**Section 391.2000 Incorporation by Reference of 49 CFR 391**

a) The Department hereby incorporates by reference 49 CFR 391 as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR subchapter B) was in effect on October 1, 2018, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 391 are incorporated. Copies of 49 CFR 391 are available for inspection at 2300 South Dirksen Parkway, Springfield, Illinois 62764 or by calling 217/785-1181. The incorporated CFR may also be accessed via the U.S. Government Publishing Office's website at http://www.ecfr.gov.

b) References to subchapters, parts, subparts, sections, or paragraphs shall be read to refer to the appropriate citation in 49 CFR 391.

c) The following interpretations of, additions to, and deletions from 49 CFR 391 shall apply for purposes of this Part.

1) Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/Ch. 18b] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020. Drivers of covered farm vehicles, as defined in 92 Ill. Adm. Code 390.1020 cannot be placed out-of-service for violations of 49 CFR 391, subpart E.

2) 49 CFR 391.11(b)(1) does not apply to the operator of a commercial motor vehicle used in intrastate commerce.

3) *Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle with a gross vehicle weight rating or gross combination weight of over 12,000 lbs., used in the intrastate transportation of property who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to the Illinois Motor Carrier Safety Regulations (IMCSR) and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of 49 CFR 391 by reason of the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.* (Section 18b-105 of the Law)

4) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle that either has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of between 10,000 and 12,001 pounds; or that is designed to transport more than 15 passengers, including the driver; or that has a GVWR or GCWR of less than 12,001 pounds and transports hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act [430 ILCS 30]. The vehicle must be used in intrastate transportation. The driver must have been eligible and licensed to operate a motor vehicle subject to the IMCSR and engaged in operating that vehicle immediately prior to January 17, 1992. The driver must have been disqualified on January 17, 1992 by the adoption of Public Act 87-829 that made the IMCSR applicable to vehicles described in this subsection (c)(4). The reason for disqualification must have been the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time. This exception does not apply to any driver who has a record of accidents that would indicate a lack of ability to operate a motor vehicle in a safe manner.

5) 49 CFR 391.43(a) is not incorporated and the following is substituted:

Except as provided by 49 CFR 391.43(b), the medical examination shall be performed by a licensed medical examiner as defined in 92 Ill. Adm. Code 390.1020.

6) If a medical examiner determines that the driver is qualified to drive only in intrastate transportation due to the application of the provisions of subsection (c)(3) or (c)(4), the following shall appear on the medical examiner's certificate: "Qualified only for intrastate transportation in Illinois."

7) 49 CFR 391.49(a) is not incorporated and the following is substituted:

A person who is not physically qualified to drive under 49 CFR 391, and who is otherwise qualified to drive a commercial motor vehicle, may drive a commercial motor vehicle in interstate or intrastate transportation if the Division Administrator, FMCSA, has granted a Skill Performance Evaluation (SPE) Certificate to that person.

8) 49 CFR 391, subpart E, Physical Qualifications and Examinations, does not apply to drivers of covered farm vehicles as defined in 92 Ill. Adm. Code 390.1020.

(Source: Amended at 43 Ill. Reg. 3993, effective March 14, 2019)