Part 392

Driving of Motor Vehicles

Part 392
Driving of Motor Vehicles

Illness or Fatigue

No driver is permitted to operate a motor vehicle when his/her ability and/or alertness is impaired by fatigue, illness, or any other cause that makes it unsafe to begin (or continue) to drive the vehicle.

Drugs

No driver may be on duty and possess, be under the influence of, or use:

- Any Schedule I drug or other substance listed in 21 CFR 1308.11
- Any amphetamine or formulation of an amphetamine (including pep pills and bennies)
- Narcotics or derivatives
- Any other substance that makes driving unsafe

Alcohol

A driver is forbidden to consume or be under the influence of alcohol within four hours of going on duty, while on duty, or while driving. A driver is forbidden to possess an alcoholic beverage while on duty, unless it is a manifested part of the shipment.

Safe Loading

No one may drive or require anyone to drive a commercial motor vehicle unless the cargo is properly loaded and secured. (See RSMo 307.013)

Railroad Crossing/Stopping

Motor vehicles transporting hazardous materials, and most buses transporting passengers, are forbidden to cross railroad tracks without first stopping and looking both ways. Additionally, the driver must not shift gears while crossing the track.

Seat Belts

A driver must not drive before correctly restraining him/herself, if the vehicle is equipped with seat belt assemblies. Some resources for seat belts can be found at www.savemolives.com.

Emergency Signals for Stopped Vehicles

A vehicle stopped upon a highway or shoulder must activate the vehicle's hazard warning flashers at once. The driver must leave the flashers on until warning devices are activated. The flashers must again be used while the warning devices are being picked up before the vehicle moves on.

Placement of Warning Devices

The warning devices must be placed as follows (except where special rules apply):

- One warning device must be placed on the traffic side of the vehicle, within ten feet, in the direction of approaching traffic
- A second device must be placed facing approaching traffic approximately 100 feet away in the center of the lane or shoulder where the vehicle is stopped
- The third device must be placed about 100 feet away from the stopped vehicle, in the direction away from approaching traffic

Radar Detectors

Section 390.5 Definition:
Radar detector means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

(1) Transported outside the driver's compartment of the commercial motor vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and
(2) Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the commercial motor vehicle.

Use of radar detectors is prohibited, including the following:

- Radar detectors shall not be used by a driver in a commercial vehicle
- A driver shall not operate any commercial motor vehicle that is equipped with a radar detector
- Motor carriers shall not require or permit a driver to violate the radar detector provisions

Texting

No driver is permitted to engage in texting while driving.

No motor carrier can allow or require drivers to text while driving.

For the purpose of this section only, driving means operating a commercial motor vehicle with the motor running, including while temporarily stationary because of traffic, a traffic control device or other momentary delays.

Driving does not include operating a CMV with or without the motor running when the driver moved the vehicle to the side of, or off, a highway and halted where the vehicle can safely remain stationary.

Texting while driving is permissible when necessary to communicate with law enforcement officials or other emergency services.

An exception applies to school bus operations and vehicles designed or used to transport 9 to 15 passengers, including the driver, not for direct compensation.

Cell Phone/Push-to-Talk

No commercial motor vehicle driver can use a hand-held mobile device while driving.

Hands-free cell phones, including headsets and push-to-talk equipment can be used while driving if:

- The equipment is within reach while the driver is restrained by a safety belt.
- The driver can activate the equipment by touching a single button.

Drivers can use a hand-held mobile device if the vehicle is stopped in a safe area for parking a commercial motor vehicle, or to communicate with law enforcement or other emergency services to report emergencies.

Drivers cannot use hand-held mobile devices when

- The vehicle is inoperation on the highway
- The vehicle is temporarily stopped on the highway for traffic, waiting for a stoplight, stop sign or other traffic control device
- The device is not within the reach of a driver using a safety belt.

Simply stated, a driver may not reach for, dial or hold a hand-held mobile device while driving.