

PART 392

Driving of Motor Vehicles



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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.

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.

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

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