

COMMONWEALTH OF VIRGINIA  
MOTOR CARRIER SAFETY LAW COMPILATION

BY

Alan K. Caudell  
Graduate Legal Assistant

and

Elizabeth R. Gold  
Research Scientist Trainee

A report by the Virginia Highway and Transportation  
Research Council as research staff for the  
Motor Carrier Safety Committee

Virginia Highway and Transportation Research Council  
(A Cooperative Organization Sponsored Jointly by the Virginia  
Department of Highways and Transportation and  
the University of Virginia)

Charlottesville, Virginia

April 1985  
VHTRC 85-R31

# MOTOR CARRIER SAFETY COMMITTEE

W. A. MCFARLANE, Co-Chairman, Deputy Attorney General  
J. T. HANNA, Co-Chairman, Deputy Commissioner for Transportation Safety,  
Division of Motor Vehicles  
C. A. ABERNATHY, Department of Highways and Transportation  
P. D. BENNETT, Highway Users Association  
C. R. BRICE, Bureau of Radiological Health, Department of Health  
J. L. BUTNER, Department of Highways and Transportation  
R. A. BYNUM, Pupil Transportation Services, Department of Education  
J. D. CAMPBELL, Director of Intergovernmental Affairs, Virginia  
Municipal League  
D. P. CHANCE, Pollution Response Program, State Water Control Board  
B. E. CHISHOLM, JR., Lieutenant, Safety Division, Department of State  
Police  
F. A. CHERRY, JR., ESQ., Randolph, Boyd, Cherry & Vaughan  
C. F. CLARK, Driver Services Administrator, Division of Motor Vehicles  
A. W. COATES, JR., Deputy Secretary of Transportation  
W. E. DOUGLAS, Director, Planning and Program Development, Division of  
Motor Vehicles  
W. S. FULCHER, Director, Motor Carrier Division, State Corporation  
Commission  
P. A. GILL, Hazardous Materials Control, Seaboard Coast Line Industries  
W. F. GILLEY, Director, Division of Solid and Hazardous Waste  
Management, Department of Health  
S. E. GRAINER, Assistant Training Officer, Department of Emergency  
Services  
H. B. KEYS, JR., Department of Highways and Transportation  
R. W. JOHNSON, Vehicle Services Administrator, Division of Motor  
Vehicles  
A. C. MCNEER, Bureau of Radiological Health, Department of Health  
N. S. MCTAGUE, Director, Program Development, Evaluation and Training,  
Department of Emergency Services  
S. L. MORSE, Division of Solid and Hazardous Waste Management,  
Department of Health  
W. H. OHAR, Assistant Attorney General  
P. A. O'HARE, Senior Assistant Attorney General  
L. A. PAVLINSKI, Citizen Member  
C. M. ROBINSON, Major, Department of State Police  
J. W. SMITHERS, JR., Senior Assistant Attorney General  
J. A. SPENCER, Assistant Attorney General  
T. W. STONE, Bureau of Radiological Health, Department of Health  
R. B. STROUBE, Bureau of Chronic Disease Control, Department of Health  
S. R. WELLS, Virginia Power Co.  
W. B. WINGO, Virginia Railway Association

COMMONWEALTH OF VIRGINIA  
MOTOR CARRIER SAFETY LAW COMPILATION

BY

Alan K. Caudell  
Graduate Legal Assistant

and

Elizabeth R. Gold  
Research Scientist Trainee

INTRODUCTION

On October 11, 1984, Congress passed the Motor Carrier Safety Act of 1984 [the Act], Pub. L. 98-554, 98 Stat. 2829, which was signed into law by the President on October 30, 1984. Pursuant to section 207(c) of the Act, the Federal Highway Administration issued initial guidelines on January 10, 1985, calling for the submission by states of compilations and analyses of state laws and regulations pertaining to commercial motor vehicle safety on or before April 30, 1985. State laws and analyses will be reviewed by the Commercial Motor Vehicle Safety Regulatory Review Panel [Safety Panel] established under section 209 of the Act. The Safety Panel will determine which laws or regulations pertain to commercial motor vehicle safety and will evaluate the stringency of state laws and regulations relative to Federal Regulations. Upon notification by the Safety Panel of its determinations, the U. S. Secretary of Transportation will initiate rulemaking to determine which state laws and regulations may remain in effect after October 30, 1989.

This report has been prepared on behalf of Virginia's Motor Carrier Safety Committee for submission to the U. S. Secretary of Transportation by April 30, 1985 and for state use in preparing such future analyses as may be requested by the Safety Panel once it is formed. With the valuable help of the various state agencies and under the guidance of the Office of the Attorney General, the research staff has surveyed the Code of Virginia, state regulations, and local ordinances to compile those provisions pertaining to commercial motor vehicle safety. Specific areas reviewed are detailed in the Methodology section preceding the compilation.

## PURPOSE

The purpose of this report is to comply with the requirements of the Motor Carrier Safety Act of 1984 and its attendant guidelines. In so doing, Virginia seeks to further the purposes of that Act: to promote the safe operation of commercial motor vehicles, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with commercial motor vehicle safety and health rules and regulations. Virginia recognizes that improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would increase compliance with both state and federal laws and regulations and would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations.

## METHODOLOGY

### Scope

The following methodology was used in compiling the submission of Virginia provisions relating to the Federal Motor Carrier Safety Regulations (FMCSR) and commercial motor vehicle safety:

1. Generally - The Code of Virginia has no integrated section dealing exclusively with commercial motor vehicles. Most of Virginia's traffic, equipment, and safety provisions have an impact on all motor vehicles and are not uniquely applicable to motor carriers. These have generally been assumed to fall within the Guideline B(2) exclusion of "vehicle traffic laws unless they are unique in their applicability to commercial motor vehicles", see 50 Federal Register 1244 (January 10, 1985), and have, therefore, not been submitted. We have also excluded any provision not specifically restricting a commercial motor vehicle as that term is defined by the Motor Carrier Safety Act of 1984. Generally, we have included all Virginia statutes, regulations, ordinances, etc., which refer by their terms to any vehicle qualifying as a commercial motor vehicle. We have also included some provisions whose common sense purpose substantially impacts on commercial motor vehicle safety, though they may be applicable by their terms to all vehicles.
2. Hazardous Materials - Virginia has adopted by reference, through regulations of the Board of Health, Parts 390-397 of

the FMCSR and made them applicable to all vehicles transporting hazardous materials.

3. State Corporation Commission (SCC) - The SCC is the Virginia agency which regulates intrastate commerce. Statutes and regulations relating to, or promulgated by, the SCC were not included. All SCC provisions which could arguably relate to vehicle safety apply only to vehicles in intrastate commerce. State laws or regulations strictly applicable to intrastate commerce are not included in this review.
4. School Buses - Virginia provisions applicable to school buses were excluded from this compilation. School buses transporting school children to and from school events are currently exempt from the FMCSR and were not included in the definition of "commercial motor vehicle" used by the Congress in the Motor Carrier Safety Act of 1984. We see no authority for a review of school bus provisions and, therefore, omit them from this draft. If in the future, school bus provisions are included in the review authorized by the Act, Virginia reserves the right to submit its regulations at that time.
5. Enabling Statutes - These were excluded as non-restrictive in nature, with no impact on commercial motor vehicles. All regulations or ordinances actually enacted were reviewed and those applicable to commercial motor vehicles are included.
6. Definitions - State definitional statutes were included opposite the nearest counterpart in Part 390 of the FMCSR.
7. Size and Weight - Guideline B(1) excludes "vehicle size and weight laws" from review. See 50 Federal Register 1244 (January 10, 1985). Truck routing laws are generally omitted as size and weight restrictions, though tunnel restrictions and others with a clear safety purpose are included as appropriate.
8. International Registration Plan - Code sections and regulations relating to the International Registration Plan were omitted as "licensing or permit laws" with an economic purpose. See Guideline B(3), 50 Federal Register 1244 (January 10, 1985).
9. Emission Control Standards - State Air Pollution Control Board regulations relating to emission standards were omitted. These were characterized as outside the scope of commercial motor vehicle safety regulation.

10. Supplementary Submission - Due to the short working period allowed between the February 15 Letter to the Governors and the April 30 deadline, some information is still being compiled and will be submitted as soon as possible. Each Virginia locality was contacted and requested to review its local ordinances. Responses received by early April are included in this compilation, but many are still being received. Those applicable will be forwarded as soon as possible. Regulations from Virginia's Department of Agriculture and the Safety and Health Codes Commission are still being reviewed and will be included in this supplement. The acts of the 1985 General Assembly will also be reviewed as soon as they become available.

Materials Submitted by Agencies:  
Rules, Regulations, Manuals Reviewed

A. Department of Motor Vehicles

International Registration Plan - Va. Rules and Regulations -  
Oct. 1980

International Registration Plan with Official Commentary -  
Revised, 2/18/85

Virginia Driver Improvement Act - Rules and Regulations -  
May 1978

Privacy Protection Act

Driver Licensing Guide

Virginia Reciprocity Agreements

Overload Permit Regulations

B. Department of State Police

Transportation of Hazardous Materials - Operations Manual

Virginia Official Inspection Manual

C. Virginia Milk Commission

Virginia Milk Commission Law

State Milk Commission Rules and Regulations - Oct. 1984

D. Department of Education

Regulations Governing Pupil Transportation, including Minimum  
Standards for School Buses in Virginia - Sept. 1981

E. State Air Pollution Control Board

Regulations for the Control and Abatement of Air Pollution -  
Jan. 1, 1985

F. Virginia State Board of Health

Regulations Governing the Transportation of Hazardous  
Materials - Sept. 1984

Regulations Applicable to Transporters of Hazardous Waste

Transportation of Hazardous Radioactive Materials

Rules and Regulations Governing Emergency Medical Services  
(received but not incorporated into this draft)

G. Department of Alcoholic Beverage Control

Alcoholic Beverage Control Act

Mixed Beverage Laws

3.2 Beverage Laws of Virginia

Beer Franchise Act

1984 Supplement

Regulations of the Virginia Alcoholic Beverage Control  
Commission - Oct. 1984

H. Department of Highways and Transportation

Size, Weight, Equipment and Other Requirements for Trucks,  
Trailers and Towed Vehicles

Chesapeake Bay Bridge Tunnel Rules and Regs. (also applicable  
to Hampton Roads Bridge-Tunnel and Elizabeth River Tunnel)

Routes 17 and 15 Tractor Trailer Restrictions

Capital Beltway Lane Restriction

Route 50 (inside Beltway) Weight Restriction

Route 52 Through Truck Restriction

Hampton Roads Tunnel Regulation

Big Walker and East River Tunnels Regulations

Designated and access system of highways for longer and wider  
commercial vehicles - mandated under Surface Transportation  
Assistance Act of 1982.



Localities Completing Local Ordinance Review\*

Counties

Accomack  
Albemarle  
Augusta  
Craig  
Cumberland  
Culpeper  
Fauquier  
Greensville  
Henrico  
Highland  
King & Queen  
Lancaster  
Lunenburg  
Mecklenburg  
New Kent  
Prince Edward  
Pulaski  
Russell  
Scott  
Shenandoah  
Smyth  
Westmoreland  
Wythe  
York

Cities

Alexandria  
Buena Vista  
Chesapeake  
Clifton Forge  
Colonial Heights  
Danville  
Fairfax  
Falls Church  
Franklin  
Galax  
Hampton  
Harrisonburg  
Lexington  
Lynchburg  
Manassas  
Manassas Park  
Martinsville

Newport News  
Norfolk  
Norton  
Poquoson  
Portsmouth  
Richmond  
Roanoke  
Salem  
South Boston  
Staunton  
Suffolk  
Virginia Beach  
Williamsburg

Towns

Abingdon  
Amherst  
Ashland  
Belle Haven  
Blacksburg  
Boydton  
Broadway  
Brookneal  
Cape Charles  
Chatham  
Chincoteague  
Christiansburg  
Clinchport  
Clover  
Culpeper  
Dendron  
Exmore  
Fincastle  
Fries  
Front Royal  
Gate City  
Glasgow  
Goshen  
Gretna  
Halifax  
Haymarket  
Honaker  
Kilmarnock  
La Crosse  
Leesburg  
Luray  
McKenney

Marion  
Melfa  
Middletown  
Mineral  
Monterey  
Mount Crawford  
Narrows  
Pamplin  
Pearisburg  
Pembroke  
Pennington Gap  
Remington  
Rich Creek  
Ridgeway  
Rocky Mount  
Round Hill  
Shenandoah  
Smithfield  
Stephens City  
Tangier  
The Plains  
Timberville  
Victoria  
Vienna  
Wakefield  
Warrenton  
Warsaw

\*Localities were requested to forward the results of their review by April 15. Those responding by April 25 are included in this draft.



## ACKNOWLEDGEMENTS

The authors wish to give special credit to Mrs. Jean Vanderberry, whose hard work on both the drafts and the final version of this report made it possible for the state to meet a very short deadline for submission. We also wish to recognize the efforts of Charles B. Stoke of the Research Council who served both as a technical adviser and supervised report preparation. Also acknowledged are W. S. Ferguson, safety group leader; H. T. Craft, Council editor; Toni Thompson, group secretary; and the other members of the Research Council staff who contributed to the project. Special thanks are due Mr. Walter H. Ohar, Assistant Attorney General, who helped make many decisions essential to the project and acted as our supervisor and liaison with the Attorney General's Office and the Department of Highways and Transportation. Lt. B. E. Chisholm, Jr. of the Department of State Police and the motor carrier safety officers under his supervision were especially helpful in reviewing Virginia's motor carrier safety provisions from an enforcement perspective. The preparers also appreciate the cooperation of the various state agencies which submitted regulations for review and the localities which participated in our review of local ordinances.



# INTERSTATE COMMERCIAL MOTOR VEHICLE

## Virginia Safety Law Compilation

FMCSR Citation	Laws of Virginia Citation
PART 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL	STATE LAWS, RULES, REGULATIONS, AND ORDINANCES
Subpart A - Definitions	
[1]§390.1 Motor vehicle.	[1]§46.1-1(15). Motor vehicle.
[2]§390.2 Vehicle.	[2]§46.1-1(34). Vehicle.
[3]§390.3 Bus.	[3]§46.1-563. Certain ride sharing vehicles are not commercial vehicles or buses.
[4]§390.4 Truck.	[4]§46.1-1(39). Truck.
[5]§390.5 Truck tractor.	[5]§46.1-1(32). Tractor truck. [5]§46.1-1(25). Road tractor.
[6]§390.6 Semitrailer.	[6]§46.1-1(27). Semitrailer.
[7]§390.7 Full trailer.	[7]§46.1-1(33). Trailer.
[8]§390.8 Pole trailer.	
[9]§390.9 Driveaway-towaway operation.	[9]§46.1-335. Vehicles having more than one trailer, etc., attached thereto.
[10]§390.10 Gross weight.	[10]§46.1-161. Definition of "gross weight".
[11]§390.11 Driver.	[11]§46.1-1(17). Operator.
[12]§390.12 Business district.	[12]§46.1-1(1). Business district.
[13]§390.13 Residence district.	[13]§46.1-1(24). Residence district.
[14]§390.15 Motor carrier.	[14]§46.1-1(35). Operation or use for rent or for hire. [14]§46.1-1(36). Truck lessor.

[15]§390.16 Exempt intracity  
operation.

[16]§390.17 Lightweight vehicle.

[16]§46.1-1(20a). Pickup or panel truck.

Subpart B - General

[1]§390.28 Other terms.

[2]§390.30 State and local laws,  
effect on.

[3]§390.31 Vehicles used for  
purposes other than as defined.

[4]§390.32 Motor carrier to  
require observance of driver  
regulations.

[5]§390.33 Applicability of  
regulations.

[6]§390.40 Locations for filing  
accident reports and  
notifications.

[7]§390.45 Photographic copies of  
records or documents.

PART 391 - QUALIFICATIONS OF DRIVERS

Subpart A - General

[1]§391.1 Scope of the rules in this  
part; additional qualifications;  
duties of carrier-drivers.

[2]§391.2 General exemptions.

[2]§46.1-1(18a). Passenger car.

[2]§46.1-352. Licenses not required  
for operating road roller, farm  
tractor, etc.



---

	[2]§46.1-45. Exemption of motor vehicles, tractors, etc., used for agricultural, horticultural, mining, etc., purposes.
[3]§391.3 Definitions.	
[4]§391.5 Familiarity with rules.	
[5]§391.7 Aiding or abetting violations.	
Subpart B - Qualification and Disqualification of Drivers.	
[1]§391.11 Qualifications of drivers.	[1]§46.1-170. Age limits for drivers of public passenger-carrying vehicles.
	[1]§46.1-373. Division to issue licenses; endorsements authorizing operation of certain vehicles.
[2]§391.15 Disqualification of drivers.	[2]§46.1-424. Suspension of license for certain violations while transporting explosives, etc.
Subpart C - Background and Character	
[1]§391.21 Application for employment.	
[2]§391.23 Investigation and inquiries.	
[3]§391.27 Record of violations.	
Subpart D - Examination and Tests	
[1]§391.31 Road test.	[1]§46.1-369. Examination of applicants.

---

FMCSR Citation

---

Laws of Virginia Citation

---

[2]§391.33 Equivalent of road test.

[2]§46.1-369. Examination of applicants.

[2]§46.1-373. Division to issue license; endorsements authorizing operation of certain vehicles.

[3]§391.35 Written examination.

[4]§391.37 Equivalent of written examination.

Subpart E - Physical Qualifications  
and Examinations

[1]§391.41 Physical qualifications for drivers.

[1]§46.1-357.2. Persons having defective vision; minimum standards of visual acuity and field of vision; tests of vision.

[2]§391.43 Medical examination; certificate of physical examination.

[3]§391.45 Persons who must be examined and medically certified.

[4]§391.47 Resolution of conflicts of medical evaluation.

[5]§391.49 Waiver of certain physical defects.

Subpart F - Files and Records

[1]§391.51 Driver qualification files.

Subpart G - Limited Exemptions

[1]§391.61 Drivers who were regularly employed before January 1, 1971.

- 
- [2]§391.62 Drivers of light weight vehicles.
- [3]§391.63 Intermittent, casual or occasional drivers.
- [4]§391.65 Drivers furnished by other motor carriers.
- [5]§391.67 Drivers of articulated farm vehicles.
- [6]§391.69 Drivers operating in Hawaii.
- [7]§391.71 Intrastate drivers of vehicles transporting combustible liquids.

PART 392 - DRIVING OF MOTOR VEHICLES

Subpart A - General

- [1]§392.1 Scope of the rules in this part.
- [2]§392.2 Applicable operating rules.
- [3]§392.3 Ill or fatigued operator.
- [4]§392.4 Drugs and other substances.
- [5]§392.5 Intoxicating beverage.
- [5]§4-74. Carrying alcoholic beverages in motor vehicle transporting passengers for hire.
- [6]§392.6 Schedules to conform with speed limits.
- [7]§392.7 Equipment, inspection and use.

FMCSR Citation	Laws of Virginia Citation
[8]§392.8 Emergency equipment, inspection and use.	[8]§46.1-255. Flares and other signals... §46.1-256. Same; when red reflector flares or red lanterns required. §46.1-257. Same; when red flags required.
[9]§392.9 Safe loading.	[9]§46.1-303. Construction, maintenance and loading must prevent escape of contents; Exemptions. [9]§46.1-304. Fastening load of logs, barrels, etc.
[10]§392.9a Corrective lenses to be worn.	
[11]§392.9b Hearing aid to be worn.	
Subpart B - Driving of Vehicles	
[1]§392.10 Railroad grade crossings; stopping required.	[1]§46.1-245. When drivers of certain vehicles to stop, look and listen at railway crossings,...
[2]§392.11 Railroad grade crossings; slowing down required.	
[3]§392.12 Drawbridges; stopping of buses.	
[4]§392.13 Drawbridges; slowing down of other vehicles.	
[5]§392.14 Hazardous conditions; extreme caution.	
[6]§392.15 Required and prohibited use of turn signals.	
[7]§392.16 Use of seat belts.	
[8]§392.18. Slow moving vehicles; hazard warning signal flashers.	[8]§46.1-211. Driver to give way to overtaking vehicle. [8]§46.1-299. Requirements of such devices; rules and regulations.

---

Subpart C - Stopped Vehicles

- |  |   |
|--|---|
| [1]§392.20 Unattended vehicles; precautions.                     |   |
| [2]§392.21 Stopped vehicles not to interfere with other traffic. |   |
| [3]§392.22 Emergency signals: stopped vehicles.                  | [3]§46.1-299. Requirement of such devices; rules and regulations.                   |
|  | [3]§46.1-255. Flares and other signals when vehicle disabled in highway after dark. |
|  | [3]§46.1-256. Same; when red reflector flares or red lanterns required.             |
|  | [3]§46.1-257. Same; when red flags required instead of flares, etc.                 |
| [4]§392.24 Emergency signals; flame-producing.                   |   |
| [5]§392.25 Emergency signals; dangerous cargoes.                 | [5]§46.1-256. Same; when red reflector flares or red lanterns required.             |

## Subpart D - Use of Lighted Lamps and Reflectors

- [1]§392.30 Lighted lamps; moving vehicles.
- [2]§392.31 Lighted lamps; stopped or parked vehicles.
- [3]§392.32 Upper and lower headlamp beams.
- [4]§392.33 Obscured lamps or reflectors.

## Subpart E - Accidents and License Revocation; Duties of Driver

- [1]§392.40 All accidents.

---

[2]§392.41 Striking unattended vehicle.

[3]§392.42 Notification of license revocation.

Subpart F - Fueling Precautions

[1]§392.50 Ignition of fuel; prevention.

[2]§392.51 Reserve fuel.

[3]§392.52 Buses; fueling.

Subpart G - Prohibited Practices

[1]§392.60 Unauthorized persons not to be transported.

[2]§392.61 Driving by unauthorized person.

[3]§392.62 Bus driver; distraction.

[4]§392.63 Towing or pushing loaded buses.

[5]§392.64 Riding within closed vehicles without proper exits.

[6]§392.65 Sleeper berth; transfer to and from.

[7]§392.66 Carbon monoxide; use of vehicle when detected.

[8]§392.67 Heater; flame-producing; on vehicle in motion.

[9]§392.68 Motive power not to be disengaged.

[9]§46.1-200. Coasting prohibited.

[10]§392.69 Sleeper berth,  
occupation.

PART 393 - PARTS AND ACCESSORIES  
NECESSARY FOR SAFE OPERATION

Subpart A - General

[1]§393.1 Scope of the rules in this  
part.

[2]§393.2 Additional equipment  
and accessories.

Subpart B - Lighting Devices,  
Reflectors, and Electrical Equipment

[1]§393.9 Lamps operable.

[2]§393.11 Lamps and reflectors,  
small buses and trucks.

[3]§393.12 Lamps and reflectors,  
large buses and trucks.

[4]§393.13 Lamps and reflectors,  
truck tractors.

[5]§393.14 Lamps and reflectors,  
large semi-trailers and full  
trailers.

[6]§393.15 Lamps and reflectors,  
small semi-trailers and full  
trailers.

[7]§393.16 Lamps and reflectors,  
Pole trailers.

[8]§393.17 Lamps and reflectors,  
combinations in driveway-towaway  
operation.

[2][3][4][5][6][7][8] (as applicable)  
§46.1-260. Head lamps on motor  
vehicles.  
§46.1-262. Rear lamps.  
6-1. Virginia Official Inspection  
Manual, State Police. Rear lamps.  
§46.1-262.1. Stop lamps.  
§46.1-265. Dimension or marker  
lights; generally.  
§46.1-265.1. Same; vehicles or  
loads exceeding thirty-five feet.  
9-1. Virginia Official Inspection  
Manual, State Police. Clearance  
lamps.  
§46.1-298. When signal device  
required;...  
§46.1-299. Requirements of such  
devices;...

FMCSR Citation	Laws of Virginia Citation
[9]§393.18 Lamps on motor vehicles with projecting loads.	[9]§46.1-300. Flag or light at end of load.
[10]§393.19 Requirements for turn signaling systems.	[10]§46.1-298. When signal devices required;... [10]§46.1-299. Requirements of such devices;...
[11]§393.20 Clearance lamps to indicate extreme width and height.	[11]§46.1-265. Dimension or marker lights; generally. [11]9.1 to 9.3. Virginia Official Inspection Manual, State Police.
[12]§393.22 Combination of lighting devices and reflectors.	[12]§46.1-265. Dimension or marker lights; generally.
[13]§393.23 Lighting devices to be electric.	
[14]§393.24 Requirements for head lamps and auxiliary road lighting lamps.	[14]§46.1-260. Head lamps on motor vehicles. [14]§46.1-267. Other permissible and required lights. [14]5-2 to 5-4. Virginia Official Inspection Manual, State Police. [14]§46.1-269. Requirements as to single-beam head lamps. [14]§46.1-270. Requirements as to multiple-beam head lamps.
[15]§393.25 Requirements for lamps other than head lamps.	[15]§46.1-262. Rear lamps. [15]§46.1-262.1 Stop lamps. [15]§46.1-265. Dimension or marker lights; generally. [15]§46.1-265.1. Same; vehicles or loads exceeding thirty-five feet.
[16]§393.26 Requirements for reflectors.	[16]§46.1-265. Dimension or marker lights; generally. [16]§46.1-265.1. Same; vehicles or loads exceeding thirty-five feet.
[17]§393.27 Wiring specifications.	
[18]§393.28 Wiring to be protected.	
[19]§393.29 Grounds.	



- [20]§393.30 Battery installation.
- [21]§393.31 Overload protective devices.
- [22]§393.32 Detachable electrical connections.
- [23]§393.33 Wiring, installation.

Subpart C - Brakes

- [1]§393.40 Required brake systems.
  - [2]§393.41 Parking Brake System.
  - [3]§393.42 Brakes required on all wheels.
  - [4]§393.43 Breakaway and emergency braking.
  - [5]§393.44 Front brake lines, protection.
  - [6]§393.45 Brake tubing and hose, adequacy.
  - [7]§393.46 Brake tubing and hose connections.
  - [8]§393.47 Brake lining.
  - [9]§393.48 Brakes to be operative.
  - [10]§393.49 Single valve to operate all brakes.
  - [11]§393.50 Reservoirs required.
  - [12]§393.51 Warning devices and gauges.
- [3]§46.1-280. Brakes on trailers.
  - [3]4-1. Virginia Official Inspection Manual, State Police.
  - [4]§46.1-280. Brakes on trailers.
  - [4]4-1. Virginia Official Inspection Manual, State Police.
  - [6][7][8] A-19.
  - Virginia Official Inspection Manual, State Police.

FMCSR Citation

Laws of Virginia Citation

[13]§393.52 Brake performance.

[13]§46.1-278. Within what distances  
brakes should stop vehicles.

[13]2-3. Virginia Official  
Inspection Manual, State Police.

Subpart D - Glazing and Window  
Construction

[1]§393.60 Glazing in specified  
openings.

[2]§393.61 Window construction.

[3]§393.62 Window obstructions.

[4]§393.63 Windows, markings.

Subpart E - Fuel Systems

[1]§393.65 All fuel systems.

[2]§393.67 Liquid fuel tanks.

[2]Virginia Air Pollution Control  
Board. Regs. 120-04-3703F.

[3]§393.69 Liquified petroleum gas  
systems.

Subpart F - Coupling Devices and  
Towing Methods

[1]§393.70 Coupling devices and  
towing methods, except for  
driveaway-towaway operations.

[1]§46.1-336. Connection between  
vehicles.

[1]§46.1-336.1. Tow dolly and  
converter gear.

[2]§393.71 Coupling devices and  
towing methods, driveaway-towaway  
operations.

---

Subpart G - Miscellaneous  
Parts and Accessories

---

- |  |   |
|--|---|
| [1]\$393.75 Tires.                           | [1]\$46.1-295.3. Depth of treads on tires.                  |
|  | [1]13-1. Virginia Official Inspection Manual, State Police. |
|  | [1]\$46.1-295.2. Regrooved or recut tires.                  |
| [2]\$393.76 Sleeper berths.                  |   |
| [3]\$393.77 Heaters.                         |   |
| [4]\$393.78 Windshield wipers.               |   |
| [5]\$393.79 Defrosting device.               |   |
| [6]\$393.80 Rear-vision mirrors.             |   |
| [7]\$393.81 Horn.                            |   |
| [8]\$393.82 Speedometer.                     |   |
| [9]\$393.83 Exhaust system location.         | [9]17-1. Virginia Official Inspection Manual, State Police. |
| [10]\$393.84 Floors.                         |   |
| [11]\$393.86 Rear end protection.            |   |
| [12]\$393.87 Flags on projecting loads.      | [12]\$46.1-300. Flag or light at end of load.               |
| [13]\$393.88 Television receivers.           |   |
| [14]\$393.89 Buses, driveshaft protection.   |   |
| [15]\$393.90 Buses, standee line or bar.     |   |
| [16]\$393.91 Buses, aisle seats prohibited.  |   |
| [17]\$393.92 Buses, marking emergency doors. |   |

[18]§393.93 Seats, seat belt assemblies, and seat belt assembly anchorages.

[19]§393.94 Vehicle interior noise levels.

#### Subpart H - Emergency Equipment

[1]§393.95 Emergency equipment on all power units.

[1]§46.1-255. Flares and other signals... §46.1-256. Same;... §46.1-257. Same;...

#### Subpart I - Protection Against Shifting or Falling Cargo

[1]§393.100 General rules for protection against shifting or falling cargo.

[1]§46.1-303. Construction, maintenance and loading must prevent escape of contents; exemptions.

[1]§46.1-304. Fastening load of logs, barrels, etc.

[2]§393.102 Securement systems.

[3]§393.104 Blocking and bracing.

[4]§393.106 Front-end structure.

#### PART 394 - NOTIFICATION AND REPORTING OF ACCIDENTS

[1]§394.1 Scope of the rules in this part.

[2]§394.3 Definition of "reportable accident".

[3]§394.5 Definition of "farm-to-market agricultural transportation."

[4]§394.7 Immediate notification of fatal accidents.

- [5]§394.9 Reporting of accidents.
- [6]§394.11 Notice of death after filing report.
- [7]§394.15 Assistance in investigations and special studies.
- [8]§394.20 Instructions for preparing accident reports.

PART 395 - HOURS OF SERVICE  
OF DRIVERS

- [1]§395.1 Compliance with, and knowledge of, the rules in this part.
- [2]§395.2 Definitions.
- [3]§395.3 Maximum driving and on-duty time.
- [3]§46.1-201. Driving more than thirteen hours in twenty-four prohibited.
- [4]§395.7 Travel time.
- [5]§395.8 Driver's record of duty status.
- [6]§395.10 Adverse driving conditions.
- [7]§395.11 Emergency conditions.
- [8]§395.12 Relief from regulations.
- [9]§395.13 Drivers declared out of service.

PART 396 - INSPECTION,  
REPAIR AND MAINTENANCE

- [1]§396.1 Scope.

FMCSR Citation	Laws of Virginia Citation
[2]§396.3 Inspection, repair, and maintenance.	[2]§46.1-315. Requirement of inspection;...
	[2]§46.1-315.2. Frequency of inspection.
	[2]§46.1-318. Official inspection stations; approval inspection stickers.
[3]§396.5 Lubrication.	
[4]§397.7 Unsafe operations forbidden.	
[5]§396.9 Inspection of motor vehicle in operation.	[5]§46.1-8. Stopping vehicles for inspection or to secure information.
	[5]§46.1-279.01. Removal of unsafe vehicles; penalty.
[6]§396.11 Driver vehicle inspection report(s).	
[7]§396.13 Driver inspection.	
[8]§396.15 Driveaway - towaway operations, inspection.	
PART 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES	
[1]§397.1-397.21 (All sections in this part.)	[1]Virginia has adopted (by regulation of the Board of Health) Parts 390-397 of the FMCSR by Reference to apply to all vehicles transporting hazardous materials: 3.00. Compliance with Federal Regulations. Regulations Governing the Transportation of Hazardous Materials. Appendix 7.4. Hazardous Waste Management Regulations. Virginia State Board of Health.

- [1]Regulations Applicable to Transporters of Hazardous Waste, 7.0.Virginia State Board of Health.
- [1]Regulations for Transportation of Hazardous Radioactive Materials. Virginia State Board of Health.
- [1]Rules and Regulations. Chesapeake Bay Bridge Tunnel, applicable also to Hampton Roads Bridge-Tunnel and Elizabeth River Tunnels. Virginia Department of Highways and Transportation.
- [1]Rules and Regulations governing the use of Big Walker Mountain Tunnel and East River Mountain Tunnel. Virginia Department of Highways and Transportation.
- [1]Stephens City Municipal Ordinance. Sec. 5-27, 5-28. Establishment of motor vehicle routes for vehicles transporting explosives, hazardous chemicals.

PART 398 - TRANSPORTATION OF  
MIGRANT WORKERS

- [1]§398.1 Definitions.
- [2]§398.2 Applicability.
- [3]§398.4 Qualifications of drivers or operators.
- [4]§398.4 Driving of motor vehicles.
- [5]§398.5 Parts and accessories necessary for safe operation.
- [6]§398.6 Hours of service of drivers; maximum driving time.
- [7]§398.7 Inspection and maintenance of motor vehicles.

[8]§398.8 Administration  
inspection of motor vehicles in  
operation.

PART 399 - EMPLOYEE SAFETY AND  
HEALTH STANDARDS

[1]§399.201 Purpose and Scope.

[2]§399.203 Applicability.

[3]§399.205 Definitions.

[4]§399.207 Truck and truck-  
tractor access requirements.

[5]§399.209 Test procedures.

[6]§399.211 Maintenance.



---

VIRGINIA LAWS WHICH ARE ADDITIONAL  
TO THE FMCSR

---

- [1]§46.1-284. Illegal sirens,  
whistles, etc.;...
- [2]§46.1-290. Rear fenders, flaps or  
guards required for certain motor  
vehicles.
- [3]§46.1-333. Extension of loads  
beyond front of vehicles.
- [4]§46.1-334. Extension of loads  
beyond line of fender or body.

## GEOGRAPHICALLY SPECIFIC PROVISIONS

- [5]Rules and Regulations, Chesapeake  
Bay Bridge Tunnel, Hampton Roads  
Bridge-Tunnel, Elizabeth River  
Tunnels, Big Walker Mountain  
Tunnel, East River Mountain  
Tunnel. Virginia Department of  
Highways and Transportation.
- [6]Truck lane restriction on Capital  
Beltway from Route 97 to Woodrow  
Wilson Bridge. Resolution.  
Virginia Department of Highways  
and Transportation.

Local Ordinances Relating to  
Parking on Highways, Roads

- [7]Town of Vinton. Ordinance Sec.  
22-31. Limitation on parking of  
certain trucks in residential  
districts. Ordinance Sec. 22-50.  
Parking or storing commercial  
trucks, boats, boat trailers or  
campers on residential lots.

[8]Town of Glasgow. Ordinance Sec. 10-40. No motor vehicle greater than 10,000 lbs or 30 feet or more shall park on streets except for loading and unloading.

[9]Town of Warrenton. Ordinance Sec. 14-19. Use of streets as bus terminal.

## SYNOPSSES OF FEDERAL AND VIRGINIA LAWS

The preceding sections of this report comprise the Motor Carrier Safety Law Compilation as submitted to the U. S. Secretary of Transportation on April 30, 1985 (the federal report). In the statement on scope, the decisions made in gathering and including state provisions for federal review are discussed and explained.

Appendix A, which follows, is an expansion of the federal report to include all state provisions with any relation to motor carrier safety, including some which do not presently fall within the scope of federal review as outlined by the initial guidelines to states promulgated by the FHWA (Appendix B). Each provision listed in Appendix A is followed by a brief synopsis of its effect. This expanded compilation will be a useful reference for committee members and others in performing the stringency analysis of these provisions as required by the Motor Carrier Safety Act of 1984 and its attendant guidelines.



APPENDIX A

FEDERAL AND VIRGINIA  
MOTOR CARRIER SAFETY REGULATIONS

(Including a Synopsis of each Code Section)



INTERSTATE COMMERCIAL MOTOR VEHICLE

Virginia Safety Law Compilation

FMCSR Citation	Laws of Virginia Citation
PART 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL	STATE LAWS, RULES, REGULATIONS, AND ORDINANCES
Subpart A - Definitions	
[1]§390.1 Motor vehicle. Any self-propelled or drawn vehicle. Exemptions: Vehicles on rails or trolley cars.	[1]§46.1-1(15). Motor vehicle. Every vehicle herein defined which is self-propelled and including (for purposes of Chp. 6) drawn vehicles.
[2]§390.2 Vehicle. Any conveyance of any type operated on the highways.	[2]§46.1-1(34). Vehicle. Every device in, upon, or by which persons or property may be transported on the highway. Exemptions: human power, vehicles on rails. (Mopeds and bicycles are vehicles for purposes of Chp. 4.)
[3]§390.3 Bus. Any vehicle used to transport passengers, including taxies.	[3]§46.1-563. Certain ridesharing vehicles are not commercial vehicles or buses. A ridesharing vehicle with a capacity for not more than 16 is not a bus or commercial vehicle.
[4]§390.4 Truck. Any self-propelled motor vehicle designed/used to transport property. (Motor Carrier Safety Act defines as 10,001 lbs or more).	[4]§46.1-1(39). Truck. Every motor vehicle designed to transport property on its own structure and having a gross weight in excess of 7,500 lbs.
[5]§390.5 Truck tractor. Self-propelled motor vehicle used for drawing other vehicles.	[5]§46.1-1(32). Tractor truck. Motor vehicle used to draw other vehicles. Carries only part of load. [5]§46.1-1(25). Road tractor. Motor vehicle used to draw other vehicles. Carries none of the load independently.

FMCSR Citation	Laws of Virginia Citation
[6]§390.6 Semitrailer. Motor vehicle designed to be drawn, part of the weight on the towing vehicle.	[6]§46.1-1(27). Semitrailer. Vehicle designed and used so part of its weight is on other vehicle.
[7]§390.7 Full trailer. Motor vehicle, with or without power, designed to be drawn.	[7]§46.1-1(33). Trailer. Vehicle without power designed to carry property or passengers on its own structure, and/or for being drawn.
[8]§390.8 Pole trailer.	
[9]§390.9 Driveaway-towaway operation.	[9]§46.1-335. Vehicles having more than one trailer, etc., attached thereto... No more than one trailer; exemption; saddlemount driveaway operation.
[10]§390.10 Gross weight.	[10]§46.1-161. Definition of "gross weight". (As used for registration fees). Aggregate of vehicle(s) and load.
[11]§390.11 Driver. One who drives vehicle.	[11]§46.1-1(17). Operator. One who drives or is in physical control of vehicle, or is steering towed vehicle.
[12]§390.12 Business district. Territory contiguous to highway, within 600 feet, occupied by business or industry.	[12]§46.1-1(1). Business district. Territory contiguous to highway, 300 feet on either side, 75% of which is used and operated for business purposes.
[13]§390.13 Residence district. Territory contiguous to highway for distance of 300 feet, not a business district, having residences and businesses.	[13]§46.1-1(24). Residence district. Territory contiguous to highway, for distance of 300 feet, not a business district, having dwellings and businesses.
[14]§390.15 Motor carrier. Includes common carrier by vehicle, contract carrier and private carrier of property by vehicle.	[14]§46.1-1(35). Operation or use for rent or for hire. Transportation of property or passengers by owner of vehicle who receives compensation.



- 
- |  |  |
|--|--|
|  | [14]§46.1-1(36). Truck lessor. Title holder of leased vehicle or semitrailer, but not §56-273(d) common carrier, §56-273(e) restricted common carrier, or §56-273(f) contract carrier. |
| [15]§390.16 Exempt intracity operation.              |  |
| [16]§390.17 Lightweight vehicle. 10,000 lbs or less. | [16]§46.1-1(20a). Pickup or panel truck. Vehicle, weighing 7,500 lbs or less, designed for transportation of property.   |
- Subpart B - General
- |   |   |
|---|---|
| [1]§390.28 Other terms.   |   |
| [2]§390.30 State and local laws, effect on.   |   |
| [3]§390.31 Vehicles used for purposes other than as defined.  |   |
| [4]§390.32 Motor carrier to require observance of driver regulations.   |   |
| [5]§390.33 Applicability of regulations.  |   |
| [6]§390.40 Locations for filing accident reports and notifications. Director, Office of Motor Carrier and Highway Safety. | [6]§46.1-176(c). Duty of driver to stop, etc., in event of accident;... Driver must report to police, accident he is involved in which kills or injures, or damages property. |
|   | [6]§46.1-399. Driver to give immediate notice of certain accidents. Driver must notify trooper, sheriff, or police of accident involving death, injury in municipality.       |

- 
- [6]§46.1-400. Driver to make written report of certain accidents...  
Written report to Division within 5 days if injury, death, \$500 or more damage.
- [7]§390.45 Photographic copies of records or documents.
- PART 391 - QUALIFICATIONS OF DRIVERS
- Subpart A - General
- [1]§391.1 Scope of the rules in this part; additional qualifications; duties of carrier-drivers.
- [2]§391.2 General exemptions.  
(b)Passenger car operations.  
Seating capacity of 10 or less, not transporting for hire, not carrying hazardous materials.
- [3]§391.2 General exemptions.  
(c)Certain farm vehicle drivers exempted from rules if vehicle not articulated and 10,000 lbs or less.
- [4]§391.3 Definitions.
- [5]§391.5 Familiarity with rules.
- [6]§391.7 Aiding or abetting violations.
- [2]§46.1-1(18a). Passenger car.  
Vehicle transporting 10 or less, not a motorcycle.
- [3]§46.1-352. Licenses not required for operating road roller, farm tractor, etc. No license required for farm machinery, vehicles.
- [3]§46.1-45. Exemption of motor vehicles, tractors, etc., used for agricultural, horticultural, mining, etc., purposes. No license, registration, decals, required for certain vehicles; includes farm machinery and tractors. Note limited highway use.

---

Subpart B - Qualification and  
Disqualification of Drivers.

- |   |   |
|---|---|
| <p>[1]§391.11 Qualifications of drivers. (b)(1) Must be 21.</p> <p>[2]§391.11 Qualifications of drivers. (b)(2) Can read and speak English well enough to converse, understand signs and signals, respond to official inquiries, and make entries on reports and records.</p> <p>[3]§391.11 Qualifications of drivers. (b)(6) Is physically qualified.</p> <p>[4]§391.11 Qualifications of drivers. (b)(7) Has license.</p> <p>[5]§391.11 Qualifications of drivers. (b)(10) Has taken road test or equivalent.</p> | <p>[1]§46.1-170. Age limits for drivers of public-passenger carrying vehicles. Must be 18.</p> <p>[1]§46.1-357. Persons under eighteen; exception as to, and procedure for, licensing persons of sixteen and under eighteen.</p> <p>[1]§46.1-368. Application for a driver's license; proof of completion of driver education program by applicants under 19 required on and after January 1, 1984.</p> <p>[2]§46.1-361. Sick or afflicted persons. No license shall be issued to person unable to understand highway or warning signs.</p> <p>[3]§46.1-369. Examination of applicants. Exam by Division of Motor Vehicles (hereinafter, DMV) as to physical and mental qualifications.</p> <p>[4]§46.1-349. Driving without license prohibited; penalties.</p> <p>[4]§18.2-272. Driving after forfeiture of license.</p> <p>[5]§46.1-369. Examination of applicants. Examination by DMV, ability to operate motor vehicle safely.</p> <p>[5]§46.1-373. Division to issue licenses; endorsements authorizing operation of certain vehicles.</p> |
|---|---|

- 
- License shall be endorsed where appropriate to show licensure for (1) passenger buses with more than 32 seats, (2) vehicles in excess of 40,000 lbs , etc. (500 mile experience exemption in lieu of test.)
- [6]§391.11 Qualifications of drivers. (b)(11) Has taken written exam.
- [7]§391.15 Disqualification of drivers. (a) A driver who is disqualified shall not drive a commercial motor vehicle.
- [8]§391.15 Disqualification of drivers. (c) Disqualification for criminal offenses: operating under influence of drugs, alcohol; transportation, possession of drugs while on duty; felony involving use of motor vehicle.
- [6]§46.1-369. Examination of applicants. Examination by DMV.
- [7]§46.1-350. Driving while license, permit or privilege to drive suspended or revoked. May not drive while license suspended or revoked.
- [8]§18.2-271. Forfeiture of driver's license for driving while intoxicated. Forfeiture of license for specified times if driving under influence of drugs, alcohol, as prohibited by §18.2-266.
- [8]§46.1-417. Required revocation for one year upon conviction or finding of not innocent of certain offenses;... Revocation for manslaughter, violation of §18.2-266, §18.2-272, felony under motor vehicle laws, etc.
- [8]§46.1-417.1. Required suspension upon conviction of certain offenses. Theft of motor vehicle; suspension for specified times.
- [8]§46.1-421. Revocation of license upon conviction of driving while under influence of drugs, intoxicants, etc.;... Second and third offenses, petition for restoration.
- [8]§46.1-423.2. Revocation of license on fourth conviction of reckless driving (§46.1-422, suspension) - 5 years.

- 
- |  |  |
|--|--|
|  | [8]\$46.1-423.4. Suspension of license for reckless driving resulting in death of any person (12 months).  |
|  | [8]\$46.1-424. Suspension of license for certain violations while transporting explosives, etc. Violations committed while operating motor vehicle, tractor truck trailer or semi-trailer (90 days). |
| [9]\$391.15 Disqualification of drivers. (c)(3) Duration of disqualification for criminal misconduct. One year, generally. | [9]See all Code §§[8] above.   |
|  | [9]\$18.2-271. Forfeiture of license, 6 months.  |
|  | [9]\$46.1-430. When Commissioner may suspend or revoke license for not more than one year after hearing.   |
|  | [9]\$46.1-436. When Commissioner may suspend or revoke license for not more than 5 years.  |

#### Subpart C - Background and Character

- [1]\$391.21 Application for employment.
- [2]\$391.23 Investigation and inquiries.
- [3]\$391.27 Record of violations.

#### Subpart D - Examination and Tests

- |  |  |
|--|--|
| [1]\$391.31 Road test. (a) Must have road test given by motor carrier or designated person.                                  | [1]\$46.1-369. Examination of applicants. Exam by DMV, for operator's and chauffeur's license as to ability to operate motor vehicle in safe manner. Exam as to \$46.1-373 vehicles (see below). |
| [2]\$391.33 Equivalent of road test. (a)(1) License from state which requires road test for vehicle driver intends to drive. | [2]\$46.1-369. Examination of applicants. Exam by DMV, as in [1].  |

- 
- |   |   |
|---|---|
| <p>[3]§391.35 Written examination.</p> <p>[4]§391.37 Equivalent of written examination.</p> <p>Subpart E - Physical Qualifications and Examinations</p> <p>[1]§391.41 Physical qualifications for drivers. (a) May not drive unless physically qualified to do so.</p> <p>[2]§391.41 Physical qualifications for drivers. (b) A person is physically qualified if that person: (long list follows including:)<br/>§391.41(b)(10) Visual acuity of 20/40 in each eye with or without lenses, binocular acuity of 20/40 with or without lenses, field of vision of 70° in each eye, ability to recognize red, amber, green.<br/>§391.41(b)(9) No mental, psychiatric disorder.<br/>§391.41(b)(12) No drug dependence.</p> | <p>[2]§46.1-373. Division to issue license; endorsements authorizing operation of certain vehicles. Special endorsement necessary for certain vehicles (bus, truck over 40,000 lbs, etc.). 500 mile experience exemption in lieu of road test.</p> <p>[3]§46.1-369. Examination of applicants. Examine as to physical and mental qualifications.</p> <p>[1]§46.1-369. Examination of applicants. DMV shall examine as to physical and mental qualifications.</p> <p>[1]§46.1-361. Sick or afflicted persons. Division shall not issue license to sick or afflicted person unable to exercise reasonable and ordinary control over a motor vehicle.</p> <p>[2]§46.1-357.2(a). Persons having defective vision; minimum standards of visual acuity and field of vision; tests of vision. Requires 20/40 in one or both eyes with or without lenses, field of 100° in one or both eyes; daytime exemption.<br/>§46.1-357.2(b). Requires 20/40 in each eye and 140° horizontal vision to operate passenger bus with more than 32 seats or vehicle having 3 or more axles with gross weight in excess of 40,000 lbs.</p> |
|---|---|

- |  |   |
|--|---|
| §391.41(b)(13) Not an alcoholic.   | [2]§46.1-360. Mental incompetence, etc. No license to incompetent or mentally ill.  |
|  | [2]§46.1-359. Habitual drunkards or drug addicts. No license issued to habitual drunkard or addict.   |
| [3]§391.43 Medical examination; certificate of physical examination. Must be performed by an M.D. or D.O.; visual acuity may be done by optometrist. | [3]§46.1-369. Examination of applicants. DMV shall examine as to physical and mental qualifications.  |
|  | [3]§46.1-383. Examination of licensee believed incompetent;... Division may require an examination by a physician if good cause to believe applicant is physically or mentally incompetent. |
| [4]§391.45 Persons who must be examined and medically certified. Any person not so examined; any person not examined in the preceding 24 months.     | [4]§46.1-383. Examination of licensee believed incompetent;... Persons the Division has good cause to believe are physically or mentally incompetent may be examined by physician.          |
| [5]§391.47 Resolution of conflicts of medical evaluation. By Director.   |   |
| [6]§391.49 Waiver of certain physical defects. By application.   | [6]§46.1-378. Special restrictions on particular licensees. Division may impose restrictions with respect to special mechanical control devices.  |

Subpart F - Files and Records

- [1]§391.51 Driver qualification files.

Subpart G - Limited Exemptions

- [1]§391.61 Drivers who were regularly employed before January 1, 1971.

- [2]§391.62 Drivers of light weight vehicles.
- [3]§391.63 Intermittent, casual or occasional drivers.
- [4]§391.65 Drivers furnished by other motor carriers.
- [5]§391.67 Drivers of articulated (combination) farm vehicles.
- [6]§391.69 Drivers operating in Hawaii.
- [7]§391.71 Intrastate drivers of vehicles transporting combustible liquids.

## PART 392 - DRIVING OF MOTOR VEHICLES

### Subpart A - General

- [1]§392.1 Scope of the rules in this part.
- [2]§392.2 Applicable operating rules. Must obey laws.
- [3]§392.3 Ill or fatigued operator. May not drive.
- [4]§392.4 Drugs and other substances. Driver shall not be on duty and possess, be under the influence of, or use drugs (listed).
- [5]§392.5 Intoxicating beverage.  
(a)(5) Driver may not consume intoxicating beverage or be under the influence of it while on duty/operating/or having control of motor vehicle.
- [4]§18.2-266. Driving motor vehicle, engine, etc., while intoxicated, etc. Unlawful to drive or operate motor vehicle while under influence of alcohol, drugs.
- [5]§18.2-266. Driving motor vehicle, engine, etc., while intoxicated, etc. Prohibited (as above).
- [5]§4-74. Carrying alcoholic beverages in motor vehicle transporting passengers for hire. Prohibited, except in possession of passenger.



- 
- |   |   |
|---|---|
| <p>[6]§392.6 Schedules to conform with speed limits.</p> <p>[7]§392.7 Equipment, inspection and use.</p> <p>[8]§392.8 Emergency equipment, inspection and use.</p><br><p>[9]§392.9 Safe loading. No driver shall drive, and a motor carrier shall not permit him to drive, unless the vehicle's cargo is properly distributed and adequately secured.</p><br><p>[10]§392.9a Corrective lenses to be worn.</p><br><p>[11]§392.9b Hearing aid to be worn.</p> | <p>[8]§46.1-255. Flares and other signals... §46.1-256. Same; when red reflector flares or red lanterns required. §46.1-257. Same; when red flags required... These sections require use of safety equipment but do not specifically require that it be in place.</p><br><p>[9]§46.1-303. Construction, maintenance and loading must prevent escape of contents; exemptions. No vehicle may be operated on any highway unless the vehicle is constructed, maintained and loaded to prevent its contents from dropping, shifting, leaking or otherwise escaping. Exemptions: Certain agricultural vehicles.</p> <p>[9]§46.1-304. Fastening load of logs, barrels, etc.</p><br><p>[10]§46.1-378. Special restrictions on particular licensees. Division may place restrictions on licenses (corrective lenses not specified).</p><br><p>[11]§46.1-378. See [10] above. Hearing aid not specified.</p> |
|---|---|

Subpart B - Driving of Vehicles

- |  |  |
|--|--|
| <p>[1]§392.10 Railroad grade crossings; stopping required.<br/>(a) all drivers listed below must stop between 15 and 50 feet of a railroad track before crossing:<br/>(1) Bus with passengers.</p> | <p>[1]§46.1-245. When drivers of certain vehicles to stop, look and listen at railway crossings,... Drivers of motor vehicles carrying passengers; school buses; vehicles carrying explosive substances or</p> |
|--|--|

FMCSR Citation	Laws of Virginia Citation
(2) Motor vehicle transporting chlorine.	flammable liquids shall stop between 15 feet and 50 feet of a railroad crossing.
(3) Motor vehicle placarded for certain hazardous materials.	
(4) Cargo tank vehicle used for certain materials, empty or full.	
[2]§392.11 Railroad grade crossings; slowing down required. Every motor vehicle not listed in §392.10 must slow down when approaching railroad crossing.	[2]§46.1-244. When vehicles to stop at railroad grade crossings. All vehicles must stop for railroad crossing when warning of train given.
[3]§392.12 Drawbridges; stopping of buses.	
[4]§392.13 Drawbridges; slowing down of other vehicles.	
[5]§392.14 Hazardous conditions; extreme caution.	[5]§46.1-190. Same; specific instances. Exceeding a reasonable speed under the circumstances = reckless driving.
[6]§392.15 Required and prohibited use of turn signals. (a) Turn signals required to be given 100 feet or more in advance of turn.	[6]§46.1-216. Signals required on starting, backing, stopping or turning. Driver intending to turn shall give signal.
	[6]§46.1-217. How much signals given. Signals must be given for 100 feet at speed of more than 35 mph; at other speeds, for 50 feet.
[7]§392.15 Required and prohibited use of turn signals. (b) Turn signals must be given on entry into traffic from parked position.	[7]§46.1-220. Signals prior to moving standing vehicles into traffic. Signals required before moving vehicle into traffic stream.
[8]§392.15 Required and prohibited use of turn signals. (c) Turn signals required for lane change 100 feet in advance of movement.	[8]§46.1-216. Signal required on starting, backing, stopping or turning. Signals required when turning from a direct line.
	[8]§46.1-217. How such signals given. Signals must be given for 100 feet at speed of more than 35 mph; at other speeds, for 50 feet.

[9]§392.16 Use of seat belts.  
Mandatory for driver.

[10]§392.18 Slow moving vehicles;  
hazard warning signal flashers.  
May use if legal in state.

#### Subpart C - Stopped Vehicles

[1]§392.20 Unattended vehicles;  
precautions. Must not leave  
vehicle unattended without setting  
handbrake, other precautions.

[2]§392.21 Stopped vehicles not to  
interfere with other traffic.

[3]§392.22 Emergency signals:  
stopped vehicles. (a) When a  
motor vehicle stops on the highway  
or shoulder, flashers must be used  
immediately.

[10]§46.1-211. Driver to give way to  
overtaking vehicle. Overwidth,  
slow vehicle must allow traffic to  
pass.

[10]§46.1-299. Requirements of such  
devices; rules and regulations.  
All four signals may be flashed on  
vehicle moving 30 mph or less.

[1]§46.1-281. Requirements for  
parking. Must not leave motor  
vehicle unattended without setting  
handbrake.

[2]§46.1-248. Stopping on highway;  
general rule. No vehicle shall be  
stopped so as to impede or render  
dangerous the use of the highway.

[2]§46.1-180.2. Regulation of  
operation of vehicles in snow,  
sleet, etc.;... Prohibits parking  
in bad weather.

[2]§46.1-252 to §46.1-254. Enabling  
statutes allowing localities to  
prohibit certain parking on streets  
and highways. For listing of  
specific ordinances, see Geograph-  
ically Specific Provisions below.

[3]§46.1-248. Stopping on highways;  
general rule. Flashers must be  
turned on when vehicle is stopped  
in emergency, if the vehicle has  
flashers.

[3]§46.1-299. Requirement of such  
devices; rules and regulations.  
Motor vehicles, trailers, semi-  
trailers, when stopped on paved  
portion shall use flashers if have  
them.

[4]§392.22 Emergency signals: stopped vehicles. (b) Within 10 minutes, warning devices must be placed by the vehicle. Specifies type; reflective triangles, emergency lanterns, flares or reflectors, exact placement.

[5]§392.22 Emergency signals: stopped vehicles. (b)(2) During the period lights are not required, triangles or flags should be placed.

[6]§392.24 Emergency signals; flame producing.

[7]§392.25 Emergency signals; dangerous cargoes.

Subpart D - Use of Lighted Lamps  
and Reflectors

[1]§392.30 Lighted lamps; moving vehicles. Required lamps must be lighted 1/2 hour after sunset to 1/2 hour before sunrise, other if light not sufficient to see 500 feet.

[4]§46.1-255. Flares and other signals when vehicle disabled in highway after dark. When a bus, truck, trailer, house trailer, or mobile home is disabled on the highway at night, flares and torches must be placed. Specifies placement.

[4]§46.1-256. Same; when red reflector flares or red lanterns required. An empty or loaded vehicle transporting inflammable gases must use red reflectors, flares or electric lanterns.

[5]§46.1-257. Same; when red flags required instead of flares, etc. Same as §46.1-256, but during daylight, flags or triangles must be used.

[7]§46.1-256. Same; when red reflector flares or red lanterns required. An empty or loaded vehicle transporting inflammable gases must use reflectors or electric lanterns.

[1]§46.1-268. When lights to be lighted; number of lights to be lighted at any time;... Required lights must be lighted 1/2 hour after sunset to 1/2 hour before sunrise, other if light not sufficient to see 500 feet.

FMCSR Citation

Laws of Virginia Citation

[2]§392.31 Lighted lamps; stopped or parked vehicles. Vehicle stopped on highway must display one white or amber light on traffic side visible 500 feet to front, and one red light visible 500 feet to the rear.

[3]§392.32 Upper and lower headlamp beams. Dim for oncoming vehicle within 500 feet, or if light sufficient to see 500 feet.

[4]§392.33 Obscured lamps or reflectors. May not drive if lamps obscured by dirt, etc.

Subpart E - Accidents and License Revocation; Duties of Driver

[1]§392.40 All accidents. Drivers must stop when involved in accident resulting in injury, death or property damage.

[2]§392.41 Striking unattended vehicle. Duty to try to locate driver of unattended vehicle, leave name, address, etc.

[3]§392.42 Notification of license revocation. Driver must notify carrier.

Subpart F - Fueling Precautions

[1]§392.50 Ignition of fuel; prevention. Fueling precautions.

[2]§392.51 Reserve fuel. Must be carried properly.

[2]§46.1-276. Lights on parked vehicles. Vehicles stopped on highway must display white or amber light visible 500 feet to the rear.

[3]§46.1-272. When dimming headlights, etc., required. Oncoming vehicle within 500 feet. Light sufficient to see 500 feet ahead.

[4]5-1(4). Virginia Official Inspection Manual, State Police. Headlamps must be clean and bright.

[1]§46.1-176(a). Duty of driver to stop, etc.;... Duty to stop in case of accident resulting in injury, death, property damage.

[2]§46.1-176(c). Duty of driver to stop, etc.;... Duty to try to locate driver of unattended vehicle or owner of property, leave note with name, address.

---

[3]§392.52 Buses; fueling.  
Precautions.

Subpart G - Prohibited Practices

[1]§392.60 Unauthorized persons not  
to be transported.

[1]§46.1-234. Pedestrians not to use  
roadway except when necessary;  
keeping to left; soliciting rides.

[2]§392.61 Driving by unauthorized  
person. Except in emergency,  
prohibited.

[3]§392.62 Bus driver; distraction.

[4]§392.63 Towing or pushing loaded  
buses.

[5]§392.64 Riding within closed  
vehicles without proper exits.

[6]§392.65 Sleeper berth; transfer  
to or from.

[7]§392.66 Carbon monoxide; use of  
vehicle when detected.

[8]§392.67 Heater; flame producing;  
on vehicle in motion.

[9]§392.68 Motive power not to be  
disengaged.

[9]§46.1-200. Coasting prohibited.  
By driver of motor vehicle.

[10]§392.69 Sleeper berth,  
occupation.

---

PART 393 - PARTS AND ACCESSORIES  
NECESSARY FOR SAFE OPERATION

---

Subpart A - General

[1]§393.1 Scope of the rules in this part. Must use approved equipment.

[2]§393.2 Additional equipment and accessories. May be used.

Subpart B - Lighting Devices,  
Reflectors, and Electrical Equipment

[1]§393.9 Lamps operable.

[4]§393.11 Lamps and reflectors, small buses and trucks. (Less than 80 inches wide.) Two head lamps, two turn signals, two tail lamps, two stop lamps, two rear turn signals, two rear reflectors.

[5]§393.12 Lamps and reflectors, large buses and trucks (80" or more in width). Two headlamps, two turn signals, two clearance lamps, three identification lamps, two tail lamps, two stop lamps, two rear turn signals, two rear clearance lamps, two rear reflectors, three rear identification lamps, one side marker each, front and rear.

[1]§46.1-308. Illegal possession or sale of certain unapproved equipment... Use, possession, sale of unapproved equipment.

[1]§46.1-259. Equipment required. Must be capable of being lighted.

[1]5-11. Virginia Official Inspection Manual, State Police. Requirements for vehicle lamps.

[4][5][6][7][8][9][10] (as applicable)  
§46.1-260. Head lamps on motor vehicles. Two head lamps required on every motor vehicle. Exemptions: road machinery, motorcycles.  
§46.1-262. Rear lamps. One red rear lamp required on motor vehicles, trailer or semitrailer.  
6-1. Virginia Official Inspection Manual, State Police. Rear lamps.  
§46.1-262.1. Stop lamps. Motor vehicle, trailer or semitrailer must have one red or amber stoplamp.  
§46.1-265. Dimension or marker lights; generally. All motor vehicles, trailers or semitrailers (exceeding 7 feet in width or 4

FMCSR Citation

Laws of Virginia Citation

[6]§393.13 Lamps and reflectors, truck tractors.	inches beyond the front fenders) require lamps at top front and rear corners, amber reflectors on the side, red reflectors on the rear, and lamps on the right and left top rear.
[7]§393.14 Lamps and reflectors, large semitrailers and full trailers.	
[8]§393.15 Lamps and reflectors, small semitrailers and full trailers.	9-1. Virginia Official Inspection Manual, State Police. Clearance lamps.
[9]§393.16 Lamps and reflectors, pole trailers.	\$46.1-265.1. Same; vehicles or loads exceeding thirty-five feet. Reflectors required on widest part of towed vehicle.
[10]§393.17 Lamps and reflectors, combinations in driveaway-towaway operation.	\$46.1-298. When signal device required;... Turn signals on motor vehicles, trailers or semitrailers if hand signal can't be seen. \$46.1-299. Requirements of such devices;... Distance turn signal must be seen.
[11]§393.18 Lamps on motor vehicles with projecting loads. 393.18(a) Beyond side. 393.18(b) Four feet beyond rear.	[11]\$46.1-300. Flag or light at end of load. Lamp required if load extends more than four feet beyond bed or body -- red light at night.
[12]§393.19 Requirements for turn signaling systems. Flashers required.	[12]\$46.1-298. When signal devices required;... Required if hand signals can't be used on motor vehicles, trailer or semitrailer. [12]\$46.1-299. Requirements of such devices;... Flashers to be used if present.
[13]§393.20 Clearance lamps to indicate extreme width and height. Mounting lamps.	[13]\$46.1-265. Dimension or marker lights; generally. Mounting. [13]9-1 to 9-3. Virginia Official Inspection Manual, State Police. Clearance lamps and reflectors to indicate extreme width of body, as high on body as practical.
[14]§393.22 Combination of lighting devices and reflectors.	[14]\$46.1-265. Dimension or marker lights; generally. Reflectors.



FMCSR Citation	Laws of Virginia Citation
[15]§393.23 Lighting devices to be electric.	[15]Appendix. Virginia Official Inspection Manual, State Police. Approved Equipment.
[16]§393.24 Requirements for head lamps and auxiliary road lighting lamps. (b) Head lamps required.	[16]§46.1-260. Head lamps on motor vehicles. Required. [16]See generally all lighting specifications and Appendix. Virginia Official Inspection Manual, State Police. Approved equipment.
[17]§393.24 Requirements for head lamps and auxiliary road lighting lamps. (c) Fog, adverse weather and auxiliary road-lighting lamps permissible.	[17]§46.1-267. Other permissible and required lights. Fog lamps permissible. [17]§46.266. Spotlights and ditch lights. Permissible.
[18]§393.24 Requirements for head lamps and auxiliary road lighting lamps. (d) Head lamp aiming and intensity. Shall conform to SAE Standards.	[18]5-2 to 5-4. Virginia Official Inspection Manual, State Police. Aiming headlamps. [18]§46.1-269. Requirements as to single-beam head lamps. Aiming. [18]§46.1-270. Requirements as to multiple-beam head lamps. Aiming. [18]§46.1-275. Specifications for and tests of lighting devices. Superintendent may specify.
[19]§393.25 Requirements for lamps other than head lamps. All exterior lamps shall be mounted to be seen between 500 feet and 50 feet.	[19]§46.1-262. Rear lamps. [19]§46.1-262.1. Stop lamps. [19]§46.1-264. Lamps on other vehicles; reflex reflectors. Visible 500 feet to front and rear. [19]§46.1-265. Dimension or marker lights; generally. [19]§46.1-265.1. Same; vehicles or loads exceeding thirty-five feet.
[20]§393.26 Requirements for reflectors.	[20]§46.1-264. Lamps on other vehicles; reflex reflectors. All other vehicles require lamps, or in lieu of, or in addition to, reflectors.

- 
- |              |   |
|--------------|---|
|              | [20]\$46.1-265. Dimension or marker lights; generally. Reflectors.                |
|              | [20]\$46.1-265.1. Same; vehicles or loads exceeding thirty-five feet. Reflectors. |
| [21]\$393.27 | Wiring specifications.  |
| [22]\$393.28 | Wiring to be protected.   |
| [23]\$393.29 | Grounds.  |
| [24]\$393.30 | Battery installation.   |
| [25]\$393.31 | Overload protective devices.  |
| [26]\$393.32 | Detachable electrical connections.  |
| [28]\$393.33 | Wiring, installation.   |

## Subpart C - Brakes

- |  |  |
|--|--|
| [1]\$393.40 Required brake systems.<br>(a) Bus, truck, truck tractor, combination must have adequate brakes.   | [1]\$46.1-277(a). Brakes. Every motor vehicle operated on the highway must have adequate brakes.   |
| [2]\$393.41 Parking brake system.<br>(a) Motor vehicle shall have adequate parking brake system.   | [2]\$46.1-278.1. Holding devices.<br>Every motor vehicle shall have adequate holding devices.  |
|  | [2]3-1. Virginia Official Inspection Manual, State Police. Brakes; emergency, parking or holding.  |
| [3]\$393.42 Brakes required on all wheels. Except: full, semi-, or pole trailer less than 3,000 lbs; a vehicle towed in driveaway-towaway; front wheels of trucks and truck tractors with 3 or more axles. | [3]\$46.1-280. Brakes on trailers.<br>Every semitrailer, trailer, or towed vehicle of 3,000 lbs or more must have brakes controlled by towing vehicle. |
|  | [3]4-1. Virginia Official Inspection Manual, State Police. Brakes on trailer.  |

FMCSR Citation

Laws of Virginia Citation

- |   |   |
|---|---|
| <p>[4]§393.43 Breakaway and emergency braking. (a) Every motor vehicle used to tow trailer must be equipped with means for providing braking in case of breakaway.</p> <p>[5]§393.44 Front brake lines, protection. If front brake system breaks, rear must work.</p> <p>[6]§393.45 Brake tubing and hose, adequacy.</p> <p>[7]§393.46 Brake tubing and hose connections.</p> <p>[8]§393.47 Brake lining.</p> <p>[9]§393.48 Brakes to be operative.</p> <p>[10]§393.49 Single valve to operate all brakes.</p> <p>[11]§393.50 Reservoirs required.</p> <p>[12]§393.51 Warning devices and gauges.</p> <p>[13]§393.52 Brake performance. Stopping distances.</p> | <p>[4]§46.1-280. Brakes on trailers. Brakes operated by driver of towing vehicle.</p> <p>[4]4-1. Virginia Official Inspection Manual, State Police. Brakes apply automatically on breakaway.</p> <p>[6][7][8] A-19. Virginia Official Inspection Manual, State Police. Brake system for trucks and trailers.</p> <p>[9]§46.1-277. Brakes. Brakes shall be maintained in good order.</p> <p>[9]2-1. Virginia Official Inspection Manual, State Police. Service brakes.</p> <p>[13]§46.1-278. Within what distances brakes should stop vehicle.</p> <p>[13]§46.1-195. Tables of speed and stopping distances. For judicial notice.</p> <p>[13]2-3. Virginia Official Inspection Manual, State Police. Stopping distances.</p> |
|---|---|

---

Subpart D - Glazing and Window  
Construction

- [1]§393.60 Glazing in specified openings. (a) Glass must conform to "American Standard Safety Code for Safety Glazing Materials..."
- [2]§393.60 Glazing in specified openings. (b) Windshield free of discoloration or damage.
- [3]§393.60 Glazing in specified openings. (c) No vision reducing stickers, etc., except as required by law.
- [4]§393.61 Window construction. Windows required.
- [5]§393.62 Window obstructions.
- [6]§393.63 Windows, markings.

Subpart E - Fuel Systems

- [1]§393.65 All fuel systems. Location, installation, etc.
- [2]§393.67 Liquid fuel tanks. Requirements.

- [1]§46.1-293. When safety glass required.
  - (a) Motor vehicles for passengers after 1935.
  - (b) Any motor vehicle after 1936.
- [1]A-38. Virginia Official Inspection Manual, State Police. Tables of safety glass.
- [1]§46.1-294. Replacement of glass in vehicle. Safety glass.
- [2]16-1. Virginia Official Inspection Manual, State Police.
- [3]§46.1-291. Signs on windshields, etc. Prohibited.
- [3]16-2. Virginia Official Inspection Manual, State Police. Stickers, decals.
- [4]§46.1-293.1. Windshields. Required.
- [6]§46.1-309. Trademark or name and instructions required. Every device, glass, equipment mentioned in §46.1-308 must be marked.

- [2]Tank trucks and vapor collection systems. Virginia Air Pollution Control Board. Reg. 120-04-3703F.

[3]§393.69 Liquified petroleum gas systems. If using liquified petroleum gas as a fuel, must conform to "Standards for Storage and Handling of Liquified Petroleum Gases".

[3]§18.2-494. Unlawful use of, filling or refilling or trafficking in containers. No one but owner may buy, sell, use.

Subpart F - Coupling Devices and Towing Methods

[1]§393.70 Coupling devices and towing methods, except for driveaway-towaway operations. Safety devices in case of towbar failure or disconnection.

[1]§46.1-336. Connection between two vehicles. Connection between two vehicles, one of which is towing the other, shall consist of drawbar, similar device and emergency chain.

[1]§46.1-336.1. Tow dolly and converter gear. Must be equipped with safety chain.

[2]§393.71 Coupling devices and towing methods, driveaway-towaway operations. No more than three saddlemounts or one tow bar may be used in any combination.

[2]§46.1-335. Vehicles having more than one trailer, etc., attached thereto; exceptions. No more than one trailer, unless have special permit from State Highway and Transportation Commission; also, exceptions for farm vehicles, daytime.

[2]§46.1-355.1. Same; tractor truck semitrailer combinations operating on certain highways;...

Subpart G - Miscellaneous Parts and Accessories

[1]§393.75 Tires. (b) Front tire treads must be at least 4/32 of an inch. (c) Other tire treads must be at least 2/32 of an inch.

[1]§46.1-295.3. Depth of treads on tires. No tires on motor vehicle, trailer or semitrailer with groove of less than 2/32 of an inch. Exceptions: dual wheels on motor vehicles with seats for more than seven passengers if operated within municipality, or by urban or suburban bus lines.

[1]13-1. Virginia Official Inspection Manual, State Police. Tires.

FMCSR Citation

Laws of Virginia Citation

- |   |   |
|---|---|
| <p>[2]§393.75 Tires. (d) no bus shall be operated with regrooved, re-capped or retreaded tires on front wheels. (e) No truck or truck tractor shall be operated with regrooved tires on front wheels which have load capacity equal to or greater than 8.25-20 8-ply rating tires.</p> <p>[3]§393.76 Sleeper berths.</p> <p>[4]§393.77 Heaters.</p> <p>[5]§393.78 Windshield wipers. Every bus, truck and truck tractor having a windshield shall have two (minimum) windshield wipers.</p> <p>[6]§393.79 Defrosting device. Every bus, truck and truck tractor with windshield shall have one.</p> <p>[7]§393.80 Rear-vision mirrors. (a) Every bus, truck and truck tractor shall have two rear view mirrors, one at each side. Exceptions: Vehicle prior to 1981; interior mirror.</p> <p>[8]§393.81 Horn. Every bus, truck-tractor and driven motor vehicle must have working horn.</p> | <p>[2]§46.1-295.2. Regrooved or recut tires. No operation of motor vehicle with regrooved or recut tires except commercial motor vehicle and trailer and semitrailer if the tires are designed and constructed so that these processes are acceptable and safe.</p> <p>[5]§46.1-292. Windshield wipers. Every windshield on motor vehicle shall have device for clearing window of moisture, etc. On vehicles made after 1943, shall clean both sides and be mechanical or electrical.</p> <p>[5]18-1. Virginia Official Inspection Manual, State Police. Windshield wiper.</p> <p>[7]§46.1-289. Mirrors. Motor vehicle must have mirror that reflects 200 feet or more to rear. Passenger vehicle, 1969 and newer, must have inside and outside mirrors. Vehicle with no rear window or obstructed one may have two outside mirrors, one on each side in lieu of inside mirror.</p> <p>[7]14-1. Virginia Official Inspection Manual, State Police. Mirror.</p> <p>[8]§46.1-283. Horns. Every motor vehicle on highway must have horn capable of being heard 200 feet.</p> <p>[8]15-1. Virginia Official Inspection Manual, State Police.</p> |
|---|---|

FMCSR Citation

Laws of Virginia Citation

- |   |   |
|---|---|
| <p>[9]§393.82 Speedometer. Every bus, truck and truck-tractor must have a speedometer.</p>  | <p>[9]§46.1-308. Illegal possession or sale of certain unapproved equipment or speedometer not in good working order.</p>   |
| <p>[10]§393.83 Exhaust system location.<br/>(b) Bus exhaust system (gasoline) shall discharge at or within six inches forward of rear of vehicle.<br/>(c) Truck and truck tractor shall discharge at rear of cab.</p> | <p>[10]§46.1-301. Exhaust system in good working order. Exhaust system must be installed as standard factory equipment or comparable.<br/>[10]17-1. Virginia Official Inspection Manual, State Police. Exhaust system: shall discharge to rear or sides of property carrying vehicle or passenger carrying vehicle.</p> |
| <p>[11]§393.84 Floors. Free of holes.</p>   | <p>[11]21-1. Virginia Official Inspection Manual, State Police. Floor; not rusted through or with holes.</p>  |
| <p>[12]§393.86 Rear end protection. Distance between bumpers and ground not greater than 30 inches.</p>   | <p>[12]§46.1-282.1. Alteration of suspension systems. No passenger vehicle with bumper not within 14-22 inches of ground.</p>   |
| <p>[13]§393.87 Flags on projecting loads. If load extends beyond sides or more than four feet beyond rear, load shall be marked with red flag where lamp required by §393.18.</p>                                     | <p>[13]§46.1-300. Flag or light at end of load. Whenever load extends more than four feet beyond rear, must display red flag. At night must display red light.</p>  |
| <p>[14]§393.88 Television receivers. TV in motor vehicle must not be visible to driver, controls must not be accessible.</p>  | <p>[14]§46.1-202. Automobiles not to be equipped with television within view of operator of vehicle.</p>  |
| <p>[15]§393.89 Buses, driveshaft protection.</p>  |   |
| <p>[16]§393.90 Buses, standee line or bar.</p>  |   |
| <p>[17]§393.91 Buses, aisle seats prohibited.</p>   |   |

[18]§393.92 Buses, marking emergency doors.

[19]§393.93 Seats, seat belt assemblies, and seat belt assembly anchorages.  
(a)(b) Buses, trucks, truck tractors, conformity with Federal Motor Vehicle Safety Standard appropriate to year.

[19]§46.1-302.1. Vehicle to have securely affixed seat for operator; location of such seat.

[19]§46.1-309.1. Safety lap belts or a combination of lap belts and shoulder straps or harnesses to be installed in certain vehicles.

[19]§46.1-310. Requirements for safety lap belts, shoulder straps or harnesses and combinations thereof. Superintendent shall establish specifications or requirements.

[19]A-42. Virginia Official Inspection Manual, State Police. Seat belts - approved type.

[20]§393.94 Vehicle interior noise levels.

#### Subpart H - Emergency Equipment

[1]§393.95 Emergency equipment on all power units.

[1]§46.1-255. Flares and other signals... §46.1-256. Same;... §46.1-257. Same;... These sections require use of emergency equipment which obviously must be present to be used.

#### Subpart I - Protection Against Shifting or Falling Cargo

[1]§393.100 General rules for protection against shifting or falling cargo. Trucks, truck tractors, semitrailers and pole trailers must be loaded and equipped to prevent shifting cargo. Four basic options listed.

[1]§46.1-303. Construction, maintenance and loading must prevent escape of contents; exemptions.

[1]§46.1-304. Fastening load of logs, barrels, etc. Must be fastened by chains, cables, straps, webbing, etc.



- [2]§393.102 Securement systems.
- [3]§393.104 Blocking and bracing.
- [4]§393.106 Front-end structure.

PART 394 - NOTIFICATION AND  
REPORTING OF ACCIDENTS

- [1]§394.1 Scope of the rules in this part.

- [2]§394.3 Definition of "reportable accident". Death, bodily injury, property damage \$2,000 or more.

- [2]§46.1-400. Driver to make written report of certain accidents and certification of financial responsibility,... Reportable accident = death, injury, property damage of \$500.

- [2]§46.1-399. Driver to give immediate notice of certain accidents. The driver of any vehicle involved in accident resulting in death or injury shall notify trooper, sheriff, police.

- [3]§394.5 Definition of "farm-to-market agricultural transportation."

- [4]§394.7 Immediate notification of fatal accidents. If reportable accident involves death, motor carrier must report specified information to Director, Regional Motor Carrier Safety Office as soon as possible.

- [5]§394.9 Reporting of accidents. Within 30 days of reportable accident, motor carrier must file form MCS-50-T or MCS-50-B with Director, Regional Motor Carrier Safety Office.

- [5]§46.1-400. Driver to make written report... Driver of vehicle involved in accident resulting in injury or death or property damage of \$500 or more must make written report to Division within 5 days.

- [5]§46.1-402. Occupants to report fact of accident when driver incapable.

FMCSR Citation

Laws of Virginia Citation

- |   |   |
|---|---|
| <p>[6]§394.9 Reporting of accidents,<br/>(c) Supplies of accident report<br/>forms may be purchased.</p> <p>[7]§394.11 Notice of death after<br/>filing report. (a) If person dies<br/>within 30 days of accident, motor<br/>carrier must give notice to<br/>Director.</p> <p>[8]§394.15 Assistance in<br/>investigations and special<br/>studies.</p> <p>[9]§394.20 Instructions for<br/>preparing accident reports.</p> | <p>[6]§46.1-400. Driver to make written<br/>report...</p> <p>[6]§46.1-403. Division to prepare and<br/>supply forms for reports.</p> <p>[7]§46.1-404. Reports by medical<br/>examiners of deaths resulting from<br/>accidents. All deaths of preceding<br/>month.</p> |
|---|---|

PART 395 - HOURS OF SERVICE  
OF DRIVERS

- |   |  |
|---|--|
| <p>[1]§395.1 Compliance with, and<br/>knowledge of, the rules in this<br/>part.</p> <p>[2]§395.2 Definitions.</p> <p>[3]§395.3 Maximum driving and<br/>on-duty time. (a) No motor<br/>carrier shall permit/require more<br/>than 10 hours driving after 8<br/>hours off duty, or driving after<br/>being on duty 15 hours following 8<br/>hours off duty.<br/>(b) Carrier may also not<br/>permit/require driver to be on<br/>duty more than 60 hours in 7 days.</p> <p>[4]§395.7 Travel time.</p> <p>[5]§395.8 Driver's record of duty<br/>status.</p> | <p>[3]§46.1-201. Driving more than<br/>thirteen hours in twenty-four<br/>prohibited.</p> |
|---|--|

- [6]§395.10 Adverse driving conditions.
- [7]§395.11 Emergency conditions.  
May complete run.
- [8]§395.12 Relief from regulations.
- [9]§395.13 Drivers declared out of service. Violation of driving and on-duty time provisions.

PART 396 - INSPECTION,  
REPAIR AND MAINTENANCE

- [1]§396.1 Scope.
- [2]§396.3 Inspection, repair, and maintenance.
- [3]§396.5 Lubrication.
- [4]§396.7 Unsafe operations forbidden.
- [5]§396.9 Inspection of motor vehicles in operation. (a) Every special agent of FHWA is authorized to enter upon and perform inspections of vehicles in operation. (b) Agent shall so declare and mark "out of service" vehicle.
- [6]§396.11 Driver vehicle inspection report(s).
- [2]§46.1-315. Requirement of inspection;... Motor vehicle, trailer or semitrailer to be inspected at official station.
- [2]§46.1-315.2. Frequency of inspection. Every 12 months.
- [2]§46.1-318. Official inspection stations; approval inspection stickers.
- [5]§46.1-8. Stopping vehicles for inspection or to secure information. Peace officer may inspect vehicle, trailer, semitrailer.
- [5]§46.1-279.01. Removal of unsafe vehicles; penalty.

[7]§396.13 Driver inspection.

[8]§396.15 Driveaway - towaway  
operations, inspections.

PART 397 - TRANSPORTATION OF  
HAZARDOUS MATERIALS; DRIVING AND  
PARKING RULES

[1]§397.1-397.21 (All sections in  
this part.)

- [1]Virginia has adopted (by regulation of the Board of Health) Parts 390-397 of the FMCSR by reference to apply to all vehicles transporting hazardous materials: 3.00. Compliance with Federal Regulations. Regulations Governing the Transportation of Hazardous Materials. Appendix 7.4 Hazardous Waste Management Regulations. Virginia State Board of Health.
- [1]Regulations Applicable to Transporters of Hazardous Waste, 7.0. Virginia State Board of Health.
- [1]Regulations for Transportation of Hazardous Radioactive Materials. Virginia State Board of Health.
- [1]Rules and Regulations. Chesapeake Bay Bridge Tunnel, applicable also to Hampton Roads Bridge-Tunnel and Elizabeth River Tunnels. Chesapeake Bay Bridge and Tunnel District. Virginia Department of Highways and Transportation.
- [1]Rules and Regulations governing the use of Big Walker Mountain Tunnel and East River Mountain Tunnel. Virginia Department of Highways and Transportation.
- [1]Stephens City Municipal Ordinance. Sec. 5-27, 5-28. Establishment of motor vehicle routes for vehicles transporting explosives, hazardous chemicals.

PART 398 - TRANSPORTATION OF  
MIGRANT WORKERS

- [1]§398.1 Definitions.
- [2]§398.2 Applicability.
- [3]§398.3 Qualifications of  
drivers or operators.
- [4]§398.4 Driving of motor vehicles.
- [5]§398.5 Parts and accessories  
necessary for safe operation.
- [6]§398.6 Hours of service of  
drivers; maximum driving time.
- [7]§398.7 Inspection and maintenance  
of motor vehicles.
- [8]§398.8 Administration inspection  
of motor vehicles in operation.

PART 399 - EMPLOYEE SAFETY AND  
HEALTH STANDARDS

- [1]§399.201 Purpose and scope.
- [2]§399.203 Applicability.
- [3]§399.205 Definitions.
- [4]§399.207 Truck and truck-  
tractor access requirements.
- [5]§399.209 Test procedures.
- [6]§399.211 Maintenance.

---

VIRGINIA LAWS WHICH ARE ADDITIONAL  
TO THE FMCSR

---

- [1]§46.1-198.1. Prohibiting use of devices on motor vehicles to detect presence of radar...
- [2]§46.1-202.1. Unlawful to operate automobile while using earphones. On or in both ears.
- [3]§46.1-282. Steering gear. Every motor vehicle must have adequate steering gear.
- [4]§46.1-284. Illegal sirens, whistles, etc.;... Common carriers or extraordinarily large vehicles may be equipped with warning device. Other siren, exhaust, compression or spark plug whistle or horn illegal except as authorized (horns, emergency vehicle sirens).
- [5]§46.1-290. Rear fenders, flaps or guards required for certain motor vehicles. Vehicles of greater than 40,000 lbs must have rear fenders, flaps or guards to prevent projection of rocks.
- [6]§46.1-295. Restrictions as to solid rubber tires. Permit required.
- [7]§46.1-296. Cleats, etc., on tires; chains; tires with studs. Exceptions: studs permissible on vehicle less than 10,000 lbs.
- [8]§46.1-307. Mechanical vapor compression refrigeration cooling units. Not allowed on any vehicle unless of a type approved by Superintendent.

- [9]§46.1-326.10. Fleet emissions inspection stations;... Owner or lessee of 20 or more vehicles may apply for permit.
- [10]§46.1-333. Extension of loads beyond front of vehicles. Not more than 3 feet.
- [11]§46.1-334. Extension of loads beyond line of fender or body. Not greater than 6 inches.

#### GEOGRAPHICALLY SPECIFIC PROVISIONS

- [12]Rules and Regulations, Chesapeake Bay Bridge Tunnel, Hampton Roads Bridge-Tunnel, Elizabeth River Tunnels, Big Walker Mountain Tunnel, East River Mountain Tunnel. Chesapeake Bay Bridge and Tunnel District, Virginia Department of Highways and Transportation.
- [13]Truck lane restriction on Capital Beltway from Route 97 to Woodrow Wilson Bridge. Resolution. Virginia Department of Highways and Transportation.

---

---

Local Ordinances Relating to  
Parking on Highways, Roads.

- [14]Town of Vinton. Ordinance Sec. 22-31. Limitation on parking of certain trucks in residential districts. Ordinance Sec. 22-50. Parking or storing commercial trucks, boats, boat trailers or campers on residential lots.
- [15]Town of Glasgow. Ordinance Sec. 10-40. No motor vehicle greater than 10,000 lbs or 30 feet or more shall park on streets except for loading and unloading.
- [16]Town of Warrenton. Ordinance Sec. 14-19. Use of streets as bus terminal.



information must be submitted to the Secretary by April 30, 1985.

**EFFECTIVE DATE:** January 10, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mr. J.J. Fulnecky, Bureau of Motor Carrier Safety, (202) 426-0033; or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 426-0348, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** This notice set forth the requirements of section 207 of the Motor Carrier Safety Act of 1984 (Pub. L. 98-554, 98 Stat. 2829) (the Act) that States submit to the Secretary and the Commercial Motor Vehicle Safety Review Panel (Safety Panel) all State laws and regulations pertaining to the safe operation of commercial motor vehicles in interstate or foreign commerce (not safety laws or regulations pertaining exclusively to intrastate operations).

Sections 207-209 of the Act call for the submission of all State rules and regulations pertaining to commercial motor vehicle safety to the Secretary and the Safety Panel. The Safety Panel will review those State laws and regulations and make certain recommendations to the Secretary. Pursuant to notice and comment rulemaking, the Secretary will further review those State laws and regulations and will determine which of them may remain in effect. Section 207 specifically directs the States, including the District of Columbia, to submit to the Secretary and the State Panel a copy of any State law or regulation, rule, standard, or order, including any law or regulation enacted or issued by any political subdivision of a State, pertaining to commercial motor vehicle safety.

For purposes of this review, "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in interstate commerce to transport passengers or property (1) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds; (2) if such vehicle is designed to transport more than 15 passengers, regardless of its gross vehicle weight rating and including school buses; or (3) if such vehicle, regardless of its gross vehicle weight rating, is used to transport hazardous materials in quantities requiring placarding under the Department's Hazardous Materials Regulations. "Interstate commerce" means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of

such State (including a place outside the United States) or is between two places in a State through another State or a place outside of the United States. State laws or regulations strictly applicable to intrastate commerce are not included in this review.

Notice regarding the establishment of the Safety Panel by the Secretary pursuant to section 209 of the Act will be published separately in the *Federal Register*. The Secretary, or the Secretary's delegate, will serve as the Chairperson of the Safety Panel. Thus, submission of the information required by section 207 of the Act will constitute adequate submission to the Safety Panel. The information requested in this notice should be sent to the docket indicated above. Failure to submit copies of State laws or regulations, or other information requested in this notice, will result in separate reviews and analyses of such laws by the Safety Panel without the benefit of the State's views.

The ultimate objective of the reviews and analyses by the Safety Panel and the Secretary is to determine which State laws and regulations pertaining to commercial motor vehicle safety may remain in force and effect after October 30, 1989, and which must be preempted. In order to facilitate these reviews and analyses, States are requested, in addition to identifying and submitting copies of relevant States laws and regulations, to indicate, in writing, whether each State law or regulation identified has (1) the same effect; (2) is less stringent than; or (3) is additional to or more stringent than a regulation issued by the Secretary pertaining to commercial motor vehicle safety. These regulations issued by the Secretary are the Federal Motor Carrier Safety Regulations, 49 CFR Parts 390-399.

The States are requested to identify their laws and regulations, to analyze them for comparable stringency as outlined above, and to submit copies of the laws and regulations along with the results of their analyses to the docket indicated above. States are further asked to advise the Secretary of any factors, such as controlling precedents, administrative interpretation, etc., which the State believes should be considered in analyzing the State law or regulation. States are also encouraged to provide any other information a State may believe would be helpful to the Secretary or the Safety Panel in determining whether a State law or regulation should be permitted to remain in force and effect after October 30, 1989. The Secretary may supplement the guidance published in this notice or ask

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

49 CFR Parts 390, 391, 392, 393, 394, 395, 396, 397, 398, and 399

[BMCS Notice No. 84-7]

### Motor Carrier Safety Act of 1984; Submission of State Safety Regulations for Review: Initial Guidelines

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Public notice of guidelines to States.

**SUMMARY:** This notice provides the initial guidelines required by section 207(c) of the Motor Carrier Safety Act of 1984. Section 207(c) requires the Secretary of Transportation to issue initial guidelines, by December 30, 1984, to assist the States in compiling, analyzing, and submitting their commercial motor vehicle State safety laws and regulations and other information to the Secretary. Such

States for further information to assist the Secretary or the Safety Panel in their review and analyses.

This notice will also be transmitted by letter to the Governors of all 50 States and to the District of Columbia.

#### Guidelines

**Guideline A.** The compilation should include all State safety laws, regulations, rules, standards, or orders related to the subject matter of each of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR Parts 390 through 399), be they identical (including those incorporated by reference) similar, different or inconsistent. A list of the Parts and Subparts of the FMCSR appears in Guideline E.

**Guideline B.** The compilation submitted to the Secretary and the Commercial Motor Vehicle Safety Regulatory Review Panel for evaluation *should not* contain: (1) Vehicle size and weight laws; (2) vehicle traffic laws unless they are unique in their applicability to commercial motor vehicles; nor (3) licensing or permit laws.

**Guideline C.** The compilation should include all State laws, rules, regulations, standards, or orders related to the safe operation of commercial motor vehicles

in interstate commerce whether addressed by the FMCSR or not. This guideline applies to those laws, rules, regulations, standards, or orders in effect and also those about to be enacted, adopted, or issued.

**Guideline D.** To further assist the Secretary and the Commercial Motor Vehicle Safety Regulatory Review Panel in its evaluation process, each State law, regulation, rule, standard, or order must be analyzed from two standpoints, *stringency* and *applicability*.

"Stringency", as required by section 207(d)(1) of the Act, requires the State to indicate if the State requirement: (a) Has the same effect as; (b) is less stringent than; or (c) is additional to or more stringent than any requirement of the FMCSR. (As a convenience, the matrix chart shown at end of this guideline may be used).

When reviewing the State submission, it is vital that the Panel know to what extent the State requirement is applicable to both for-hire carriers (FH) and private carriers (P) or both.

It is suggested that the following chart (or a similar information matrix) be used to submit the comparative information required by the Act.

Date \_\_\_\_\_  
Page \_\_\_\_\_ of \_\_\_\_\_ Pages

#### INTERSTATE COMMERCIAL MOTOR VEHICLE

(Name of State) State Safety Law Matrix Sheet

FMCSR Citation	State Citation	A	B	C	D	FH	P	Remarks
393.24 Req. for headlamps and aux. road lighting lamps.	12.32 Headlamps.....		x			x	x	(Example).

KEY—FMCSR (49 CFR 393.24); (State Revised Code); A (Same); B (Less stringent); C (More stringent); D (No Law); FH (For-hire Carriers); P (Private Carriers).

**Guideline E.** List of Parts and Subparts comprising the FMCSR (Title 49, Code of Federal Regulations, Parts 390 through 399):

Part 390—Federal Motor Carrier Safety Regulations:

General

Subpart A—Definitions

Subpart B—General/Applicability

Part 391—Qualifications of Drivers

Subpart A—General/Applicability

Subpart B—Qualifications and

Disqualification of Drivers

Subpart C—Background and

Character

Subpart D—Examinations and Tests

Subpart E—Physical Qualifications and Examinations

Subpart F—Files and Records

Subpart G—Limited Exemptions

Part 392—Driving of Motor Vehicles

Subpart A—General/Applicability

Subpart B—Driving of Vehicles

Subpart C—Stopped Vehicles

Subpart D—Use of Lighted Lamps and Reflectors

Subpart E—Accidents and License

Revocation; Duties of Driver

Subpart F—Fueling Precautions

Subpart G—Prohibited Practices

Part 393—Parts and Accessories

Necessary for Safe Operations

Subpart A—General/Applicability

Subpart B—Lighting Devices,

Reflectors, and Electrical Equipment

Subpart C—Brakes

Subpart D—Glazing and Window

Construction

Subpart E—Fuel Systems

Subpart F—Coupling Devices and

Towing Methods

Subpart G—Miscellaneous Parts and

Accessories

Subpart H—Emergency Equipment

Subpart I—Protection Against Shifting

or Falling Cargo

Part 394—Notification and Reporting of Accidents

Part 395—Hours of Service of Drivers

Part 396—Inspection, Repair, and Maintenance

Part 397—Transportation of Hazardous Materials; Driving and Parking Rules

Part 398—Transportation of Migrant Workers

Part 399—Employee Safety and Health Standards

Subpart A—K [Reserved]

Subpart L—Step, Handholds, and Deck Requirements for Commercial Motor Vehicles

These Parts and Subparts contain over 200 Sections which set forth each of the individual regulations to be used in the comparison of the State laws, regulations, rules, standards, or orders. A current copy of the FMCSR, with amendments, will accompany these guidelines to the Governor of each State.

**Guideline F.** Because the Motor Carrier Safety Act of 1984 provides time constraints for the Secretary's Commercial Motor Vehicle Safety Regulatory Review Panel to evaluate the requested compilation of State requirements, it is requested that the initial compilation and analysis be submitted as soon as possible. States are requested to submit immediately upon enactment, adoption, or issuance by the State, any State law or regulation that becomes effective after April 30, 1985.

(The Motor Carrier Safety Act of 1984, Pub. L. 98-554, 98 Stat. 2829, October 30, 1984, Title II, section 207)

Issued on: December 31, 1984.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 85-747 Filed 1-9-85; 8:45 am]

BILLING CODE 4910-22-M