

§ 385.1

49 CFR Ch. III (10–1–02 Edition)

- 385.319 What happens after the completion of the safety audit?
- 385.321 What failures of safety management practices disclosed by the safety audit will result in a notice to a new entrant that its DOT new entrant registration will be revoked?
- 385.323 May the FMCSA extend the period under §385.319(c) for a new entrant to take corrective action to remedy its safety management practices?
- 385.325 What happens after a new entrant has been notified under 385.319(c) to take corrective action to remedy its safety management practices?
- 385.327 What happens when a new entrant receives a notice under §385.319(c) that its new entrant registration will be revoked and it believes the FMCSA made an error in its determination?
- 385.329 May a new entrant that has had its U.S. DOT registration revoked and its operations placed out of service (OOS) re-apply?
- 385.331 What happens if a new entrant operates a CMV after having been issued an order placing its interstate operations out of service (OOS)?
- 385.333 What happens at the end of the 18-month safety monitoring period?
- 385.335 If the FMCSA conducts a compliance review on a new entrant, will the new entrant also be subject to a safety audit?
- 385.337 What happens if a new entrant refuses to permit a safety audit to be performed on its operations?
- APPENDIX A TO PART 385 EXPLORATION OF SAFETY AUDIT EVALUATION CRITERIA
- APPENDIX B TO PART 385—EXPLANATION OF SAFETY RATING PROCESS

AUTHORITY: 49 U.S.C. 113, 504, 521(b), 5113, 13901–13905, 31136, 31144, 31148, and 31502; Section 350 of Public Law 107–87; and 49 CFR 1.73.

EFFECTIVE DATE NOTE: At 67 FR 31982, May 13, 2002, the authority citation for part 385 was revised, effective Jan. 1, 2003. For the convenience of the user, the revised text follows:

AUTHORITY: 49 U.S.C. 113, 504, 521(b), 5113, 31136, 31144, 31148, and 31502; and 49 CFR 1.73.

SOURCE: 53 FR 50968, Dec. 19, 1988, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 385 appear at 66 FR 49872, Oct. 1, 2001.

Subpart A—General

§ 385.1 Purpose and scope.

(a) This part establishes the FMCSA’s procedures to determine the

safety fitness of motor carriers, to assign safety ratings, to direct motor carriers to take remedial action when required, and to prohibit motor carriers receiving a safety rating of “unsatisfactory” from operating a CMV.

(b) The provisions of this part apply to all motor carriers subject to the requirements of this subchapter, except non-business private motor carriers of passengers and motor carriers conducting for-hire operations of passenger CMVs with a capacity of fewer than 16 persons, including the driver.

[65 FR 50934, Aug. 22, 2000]

EFFECTIVE DATE NOTE: At 67 FR 31982, May 13, 2002, §385.1 was amended by redesignating paragraph (b) as paragraph (c) and revising it, and by adding new paragraph (b), effective Jan. 1, 2003. For the convenience of the user, the revised text follows:

§ 385.1 Purpose and scope.

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(b) This part establishes the safety assurance program for a new entrant motor carrier initially seeking to register with FMCSA to conduct interstate operations. It also describes the consequences that will occur if the new entrant fails to maintain adequate basic safety management controls.

(c) The provisions of this part apply to all motor carriers subject to the requirements of this subchapter, except non-business private motor carriers of passengers.

§ 385.3 Definitions.

Applicable safety regulations or requirements means 49 CFR subtitle B, chapter III, Subchapter B—Federal Motor Carrier Safety Regulations; and 49 CFR subtitle B, chapter I, Subchapter C—Hazardous Materials Regulations.

Commercial motor vehicle shall have the same meaning as described in §390.5 of this subchapter.

Preventable accident on the part of a motor carrier means an accident (1) that involved a commercial motor vehicle, and (2) that could have been averted but for an act, or failure to act, by the motor carrier or the driver.

Reviews. For the purposes of this part:

(1) *Compliance review* means an on-site examination of motor carrier operations, such as drivers’ hours of service, maintenance and inspection, driver