

**§§ 325.13, 388.5, and Appendix B**  
**[Amended]**

5. In the list below, for each section indicated in the left column, remove the title indicated in the middle column wherever it appears in the section, and add the title indicated in the right column:

Section	Remove	Add
325.13(d)(3)	Bureau of Motor Carrier Safety.	Office of Motor Carriers.
388.5(a) .....	Bureau of Motor Carrier Safety.	Office of Motor Carriers.
Appendix B to Subchapter B, paragraph 3.	Bureau of Motor Carrier Safety (BMCS).	Office of Motor Carriers.

6. Section 325.93 is amended by revising paragraph (b) to read as follows:

**§ 325.93 Tires.**

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(b) Paragraph (a) of this section does not apply to a motor vehicle operated on a tire having a tread pattern of the type specified in that paragraph, if the motor carrier who operates the motor vehicle demonstrates to the satisfaction of the Associate Administrator for Motor Carriers or his/her designee that either—

(1) The tire did not have that type of tread pattern when it was originally manufactured or newly remanufactured; or

(2) The motor vehicle generates a maximum sound level reading of 90 dB(A) or less when measured at a standard test site for highway operations at a distance of 15.3 meters (50 feet) and under the following conditions:

(i) The measurement must be made at a time and place and under conditions specified by the Associate Administrator or his/her designee.

(ii) The motor vehicle must be operated on the same tires that were installed on it when the inspection specified in paragraph (a) of this section occurred.

(iii) The motor vehicle must be operated on a highway having a posted speed limit of more than 56.3 kph (35 mph).

(iv) The sound level measurement must be made while the motor vehicle is operating at the posted speed limit.

**PART 350—[AMENDED]**

7. The authority citation for part 350 is revised to read as follows:

**Authority:** 49 U.S.C. 31101–31104, 31108, 31136, 31140–31141, 31161, 31310–31311, 31502; and 49 CFR 1.48.

8. In part 350, appendix C, paragraph 3(e) is revised to read as follows:

**Appendix C to Part 350—Tolerance Guidelines for Adopting Compatible State Rules and Regulations**

\* \* \* \* \*

3. Tolerance Guidelines for State Rules and Regulations Where the U.S. Department of Transportation Regulations do not Apply

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(e) Regulatory exemptions based on the distance a motor carrier or driver operates from their home terminal are not deemed to be compatible. This prohibition does not apply to those exemptions already contained in the Federal Motor Carrier Safety Regulations nor to the extension of the mileage radius exemption contained in 49 CFR 395.1(e) from 100 to 150 miles.

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9. Section 350.3 is amended by revising the definition for *Motor carrier* to read as follows:

**§ 350.3 Definitions.**

\* \* \* \* \*

*Motor carrier* has the same meaning such term has in § 390.5.

\* \* \* \* \*

**PART 382—[AMENDED]**

10. The authority citation for part 382 is revised to read as follows:

**Authority:** 49 U.S.C. 31133, 31136, 31301 et seq., 31502; and 49 CFR 1.48.

**PART 385—[AMENDED]**

11. The authority citation for part 385 is revised to read as follows:

**Authority:** 49 U.S.C. 104, 504, 521(b)(5)(A), 5113, 31136, 31144, 31502; and 49 CFR 1.48.

**§ 385.23 [Amended]**

12. Section 385.23 is amended by removing the reference “§ 385.23” and replacing it with “§ 385.21.”

**PART 387—[AMENDED]**

13. The authority citation for part 387 is revised to read as follows:

**Authority:** 49 U.S.C. 31138 and 31139; and 49 CFR 1.48.

**§ 387.31 [Amended]**

14. Section 387.31 is amended by removing paragraph (b)(3)(i) and redesignating paragraphs (b)(3) (ii) and (iii) as paragraphs (b)(3) (i) and (ii), respectively.

**PART 390—[AMENDED]**

15. The authority citation for Part 390 is revised to read as follows:

**Authority:** 49 U.S.C. 5901–5907, 31132, 31133, 31136, 31502, and 31504; and 49 CFR 1.48.

16. Section 390.5 is amended by revising paragraph (1)(iii) of the definition of *Accident*; by replacing the word “vehicle” with “motor vehicle” in two places in the definition of *Charter transportation of passengers*; by replacing the word “vehicle” with “motor vehicle” in four places in the definition of *Commercial motor vehicle* except in the phrase “gross vehicle weight rating”; by replacing the words “wheels of the vehicle” with “wheels of the motor vehicle” in the definition of *Driveaway-towaway operation*; by replacing the word “vehicles” with “motor vehicles” in paragraph (2) of the definition of *Emergency*; by replacing the word “vehicle” with “commercial motor vehicle” and replacing the reference “§ 390.3(g)” with “§ 391.2(d)” in the definition of *Exempt intracity zone*; by replacing the words “vehicle” and “motor vehicle” with “commercial motor vehicle” in four places in the definition of *Farm-to-market agricultural transportation*; by replacing the words “vehicle” and “motor vehicle” with “commercial motor vehicle” in two places in the definition of *Farm vehicle driver*; by replacing the word “vehicle” with “motor vehicle” in the definition of *Gross combination weight rating*; by replacing the words “single vehicle” with “single motor vehicle” in the definition of *Gross vehicle weight rating*; by replacing the words “transport vehicle” with “transport motor vehicle” in the definition of *Hazardous substance*; by replacing the word “vehicle” with “commercial motor vehicle” in two places in the definition of *Radar detector*; by replacing the words “towing unit” and “towing vehicle” with “towing motor vehicle” in four places in the definition of *Trailer*; by replacing the word “motor vehicle” with “commercial motor vehicle” in the definition of *Truck*; by replacing the word “motor vehicle” with “commercial motor vehicle” in the definition of *Truck tractor*. Section 390.5 is further amended by revising the definition of *Employee* and the definition of *Principal place of business* to read as follows:

**§ 390.5 Definitions.**

\* \* \* \* \*

*Accident* means—

(1) \* \* \*

(iii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the