**Section 390.1010 General Applicability**

a) All Parts of the IMCSR except for "Transportation of Hazardous Materials; Driving and Parking" (92 Ill. Adm. Code 397) are applicable to:

*Persons employing drivers, drivers and commercial motor vehicles which transport property or passengers in interstate or intrastate commerce.* (Section 18b-106 of the Law)

b) 92 Ill. Adm. Code 397 applies to any employer, employee or motor carrier engaged in the transportation of hazardous materials by a motor vehicle that must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177.823) and to:

1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and

2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

c) The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation in Illinois of hazardous materials by a farmer when in approved containers and in the amounts and manner specified in 92 Ill. Adm. Code 171.22, Agricultural Exception.

d) Nothing in the IMCSR shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

e) The IMCSR requires knowledge of and compliance with the following:

1) Every employer shall be knowledgeable of and comply with all requirements contained in the IMCSR that are applicable to that motor carrier's operations.

2) Every driver and employee shall comply with all applicable requirements contained in the IMCSR and shall be instructed accordingly.

3) All motor vehicles' equipment and accessories required by the IMCSR shall be maintained in compliance with all applicable performance and design criteria also set forth in the IMCSR.

f) Except for provisions in Section 13-101 of the Illinois Vehicle Code [625 ILCS 5/13-101] or unless otherwise specifically provided, the requirements in the IMCSR do not apply to:

1) All school bus operations as defined in Section 390.1020 of this Part, except for the provisions of 49 CFR 391.15(e) and (f), 49 CFR 392.80 and 49 CFR 392.82;

2) Transportation performed by the federal government, a state or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States;

3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;

1. The transportation of human corpses or sick and injured persons;
2. The operation of fire trucks and rescue vehicles while involved in emergency and related operations;

6) The operation of vehicles designed or used to transport between 9 and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except for the provisions of 49 CFR 391.15(e) and (f), 392.80 and 392.82, and except that motor carriers operating these vehicles are required to comply with 49 CFR 390.15, 390.21(a) and (b)(2), 390.201 and 390.205;

AGENCY NOTE: "Not for direct compensation" means no direct payment is made to the carrier by the passengers or any person acting on behalf of the passengers for the transportation services provided.

7) Either a driver of a commercial motor vehicle used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency, if the motor carrier safety regulations would prevent the driver from responding to an emergency condition requiring an immediate response, as defined in Section 390.1020.

g) The following parts apply to motor carriers and vehicles that transport certain types and quantities of hazardous materials in intrastate commerce:

1) 49 CFR 385, Safety Fitness Procedures, subparts A and E, for carriers subject to the requirements of 49 CFR 385.403;

2) 49 CFR 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings;

3) 49 CFR 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in 49 CFR 387.3; and

4) 49 CFR 390.19, Motor Carrier, Hazardous Material Shipper, and Intermodal Equipment Provider Identification Reports, and 49 CFR 390.21, Marking of Self-Propelled CMVs and Intermodal Equipment, for carriers subject to the requirements of 49 CFR 385.403. Intrastate motor carriers operating prior to January 1, 2005 are excepted from 49 CFR 390.19(a)(1).

h) The following regulations apply to intermodal equipment providers:

1) 49 CFR 385, subpart F and 92 Ill. Adm. Code 385, Subpart B;

2) 49 CFR 386 and 92 Ill. Adm. Code 386;

3) 49 CFR 390 and 92 Ill. Adm. Code 390, except 49 CFR 390.15(b) concerning accident registers;

4) 49 CFR 393 and 92 Ill. Adm. Code 393; and

5) 49 CFR 396 and 92 Ill. Adm. Code 396.

i) The following regulations apply to brokers that are required to register with the FMCSA pursuant to 49 USC 139:

1) 49 CFR 371, Brokers of Property.

2) 49 CFR 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

3) 49 CFR 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in subpart C of that part.

4) 49 CFR 390, subpart E, Unified Registration System.

j) The following regulations apply to freight forwarders that are required to register with the FMCSA pursuant to 49 USC 139:

1) 49 CFR 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.

2) 49 CFR 387, Minimum Levels of Financial Responsibility for Motor Carriers, to the extent provided in subpart D of that part.

3) 49 CFR 390.subpart E, Unified Registration System.

k) 49 CFR 390.subpart E, applies to each cargo tank and cargo tank motor vehicle manufacturer, assembler, repairer, inspector, tester and design certifying engineer who is subject to registration under 49 CFR 107.502 and 49 USC 5108.

AGENCY NOTE: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for intrastate public utility commercial motor vehicles.

(Source: Amended at 40 Ill. Reg. 2002, effective January 8, 2016)