

What is a Commercial Vehicle? And Why Do You Care?

By Brian Riker and Mike James

What is a commercial vehicle? Whether you realize it or not, most Auto Recyclers operate commercial vehicles. What is a commercial vehicle may sound like a simple question, but it can be a confusing issue depending upon the nature of your vehicle operations. A seemingly innocent factor such as the origin of the parts in your delivery van plays a huge role in determining which definition of a commercial vehicle applies to your company at the moment.

The Federal Motor Carrier Safety Administration (FMCSA) is the agency that regulates interstate motor carrier operations. Now you may think that you are not a motor carrier, however it is highly likely that you are a private motor carrier of property. The only question is if you are regulated by your state or if you are an interstate carrier and subject to federal regulations.

FMCSA is simply adopted by reference in 35 States, so for many of you, the federal rules are all you need to know about. If you are in one of the 15 States that have differing regulations, then you need to look to your State rules for intrastate operations. That said, it is our belief that most auto recyclers often engage in interstate commerce many times without even realizing it.

Federal regulations look at not only the physical nature of the trip, i.e. crossing state or international lines, but also the intent of the shipment. What this means is even if your truck never leaves your home town but the parts being delivered came from or are ultimately going out of state then the entire operation is interstate commerce and therefore subject to federal regulations.

How often do you receive parts for inventory from an out of state source? Even if you warehouse these parts without a specific buyer in mind they may still constitute interstate commerce.

So, what is the federal definition of a commercial motor vehicle? Any vehicle with a gross weight rating of 10,001 pounds or more used in furtherance of interstate commerce. It does not have to be a for-hire situation, private fleets are still commercial vehicles. This means that even newer 1-ton pickup trucks may be commercial vehicles and subject to driver qualification rules such as medical certification, display of DOT numbers and more.

You are urged to take a look at your operation, including your fleet, to be sure that you are operating in compliance. Our teammate Brian Riker will be speaking at the URG training conference this April on commercial vehicle operations and general fleet policies. Mike James here, I hope you will join me welcoming Brian Riker to the eComply® and the Auto Recycling teams. We look forward to meeting all of you and will be in the eComply booth for one on one consultations. Please feel free to reach out to Brian via eComply® if you have any questions. Like the rest of his colleagues at James Environmental and eComply® come let Brian help.

In coming articles, Brian will be bringing more detailed interpretations of these very complex regulations. Stay tuned.

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Brian J. Riker



Brian J. Riker, Director of Transportation Compliance and Services for eComply®. Holder of a Class A CDL, 15-year Manager and Owner of a 14 Truck fleet, multi state operation serving the Auto Transport and Towing Industries, Brian is recognized across the US as an industry expert on matters of Driver Safety, DOT and FMCSA Regulations. An active member of the leadership team of eComply®, living in NE Pennsylvania, Brian rounds out his contributions to eComply with 30 years' experience as a Pennsylvania CDL third party examiner, driver trainer and fleet compliance management. He is a frequent contributor of expert comment and position statements for State and National Associations on regulatory issues associated with transportation related matters.

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Mike James, complements his more than 45 years of hands on experience building and leading Compliance Assurance programs in heavy industrial environments with a Bachelor's in Engineering, and a MBA. During his career with companies including General Electric, Texas Instruments and the electric utility industry Mike has managed major construction projects, engineering and maintenance operations, safety and environmental programs, and federal and state superfund cleanups. Founded in 1994, **James Environmental Management, Inc.** has provided safety and environmental compliance assurance programs for thousands of auto recyclers, scrap metal and towing companies. Mike and a diverse team of experts have developed the cloud-based Compliance Assurance and Educational Tool called **eComply®** allowing companies to manage the risks within their business.

Having been involved with every aspect of OSHA Safety Compliance issues on industrial settings, Mike has led corrective actions on fatalities, and has developed major safety and risk management and cost control programs.

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