

FREQUENTLY ASKED QUESTIONS (FAQ) SHEET ON COMMERCIAL MOTOR VEHICLES, CDL'S, AND DOT NUMBERS

Am I a Commercial Motor Vehicle (CMV)?

The general definition of a CMV is found in Section 390.5 of the Federal Motor Carrier Safety Act. This definition refers to a vehicle used on highways, in interstate commerce, that meets one of the following criteria:

- Has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,001 pounds or more;
- Is designed to transport more than 8 passengers (including the driver) for compensation;
- Is designed to transport 16 or more people including the driver, and is not used to transport passengers for compensation; or
- Is transporting hazardous materials in quantities requiring the vehicle to be placarded.

A vehicle may be involved in interstate commerce if the vehicle is used by for business purposes with in “furtherance of a commercial enterprise.” There is an exemption in the Federal Motor Carrier Safety Act (FMCSA) under Section 309.3 for “the occasional transportation of personal property not for compensation and not in the furtherance of a commercial enterprise.” This is commonly called the “recreational exemption.” *The FMCSA has indicated that further guidance is forthcoming but has suggested that prize winnings or sales proceeds that are incidental to recreational endeavor and not related to an underlying business (e.g. a child selling a steer in a premium auction or an amateur rodeo contestant winning day money) will not prevent a driver from using the recreational vehicle exemption.*

The exemption cannot be used if:

- If you are hauling personal property (grain, hay, horses, equipment, etc.) for another individual and you are compensated (paid for gas, mileage, your time, prize money, etc.) that would be considered ordinary income for tax purposes and is deducted as a business expense.
- Accepting sponsorship (in the form of money, clothing, or equipment) to attend an event across state lines.
- Are competing in an event in which prize money MAY be won and you are a professional.
- If you travel out of state and the vehicle is registered to your business or farm and is deducted as a business expense.

Am I required to have a Commercial Driver License (CDL)?

For licensing purposes, a combined GVWR is determined by adding the Manufacturer's Gross Vehicle Weight Rating of the vehicle plus the Manufacturer's Gross Vehicle Weight Rating of the trailer.

- A Class A CDL License is required when the GCVWR of the truck and trailer totals 26,001

- or more provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.
- A Class B CDL License is required for any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.
 - A Class C CDL License is required for any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers, including the driver, or is placarded for hazardous materials.

One of the most misunderstood parts of the above requirements has to do with trailers with a GVWR in excess of 10,000 pounds when the combined GVWR does not exceed 26,000 pounds. In this case a CDL is NOT required provided you are not placarded for hazardous materials.

Am I required to have a Department of Transportation (DOT) number?

You are required to have a DOT number if the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.