

# USDOT# -- NEW ENTRANT SAFETY ASSURANCE PROGRAM

FROM PART 385 – FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REGULATIONS

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## **§385.301 What is a motor carrier required to do before beginning interstate operations?**

(a) Before a motor carrier of property or passengers begins interstate operations, it must register with the FMCSA and receive a USDOT number. In addition, for-hire motor carriers must obtain operating authority from FMCSA following the registration procedures described in 49 CFR [part 365](#), unless providing transportation exempt from 49 CFR part 365 registration requirements.

(b) This subpart applies to motor carriers domiciled in the United States and Canada.

(c) A Mexico-domiciled motor carrier of property or passengers must register with the FMCSA by following the registration procedures described in 49 CFR [part 365](#) or 368, as appropriate. The regulations in this subpart do not apply to Mexico-domiciled carriers.

*[67 FR 31983, May 13, 2002]*

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## **§385.303 How does a motor carrier register with the FMCSA?**

A motor carrier may contact the FMCSA by internet ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)); or Washington, DC headquarters by mail at, FMCSA, 400 7th Street SW., Washington, DC 20590; fax (703) 280-4003; or telephone 1-800-832-5660, and request the application materials for a new entrant motor carrier.

*[67 FR 31983, May 13, 2002]*

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## **§385.305 What happens after the FMCSA receives a request for new entrant registration?**

(a) The requester for new entrant registration will be directed to the FMCSA Internet website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)) to secure and/or complete the application package online.

(b) The application package will contain the following:

(b)(1) Educational and technical assistance material regarding the requirements of the FMCSRS and HMRS, if applicable.

(b)(2) The Form MCS-150, The Motor Carrier Identification Report.

(b)(3) The Form MCS-150A, The Safety Certification for Applications for U.S. DOT Number.

(b)(4) Application forms to obtain operating authority under 49 CFR [365](#), as appropriate.

(c) Upon completion of the application forms, the new entrant will be issued a USDOT number.

(d) For-hire motor carriers, unless providing transportation exempt from 49 CFR [part 365](#) registration requirements, must also comply with the procedures established in 49 CFR [part 365](#) to obtain operating authority before operating in interstate commerce.

*[67 FR 31983, May 13, 2002]*

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## **§385.307 What happens after a motor carrier begins operations as a new entrant?**

After a new entrant satisfies all applicable pre-operational requirements, it will be subject to the new entrant safety monitoring procedures for a period of 18 months. During this 18-month period:

(a) The new entrant's roadside safety performance will be closely monitored to ensure the new entrant has basic safety management controls that are operating effectively. An accident rate or driver or vehicle violation rate that is higher than the industry average for similar motor carrier operations may cause the FMCSA to conduct an expedited safety audit or compliance review at any time.

(b) A safety audit will be conducted on the new entrant, once it has been in operation for enough time to have sufficient records to allow the agency to evaluate the adequacy of its basic safety management controls. This period will generally be at least 3 months.

(c) All records and documents required for the safety audit shall be made available for inspection upon request by an individual certified under FMCSA regulations to perform safety audits.

*[67 FR 31983, May 13, 2002]*

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## **§385.309 What is the purpose of the safety audit?**

The purpose of a safety audit is to:

(a) Provide educational and technical assistance to the new entrant; and

(b) Gather safety data needed to make an assessment of the new entrant's safety performance and adequacy of its basic safety management controls.

*[67 FR 31984, May 13, 2002]*

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## **§385.311 What will the safety audit consist of?**

The safety audit will consist of a review of the new entrant's safety management systems and a sample of

required records to assess compliance with the FMCSRS, applicable HMRS and related record-keeping requirements as specified in Appendix A of this part. The areas for review include, but are not limited to, the following:

- (a) Driver qualification;
- (b) Driver duty status;
- (c) Vehicle maintenance;
- (d) Accident register; and
- (e) Controlled substances and alcohol use and testing requirements.

[67 FR 31984, May 13, 2002]

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### **§385.313 Who will conduct the safety audit?**

An individual certified under the FMCSA regulations to perform safety audits will conduct the safety audit.

[67 FR 31984, May 13, 2002]

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### **§385.315 Where will the safety audit be conducted?**

The safety audit will generally be conducted at the new entrant's business premises.

[67 FR 31984, May 13, 2002]

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### **§385.317 Will a safety audit result in a safety fitness determination by the FMCSA?**

A safety audit will not result in a safety fitness determination. Safety fitness determinations follow completion of a compliance review.

[67 FR 31984, May 13, 2002]

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### **§385.319 What happens after the completion of the safety audit?**

(a) Upon the completion of the safety audit, the auditor will review the findings with the new entrant.

(b) If the FMCSA determines that the safety audit discloses that the new entrant has adequate basic safety management controls, the FMCSA will provide the new entrant written notice as soon as practicable, but not later than 45 days after the completion of the safety audit, that it has adequate basic safety management controls. The new entrant's safety performance will continue to be closely monitored for the remainder of the 18-month period of new entrant registration.

(c) If the FMCSA determines that the findings of the safety audit disclose that the new entrant's basic safety management controls are inadequate, it will provide the new entrant written notice, as soon as practicable, but not later than 45 days after the completion of the safety audit, that its USDOT new entrant registration will be revoked and its operations placed out-of-service unless it takes the actions

specified in the notice to remedy its safety management practices within:

(c)(1) 45 days of the date of the notice if the new entrant transports passengers in a CMV designed or used to transport 16 or more passengers, including the driver, or transports hazardous materials requiring placarding; or

(c)(2) 60 days of the date of the notice for all other new entrants.

[67 FR 31984, May 13, 2002]

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### **§385.321 What failures of safety management practices disclosed by the safety audit will result in a notice to a new entrant that its DOT new entrant registration will be revoked?**

The failures of safety management practices consist of a lack of basic safety management controls as described in Appendix A of this part and will result in a notice to a new entrant that its DOT new entrant registration will be revoked.

[67 FR 31984, May 13, 2002]

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### **§385.323 May the FMCSA extend the period under §385.319(c) for a new entrant to take corrective action to remedy its safety management practices?**

(a) If a new entrant that transports passengers in a CMV designed or used to transport 16 or more passengers, including the driver, or transports hazardous materials in quantities requiring placarding, has submitted evidence that corrective actions have been taken pursuant to [§385.319\(c\)](#) and the FMCSA cannot make a determination regarding the adequacy of the corrective actions within the 45 day period, the period may be extended for up to 10 days at the discretion of the FMCSA.

(b) The FMCSA may extend the 60-day period in [§385.319\(c\)\(2\)](#), for up to an additional 60 days provided FMCSA determines that the new entrant is making a good faith effort to remedy its safety management practices.

[67 FR 31984, May 13, 2002]



FEDERAL REGULATIONS REGARDING  
MCSR AUDITS:

<http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/385.htm>

TO SPEAK WITH IDOT AUDITORS CONTACT:  
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