**Section 390.2000 Incorporation by Reference**

a) The Department incorporates by reference 49 CFR 390, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 380, 382, 383, 385, appendix B of 386, 387, 390, 391, 392, 393, 395, 396 and 397) was in effect on October 1, 2014, , subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390 are incorporated. Copies of the appropriate material are available from the Division of Traffic Safety, 1340 N. 9th Street, Springfield, Illinois 62702 or by calling 217/785-1181. The FMCSR are available on the National Archives and Records Administration's website at http://ecfr.gpoaccess.gov. The Division of Traffic Safety's rules are available on the Department's website at http://www.dot.il.gov/safety.html.

b) The following interpretations of, additions to and deletions from 49 CFR 390 shall apply for the purposes of this Subpart:

1) 49 CFR 390.subpart A is deleted and not incorporated.

2) 49 CFR 390.9 is deleted and not incorporated.

3) 49 CFR 390.19 and 49 CFR 390.21 apply to the following:

A) Commercial motor vehicles engaged in interstate commerce; and

B) Commercial motor vehicles engaged in intrastate commerce if the carrier requires a safety permit as required by 49 CFR 385.403.

4) Commercial motor vehicles subject to the safety permit requirements of 49 CFR 385.403 and engaged in intrastate commerce prior to January 1, 2005 are excepted from 49 CFR 390.19(a)(1).

5) 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following is substituted:

An emergency has been declared by a Federal, State, or local government official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his or her designee.

6) 49 CFR 390.39(b)(1) is deleted and not incorporated.

7) 49 CFR 390.40(a) and (b) do not apply to intermodal equipment providers who operate intermodal equipment in intrastate commerce.

8) 49 CFR 390.103(a)(1) is not incorporated and the following is substituted:

Be licensed, certified or registered in accordance with applicable State laws and regulations to perform physical examinations. In Illinois, the term includes doctors of medicine, doctors of osteopathy, doctors of chiropractic, physician assistants who have been delegated the performance of medical examinations by their supervising physicians, and advanced practice nurses who have a written collaborative agreement with a collaborating physician that authorizes them to perform physical examinations.

9) 49 CFR 390.subpart E does not apply to commercial motor vehicles used in intrastate commerce.

10) Any reference to "this part" in the incorporated material shall mean 92 Ill. Adm. Code 390.

11) Any reference to "this chapter" or "this subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.

12) Any reference to a section in the incorporated material shall be read to refer to that Section in the IMCSR.

13) Any reference to "part 325 of subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards" (49 CFR 325).

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