

PHMSA Interpretation #06-0165

Aug 24, 2006

PHMSA Response Letter

Aug 24, 2006

Mr. Richard B. Loden
3959 Chestnut Avenue
Concord, CA 94519

Reference No. 06-0165

Dear Mr. Loden:

This responds to your letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171- 180) to the transportation of a loaded personal firearm lawfully carried by a commercial motor vehicle operator while in the performance of his or her duties. Specifically, you ask whether the transportation of such a firearm is prohibited by the HMR under the “forbidden explosives” clause in § 173.54(f).

The answer to your question is no. Unless otherwise specified in § 173.54(f), a personal loaded or unloaded firearm lawfully carried by a commercial motor vehicle operator is not considered in commerce and therefore not subject to the HMR. Under this scenario, a commercial motor vehicle operator who carries a personal firearm while in the performance of his or her duties is subject to local or State jurisdiction regarding such matters. This response has been coordinated with the Federal Motor Carrier Safety Administration.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

173.54(f)