



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

JUL -9 2004

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Steven King
Mobility Products Unlimited, LLC
245 Riverside Drive
Holly Hill, FL 32117

Ref. No. 04-0145

Dear Mr. King:

This is in response to your letter asking for clarification of the materials of trade (MOTs) exceptions under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification of the term "private motor carrier" as used in the (MOTs) definition in § 171.8. You also ask for clarification of the applicable requirements in § 173.6 for transporting MOTs, including weight limitations and whether registration and shipping paper requirements apply. You state that Mobility Products is a medical equipment provider and will be transporting four 50-pound Division 2.2 compressed oxygen cylinders in a motor vehicle to its customers.

The definition for MOTs in § 171.8 includes a private motor carrier transporting hazardous materials in direct support of a principal business that is other than transportation by motor vehicle. A private motor carrier is a carrier who transports the business's own products and does not provide such transportation service to other businesses.

In addition to meeting the definition of MOTs in § 171.8, the applicable requirements in § 173.6 must be met. The cylinder must conform to the packaging, qualification, maintenance, and use requirements under the HMR and must be leak tight, securely closed, secured against movement, and protected against damage (see paragraph (b)). A DOT specification cylinder must be marked and labeled in accordance with the HMR (see paragraph (c)(3)), and the operator of the motor vehicle must be informed of the presence of the hazardous material (see paragraph (c)(4)). Paragraph (a)(2) limits a Division 2.2 material in a cylinder to a gross weight not over 220 pounds and paragraph (d) limits the aggregate gross weight of all hazardous materials on one motor vehicle to not more than 440 pounds. With regard to the registration and shipping paper



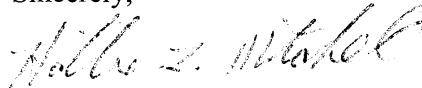
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173.6

requirements, paragraph (a) states that a hazardous material meeting the MOTs definition in § 171.8 is subject only to the applicable requirements in § 173.6; therefore, such shipments are excepted from the registration and shipping paper requirements.

I hope this information is helpful. Please contact this office should you require additional assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hattie L. Mitchell".

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



McIntyre
§ 173.6
MOT
04-0145

Mobility Products Unlimited LLC 245 Riverside Drive, Holly Hill, FL 32117
386.255.2388 or Toll Free 1.888.224.2482

May 12, 2004

DOT
Office of HazMat Standards
DHM-10
400 7th Street SW
Washington, DC 20590

Dear Sir/Madam;

Mobility Products Unlimited, LLC is a durable medical equipment provider that plans to begin renting Home-Fill Oxygen concentrators to patients with a prescription. In order to be compliant with Emergency and Disaster Preparedness protocol, Mobility Products has opted to provide each patient receiving the system with a back-up cylinder of compressed oxygen.

I have viewed the regulations and the information contained at multiple websites, including telephone contacts. However, your assistance is needed in ascertaining the requirements that Mobility Products Unlimited needs to meet in order to transport the Division 2.2 hazardous material. Information regarding whether registration is required would be appreciated.

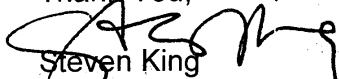
I was referred to 49 CFR 173.6 and have viewed the regulation and believe that Mobility Products Unlimited satisfies the "Materials of Trade" exemption requirements as stipulated therein. However, a clearer definition of a "private motor carrier" would be appreciated.

Mobility Products Unlimited transports its home medical equipment in cargo/passenger type vans. These vehicles would transport no more than a total of (4) 50 lbs. compressed oxygen cylinder tanks at any time. Information regarding weight limits for this would be greatly appreciated as well.

Mobility Products Unlimited is committed to compliance with federal and state regulations. Any assistance that you may provide in ascertaining hazardous materials regulation and registration compliance, including shipping paper requirements, is greatly appreciated.

If you need additional information, please contact me @ 1-888-224-2482 X2242 or by email sking@mpullc.com.

Thank You,


Steven King
Revenue Integrity Analyst
Compliance Department