



1

WHAT IS A COMMERCIAL MOTOR VEHICLE?

FMCSR INTERSTATE COMMERCE

A motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—

- 1) Has a GVWR or GCVWR of 10,001 pounds or greater;
- 2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- 3) Is designed or used to transport more than 15 passengers (including the driver); or
- 4) Is used to transport hazardous materials.

49 C.F.R. § 390.5

TEXAS INTRASTATE COMMERCE

A motor vehicle, that is used on a public highway to transport passengers or cargo if the vehicle—

- 1) Has a GVWR or GCVWR exceeding 26,000 pounds;
- 2) Is designed or used to transport more than 15 passengers (including the driver); or
- 3) Is used to transport hazardous materials.

Tex. Transp. Code § 548.001

2

INTERSTATE COMMERCE: WHAT IS IT?

The FMCSR define “interstate commerce” as “trade, traffic, or transportation in the United States—

- 1) Between a place in a State and a place outside such State (including a place outside the United States)
- 2) Between two places in a State through another State or a place outside of the United States; or
- 3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State of the United States.

FMCSR § 390.5



3

IS THIS A COMMERCIAL MOTOR VEHICLE?



FMCSR INTERSTATE

Yes, over 10,001
pounds GVWR.

TEXAS INTRASTATE

No, under 10,001
pounds GVWR.

4

IS THIS A COMMERCIAL MOTOR VEHICLE?



FMCSR (INTERSTATE)

Yes, if transporting passengers for compensation.

No, if transport is not for compensation.

TEXAS (INTRASTATE)

No.

5

IS THIS A COMMERCIAL MOTOR VEHICLE?



FMCSR INTERSTATE

Yes, if hauling property. (GCVWR over 10,001 pounds).

TEXAS INTRASTATE

No. GCVWR under 26,001 pounds

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Commercial Vehicle Accidents 101

Also available as part of the eCourse

[Answer Bar: Taking on the Car Crash Client](#)

First appeared as part of the conference materials for the

2023 The Car Crash Seminar session

"Commercial Vehicle Accidents 101"