

“Locations of regional offices of motor carriers” to reflect this name change.

*General Exemptions (Section 391.2); Disqualification of Drivers (Section 391.15)*

Section 391.2(c) contains a general exemption from the rules in part 391 for certain farm vehicle drivers. This general exemption does not apply to a farm vehicle driver of an articulated (combination) motor vehicle that has a gross weight, including load, of more than 10,000 pounds. This exception to the general exemption requires a technical correction. The jurisdiction of the FHWA depends on the gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR), not the gross weight, of a motor vehicle. Section 391.2(c) is being amended to state that the rules in part 391 do not apply to a farm vehicle driver except a farm vehicle driver who drives an articulated (combination) “commercial motor vehicle.” A GVWR or GCWR of 10,001 or more pounds is included in the definition of a *commercial motor vehicle* in § 390.5.

The citation for the Hazardous Materials Transportation Act in §§ 391.2(d)(4) and 391.15(d)(2)(iv) is obsolete because 49 U.S.C. app. 1801–1813 were recodified at 49 U.S.C. 5101 *et seq.* These references are being amended.

*Qualifications of Drivers (Section 391.11)*

Section 391.11(b)(7) requires a commercial motor vehicle driver to have a currently valid commercial motor vehicle operator's license issued only from one State or jurisdiction. It contains an exception not effective after December 31, 1989. Since this date has passed, the exception is obsolete and is being removed.

*Disqualification of Drivers (Section 391.15); Physical Qualifications for Drivers (Section 391.41); Drugs and Other Substances (Section 392.4)*

The footnotes to §§ 391.15(c)(2)(ii) and (iii), 391.41(b)(12), and 392.4(a)(1) mention that a list of Schedule I drugs and other substances can be obtained by writing the “Director, Office of Motor Carrier Standards” or a “Regional Office of Motor Carrier and Highway Safety of the Federal Highway Administration.” The current names for these offices are the “Office of Motor Carrier Research and Standards” and “Regional Office of Motor Carriers of the Federal Highway Administration,” respectively, and the footnotes are being changed accordingly.

*Examinations and Tests; Subpart D Heading (Part 391)*

The heading of subpart D of part 391 requires a technical correction. The FHWA published a final rule, “Removal of Obsolete and Redundant Regulations and Appendices,” on November 23, 1994, which removed the requirements related to the written examination, §§ 391.35 and 391.37. Subpart D of part 391 now contains only the requirements related to the road test, §§ 391.31 and 391.33. Therefore, the heading of subpart D of part 391 is being changed to read “Tests.”

*Medical Examination; Certificate of Physical Examination (Section 391.43)*

Section 391.43(g) contains the mandatory form for a medical examiner's certificate. Previous forms are allowed to be used until depleted, but no later than November 8, 1994, provided the medical examiner writes down all required information. Since this date has passed, this provision in § 391.43(g) is obsolete and is being removed.

*Resolution of Conflicts of Medical Evaluation (Section 391.47)*

The term “Director” referred to in § 391.47(c) through (f) is the Director of the Bureau of Motor Carrier Safety, a position that no longer exists. Determinations of a driver's medical qualification in cases of conflicting medical evaluations are now made by the Director, Office of Motor Carrier Research and Standards. All references to “Director” in § 391.47 have been replaced with “Director, Office of Motor Carrier Research and Standards.”

*Drivers of Articulated (Combination) Farm Vehicles (Section 391.67)*

Section 391.67(d) exempts a farm vehicle driver who is at least 18 years old and operates an articulated commercial motor vehicle from the requirements to be medically examined and to have a medical examiner's certificate on his/her person until January 1, 1973. Since this date has passed, § 391.67(d) is obsolete and is being removed.

*Private Motor Carriers of Passengers (Nonbusiness) (Section 391.68)*

Section 391.68(b) exempts a private motor carrier of passengers (business) driver from the rules in part 391 relating to road tests (subpart D). This exemption is in a section which should only contain exemptions for private motor carriers of passengers (nonbusiness). It is also redundant because § 391.73 exempts private motor carriers of passengers (business) from

the road test requirements. Therefore, § 391.68 is being amended by removing the paragraph (a) designation, redesignating paragraphs (a)(1) through (a)(6) to read as (a) through (f), respectively, and removing paragraph (b).

*Definitions (Section 395.2)*

The FHWA published a final rule, “Removal of Obsolete and Redundant Regulations and Appendices,” on November 23, 1994, which removed paragraph (6) and redesignated paragraphs (7) through (9) of the definition of *On duty time* in § 395.2 as paragraphs (6) through (8), respectively [59 FR 60319, at 60323]. Paragraph (10) of the definition of *On duty time* was not appropriately redesignated as paragraph (9). The definition of *On duty time* is being amended accordingly.

*Maximum Driving and On-duty Time (Section 395.3)*

The title of § 395.3 requires a technical correction. Section 395.3(b) formerly stated that no driver shall be on duty in excess of 60 hours in any period of 7 consecutive days or 70 hours in any period of 8 consecutive days (except driver salespersons). The FHWA published a final rule on October 30, 1987, which amended § 395.3(b) to allow a driver to perform nondriving duties after reaching 60 hours of on duty time in 7 consecutive days or 70 hours of on duty time in 8 consecutive days, but prohibited a driver to drive a commercial motor vehicle after reaching this limit [52 FR 41718, at 41721]. The FMCSRs no longer limit how long a driver may remain on duty. The title of § 395.3 is being changed to read “Maximum Driving Time” to reflect this amendment.

The FMCSRs have always prohibited a motor carrier from permitting or requiring a driver to violate the hours of service regulations. In addition, the FMCSRs previously prohibited a driver from violating the hours of service regulations. The latter prohibition was inadvertently omitted when § 395.3 was amended on July 30, 1992 [57 FR 33638, at 33649]. The FHWA is therefore amending § 395.3(b) to make it clear that a driver is personally prohibited from driving a commercial motor vehicle after having been on duty 60 hours in any 7 consecutive days or 70 hours in any 8 consecutive days.

*Driver's Record of Duty Status (Section 395.8)*

The references in § 395.8(h) (2), (3), and (4) to § 395.2 (f), (b), and (a), respectively, are obsolete. Section 395.8(h) (2), (3), and (4) should refer to