49 U.S.C. chapters 5, 51, 131-141, 145-149, 311, 313, and 315; and 49 CFR 1.81, 1.87.

7. Amend appendix B to part 386 by revising paragraph (g)(1) to read as follows:

Appendix B to Part 386—Penalty Schedule: Violations and Monetary Penalties

* * * * *

(g) * * *

(1) A person who operates as a motor carrier, broker, or freight forwarder for the transportation of property in violation of the registration requirements of 49 U.S.C. 13901 is liable for a minimum penalty of \$13,676 per violation.

* * * * *

**PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR
MOTOR CARRIERS**

8. The authority citation for part 387 continues to read as follows:

Authority: 49 U.S.C. 13101, 13301, 13906, 13908, 14701, 31138, 31139; sec. 204(a), Pub. L. 104-88, 109 Stat. 803, 941; and 49 CFR 1.87.

9. Amend § 387.9 by revising the second entry of table 1 to read as follows:

§ 387.9 Financial responsibility, minimum levels.

* * * * *

Table 1 to § 387.9—Schedule of Limits—Public Liability

Type of carriage	Commodity transported	January 1, 1985
* * * * *		

(2) For-hire and Private (In interstate, foreign, or intrastate commerce, with a gross vehicle weight rating of 10,001 or more pounds)	Hazardous substances, as defined in 49 CFR 171.8, transported in bulk in cargo tanks, portable tanks, or hopper-type vehicles; in bulk Division 1.1, 1.2 or 1.3 materials; in bulk Division 2.3, Hazard Zone A material; in bulk Division 6.1, Packing Group I, Hazard Zone A material, in bulk Division 2.1 or 2.2 material; or highway route controlled quantities of a Class 7 material, as defined in 49 CFR 173.403.	5,000,000
* * * * *		

§ 387.307 [Amended]

10. Amend § 387.307 by:

a. In paragraph (e)(1)(iv)(C), removing the text “paragraph (e)(1)(D)(ii)” and adding in its place the text “paragraph (e)(1)(ii)”; and

b. In paragraph (e)(3)(ii), removing the text “paragraph (e)(1)(D)” and adding in its place the text “paragraph (e)(1)”.

PART 389—RULEMAKING PROCEDURES—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

11. The authority citation for part 390 continues to read as follows:

Authority: 49 U.S.C. 113, 501 *et seq.*, subchapters I and III of chapter 311, chapter 313, and 31502; sec. 5204 of Pub. L. 114-94, 129 Stat. 1312, 1536; 42 U.S.C. 4917; and 49 CFR 1.87

12. Amend § 389.31 by revising paragraph (b)(1) to read as follows:

§ 389.31 Petitions for rulemaking.

* * * * *

(b)* * *

(1) Be submitted in writing by mail to the Administrator, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue S.E., Washington, D.C. 20590-0001 or electronically at www.regulations.gov, using the general petitions for rulemaking docket FMCSA-2021-0054.

* * * * *

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS;

GENERAL

13. The authority citation for part 390 continues to read as follows:

Authority: 49 U.S.C. 113, 504, 508, 31132, 31133, 31134, 31136, 31137, 31144, 31149, 31151, 31502; sec. 114, Pub. L. 103-311, 108 Stat. 1673, 1677; secs. 212 and 217, Pub. L. 106-159, 113 Stat. 1748, 1766, 1767; sec. 229, Pub. L. 106-159 (as added and transferred by sec. 4115 and amended by secs. 4130-4132, Pub. L. 109-59, 119 Stat. 1144, 1726, 1743, 1744), 113 Stat. 1748, 1773; sec. 4136, Pub. L. 109-59, 119 Stat. 1144, 1745; secs. 32101(d) and 32934, Pub. L. 112-141, 126 Stat. 405, 778, 830; sec. 2, Pub. L. 113-125, 128 Stat. 1388; secs. 5403, 5518, and 5524, Pub. L. 114-94, 129 Stat. 1312, 1548, 1558, 1560; sec. 2, Pub. L. 115-105, 131 Stat. 2263; and 49 CFR 1.81, 1.81a, 1.87.

14. Amend § 390.5 by:

- a. Lifting the suspension of the section;
- b. Revising and republishing the definition for “Gross vehicle weight rating”; and
- c. Suspending the section indefinitely.

The revision reads as follows:

§ 390.5 Definitions.

* * * * *

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

* * * * *

15. Amend § 390.5T by revising and republishing the definition for “Gross vehicle weight rating” to read as follows:

§ 390.5T Definitions.

* * * * *

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

* * * * *

16. Amend § 390.27 in the table by revising the entries for “Midwestern” and “Western” to read as follows:

§ 390.27 Locations of motor carrier safety service centers.

Service center	Territory included	Location of office
* * * * *		
Midwestern	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin	600 Town Center Road, Suite 240, Matteson, Illinois 60443
* * * * *		
Western	Alaska, American Samoa, Arizona, California, Colorado, Guam, Hawaii, Idaho, Mariana Islands, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wyoming	12300 West Dakota Avenue, Suite 131, Lakewood, Colorado 80228

* * * * *

PART 391—QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS

17. The authority citation for part 391 continues to read as follows:

Authority: 49 U.S.C. 504, 508, 31133, 31136, 31149, 31502; sec. 4007(b), Pub. L. 102-240, 105 Stat. 1914, 2152; sec. 114, Pub. L. 103-311, 108 Stat. 1673, 1677; sec. 215, Pub. L. 106-159, 113 Stat. 1748, 1767; sec. 32934, Pub. L. 112-141, 126 Stat. 405, 830; secs. 5403 and 5524, Pub. L. 114-94, 129 Stat. 1312, 1548, 1560; sec. 2, Pub. L. 115-105, 131 Stat. 2263; and 49 CFR 1.87.

§ 391.23 [Amended]

18. Amend § 391.23 by:

a. In paragraph (a)(1), removing the word “State” and adding in its place the text “driver’s licensing authority”; and

b. In paragraph (m)(3)(i)(C):

i. Removing the word “State” and adding in its place the text “driver’s licensing authority”; and

- ii. Removing “383.73(a)(2)(vii)” and adding in its place “383.73(a)(7)”.

§ 391.41 [Amended]

19. Amend § 391.41 in paragraph (a)(1)(i) by removing the words “medical variance” from the last sentence and adding in their place the words “exemption or waiver.”

20. Amend § 391.45 by revising paragraph (b) to read as follows:

§ 391.45 Persons who must be medically examined and certified.

* * * * *

(b) Any driver who has not been medically examined and certified as qualified to operate a commercial motor vehicle during the preceding 24 months, unless the driver is required to be examined and certified in accordance with paragraph (c), (e), (f), (g), or (h) of this section;

* * * * *

**PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE
OPERATION**

21. The authority citation for part 393 continues to read as follows:

Authority: 49 U.S.C. 31136, 31151, 31502; sec. 1041(b), Pub. L. 102-240, 105 Stat. 1914, 1993; secs. 5301 and 5524, Pub. L. 114-94, 129 Stat. 1312, 1543, 1560; and 49 CFR 1.87.

§ 393.45 [Amended]

22. Amend § 393.45 by removing the word “chaffing” and adding in its place the word “chafing.”

PART 395—HOURS OF SERVICE OF DRIVERS

23. The authority citation for part 395 continues to read as follows:

Authority: 49 U.S.C. 504, 21104(e), 31133, 31136, 31137, 31502; sec. 113, Pub. L. 103-311, 108 Stat. 1673, 1676; sec. 229, Pub. L. 106-159 (as added and transferred by sec. 4115 and amended by secs. 4130-4132, Pub. L. 109-59, 119 Stat. 1144, 1726, 1743, 1744), 113 Stat. 1748, 1773; sec. 4133, Pub. L. 109-59, 119 Stat. 1144, 1744; sec. 32934, Pub. L. 112-141, 126 Stat. 405, 830; sec. 5206(b), Pub. L. 114-94, 129 Stat. 1312, 1537; and 49 CFR 1.87.

24. Amend § 395.38 by revising the section heading to read as follows:

§ 395.38 Matter incorporated by reference.

* * * * *

PART 396—INSPECTION, REPAIR, AND MAINTENANCE

25. The authority citation for part 396 continues to read as follows:

Authority: 49 U.S.C. 504, 31133, 31136, 31151, 31502; sec. 32934, Pub. L. 112-141, 126 Stat. 405, 830; sec. 5524, Pub. L. 114-94, 129 Stat. 1312, 1560; and 49 CFR 1.87.

26. Amend § 396.3 by revising paragraph (b)(1) to read as follows:

§ 396.3 Inspection, repair, and maintenance.

* * * * *

(b) * * *

(1) An identification of the vehicle including company number, if so marked, make, serial number, and year. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;

* * * * *

PART 399—EMPLOYEE SAFETY AND HEALTH STANDARDS

27. The authority citation for part 399 continues to read as follows:

Authority: 49 U.S.C. 31502; and 49 CFR 1.87.

28. Amend § 399.205 by revising the definition for “Person” to read as follows:

§ 399.205 Definitions.

* * * * *

Person, as used in this part, means:

(1) Any individual within the 5th percentile female adult through the 95th percentile male adult of anthropometric measures as described by *Weight, Height and Selected Body Dimensions of Adults, United States 1960-1962*.

(2) Vital and Health Statistics; Series 11, No. 8 (6/65), *Weight, Height and Selected Body Dimensions of Adults, United States 1960-1962*, issued June 1965 (first

issued in Public Health Service publication No. 1000, then reprinted DHEW publication No. (HRA) 76-1074), is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 5.1. This material is available for inspection at FMCSA and at the National Archives and Records Administration (NARA). Contact FMCSA at the Department of Transportation Library, 1200 New Jersey Avenue S.E., Washington, D.C. 20509; (202) 366-0746; website: <https://transportation.libanswers.com>. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. You may also obtain the material electronically from the U.S. Centers for Disease Control and Prevention, phone: (800) 232-4636; website: www.cdc.gov/cdc-info/forms/contact-us.html. Download the material at www.cdc.gov/nchs/data/series/sr_11/sr11_008.pdf.

* * * * *

Issued under authority delegated in 49 CFR 1.87.

Derek D. Barrs,
Administrator.

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