



26-0071
Horne

Fwd: Letter of Interpretation Request - Tow Truck Operations

INFOCNTR (PHMSA) <infocntr.infocntr@dot.gov>

Fri, Jun 5, 2026 at 4:37 PM

To: "Baker, Yul (PHMSA)" <yul.baker@dot.gov>, Hazmat Interps <hazmatinterps@dot.gov>

Good afternoon,

Please see the attached interpretation request.

Let us know if you need anything,

Janaye

----- Forwarded message -----

From: **Clay Greene** <clay@acmehazmat.com>

Date: Fri, Jun 5, 2026 at 12:30 PM

Subject: Letter of Interpretation Request - Tow Truck Operations

To: Andrews, Steven <steven.andrews@dot.gov>

Cc: phmsa.hm-infocenter@dot.gov <phmsa.hm-infocenter@dot.gov>

Good afternoon, Steven,

Please see attached, I am requesting a Letter of Interpretation in regard to the applicability of the HMR and tow truck operations.

Please do not hesitate to reach out if there are any questions on my request or if further clarification is required.

Thank you,

Respectfully,

Clay Greene

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Clay Greene, President

June 5, 2026

Via Electronic Mail

Steven Andrews
Standards and Rulemaking Division
Office of Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation, East Building
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Request for Letter of Interpretation – Applicability of HM Regulations to Tow Truck Company's

Dear Mr. Andrews,

Consistent with the requirements of 49 CFR §105.20(a), the purpose of this letter is to request written clarification regarding the applicability of the Hazardous Materials Regulations (HMR) of towing companies engaged in towing damaged or disabled commercial vehicles.

I am seeking clarification in regards to instances where commercial motor vehicles which are laden with quantities of hazardous materials, requiring placarding under 49 CFR Part 172 Subpart F, become disabled due to mechanical breakdowns or damaged to the extent towaway from the scene of an accident is required, and if towing company's responding to remove these vehicles are required to register with the Department per Part 107, as the they are not normally a motor carrier that transports placardable quantities of hazardous materials on a regular basis as part of their everyday business operations. I am also seeking guidance on the applicability of the HMR's to tow truck operations performing emergency or first moves of disabled or damaged vehicles laden with hazardous materials.

Background

The Federal Motor Carrier Safety Regulations have several specific exceptions in place for towing companies and the drivers of their commercial vehicles. These exceptions include the fact a Hazmat or Tank endorsement is not required for a CDL on an emergency move, as outlined in 49 CFR 383.93 in Question # 8 when making an emergency “first move”.

Question 8: Do tow truck operators who hold a CDL require endorsements to tow "endorsable" vehicles?

Guidance: For CDL endorsement purposes, the nature of the tow truck operations determines the need for endorsements:

- If the driver’s towing operations are restricted to emergency “first moves” from the site of a breakdown or crash to the nearest appropriate repair facility, then no CDL endorsement of any kind is required.
- If the driver’s towing operations include any "subsequent moves" from one repair or disposal facility to another, then endorsements requisite to the vehicles being towed are required. Exception: Tow truck operators need not obtain a passenger or school bus endorsement.

In 49 CFR Part 387 for the financial responsibility requirements, the FMCSR’s again provide an exception for tow trucks operating in emergency move situations, in §387.3 Interpretation questions:

Question 3: When are tow trucks subject to financial responsibility coverage?

Guidance: For-hire tow trucks with a Gross Vehicle Weight Rating (GVWR) or GCWR of 10,000 pounds or more performing emergency moves in interstate or foreign commerce are required to maintain minimum levels of financial responsibility in the amount of \$750,000. For-hire tow trucks performing secondary moves are required to maintain levels of coverage applicable to the commodity being transported by the vehicle being towed.

The FMCSR’s also provide relief hours of service relief to tow truck drivers while responding to emergencies in 390.23(d) for driving time limits while responding to the emergency.

(d) Tow trucks responding to emergencies. Section 395.3 of this chapter shall not apply to a motor carrier or driver operating a commercial motor vehicle so long as the motor carrier or driver is providing direct assistance during an emergency when a request has been made by a Federal, State, or local police officer for tow trucks to move wrecked or disabled motor vehicles. This regulatory relief shall not exceed the length of the motor carrier’s or driver’s direct assistance in providing emergency relief or 24 hours from the

time of the initial request for assistance by the Federal, State, or local police officer, whichever is less.

Request for clarification

FMCSA has for many years provided emergency relief for towing operations on first or emergency moves from the highway, including the guidance that a CDL driver does not need to possess an H endorsement on their CDL. I have researched the HMR and do not see where any relief is offered from the HMR by PHMSA for these types of operations and circumstances, therefore I respectfully request clarification for the below scenarios involving tow truck operations.

Scenario 1

A towing company is summoned the scene of a breakdown of a commercial motor vehicle with a loaded cargo tank containing hazardous materials, that is properly placarded and marked. The CMV is disabled and unable to move under its own power. It was requested to be towed by the motor carrier personnel.

Scenario 2

A towing company is requested by law enforcement to respond to the scene of an accident involving a CMV transporting a placardable quantity of hazardous materials that has been disabled due to damage from the accident.

Scenario 3

A towing company is requested to tow a disabled or damaged CMV that is transporting a quantity of hazardous materials that does not require placarding or marking to a place of safety.

Questions:

Question # 1

In any of the above scenarios, would a towing company when towing the disabled vehicle as an emergency or first move to remove the disabled vehicle be required to obtain a Certificate of Hazardous Materials Registration under Subpart G of 49 CFR Part 107?

Question # 2

In any of the above scenarios would the HM shipping papers for the load of hazardous materials on the disabled vehicle be required to remain in the disabled CMV or would they be required to be in the possession of the driver of the tow truck when towing the disabled vehicle?

Question # 3

In any of the above scenarios would the emergency response information for the load of hazardous materials on the disabled vehicle be required to remain on the disabled CMV or in possession of the driver of the tow truck towing the disabled vehicle?

Question # 4

In any of the above scenarios would the Hazardous Materials Training requirements that are found in 49 CFR Part 172 Subpart H apply to the driver of the tow truck making an emergency or first move of the disabled or damaged CMV laden with a placardable quantity of hazardous materials when it is being towed?

Question # 5

In any of the above scenarios would a tow truck company, who does not normally transport hazardous materials, be considered an HM Employer and would a tow truck driver be considered an HM Employee as defined in 49 CFR 171.8 when they are performing an emergency or first moves from the scene of a CMV breakdown or crash scene?

Question # 6

If the HMR's were deemed to not be applicable to a tow truck company and driver performing an emergency or first move of a disabled CMV being removed from the scene of a breakdown or accident as asked above, would the HMR's then be applicable if the tow truck company or driver then made a subsequent or secondary move of the CMV laden with a placardable quantity of HM?

Thank you for your assistance with this request. Please contact me at (229) 560-1799 or clay@acmehazmat.com if you have any questions or desire additional information on my request.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Greene", followed by a horizontal line.

Clay Greene