



MICHIGAN CENTER for TRUCK SAFETY

Management Training Department present . . .

Commercial Motor Vehicles Safety Regulations

*An Overview
to include*

Michigan Public Act 231 of 2013

*and
Recent Changes*



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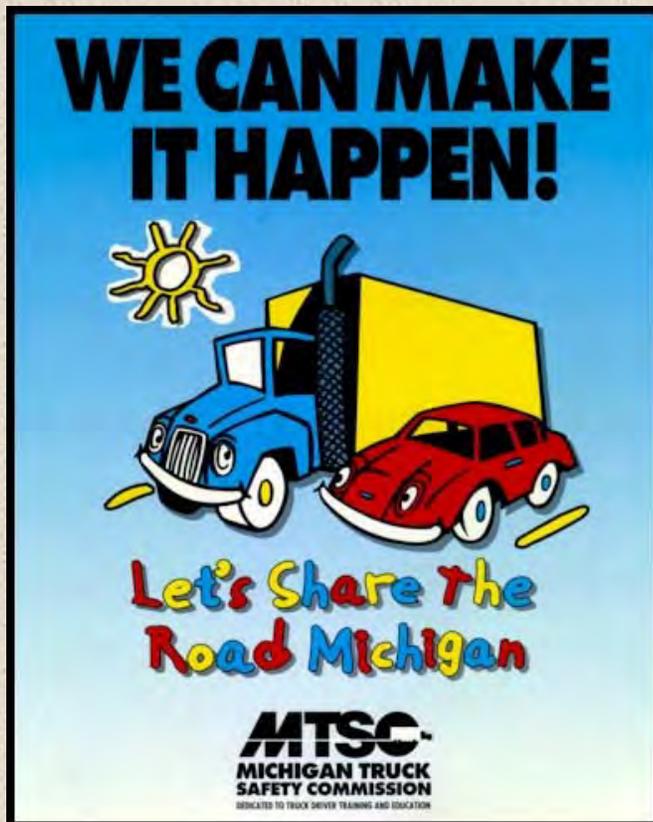


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Ron Edwards



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The **MICHIGAN CENTER for TRUCK SAFETY** provides highway safety educational programs and services to Michigan's trucking industry and useful tips for the general public on how to safely share the road with trucks.

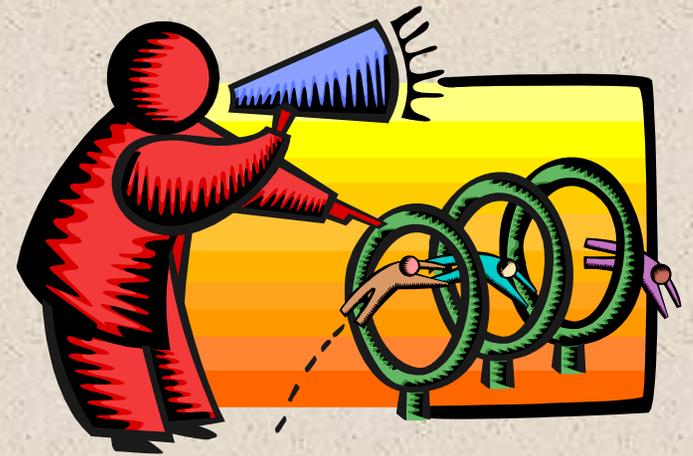


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Introduction

In 1984 the U.S. Congress passed the Motor Carrier Safety Act. The Act directed the Secretary of Transportation to determine the fitness of all motor carriers operating in interstate commerce.

In 1990 Michigan amended the **Michigan Motor Carrier Safety Act (Act 181 of 1963)** to adopted these regulations for Michigan motor carriers operating in intrastate commerce.





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Act 181 of 1963

480.11a

- (1) **This state adopts** the following provisions of title 49 of the code of federal regulations on file with the office of the secretary of state, except where modified by this act:
- (a) **Hazardous materials regulations** . . .
 - (b) **Motor carrier safety regulations** . . . parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 383, 385, 387, 390 thru 393, 395 through 399 . . .
 - (ii) **Where "interstate" appears, it means intrastate** or interstate, or both, as applicable, except as specifically provided in this act.

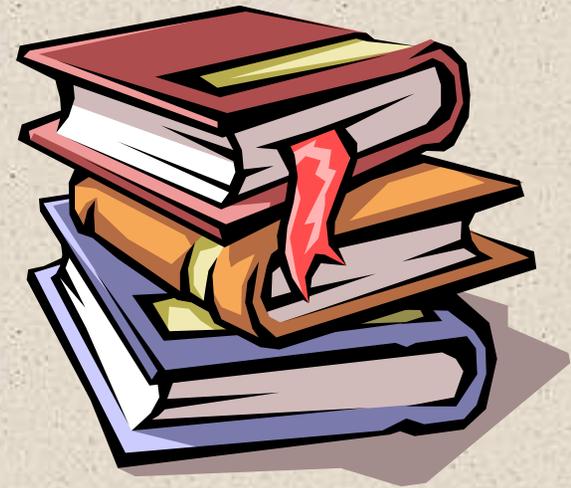


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References

The complete text of the rules and regulations discussed in this program and referenced in this summary study guide are contained in:

- The Federal Motor Carrier Safety Regulations (FMCSR)
- The Michigan Motor Carrier Safety Act (PA 181 of 1963)
- The Michigan Vehicle Code



**Note: if you transport hazardous materials . . .
Compliance with Hazardous Materials Regulations Is required.**



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Applicability

For-hire and private carriers operating commercial motor vehicles (CMV) in interstate and/or intrastate commerce.

A CMV is a commercial vehicle having:

- a) a single vehicle rating (CVWR) of 10,001 pounds or more, or
- b) a combination vehicle rating (GCWR) of 10,001 pounds or more, or
- c) any single or combination vehicle with an actual loaded weight of 10,001 pounds or more.



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MFD BY GENERAL MOTORS De MEXICO SA. De C.V. 06/96

GVWR
8600/3901

GAWR FRT
4250/1928

GAWR RR
6000/2722 LB/KG

THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S. FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.



TYPE: M.P.V.

MODEL: K20906

KPDT TIRE SIZE

RIM

COLD TIRE PRESSURE

FRT LT245/75R16E

16X6.5K

50/340 PSI/KPA

RR LT245/75R16E

16X6.5K

80/550 PSI/KPA

SEE OWNER'S MANUAL FOR MORE INFORMATION.



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Applicability





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Applicability

Operating in **interstate commerce** is when a motor carrier operates across a state or international border, or when a motor carrier is involved.

(FEDERAL MOTOR CARRIER SAFETY REGULATIONS)

Operating in **intrastate commerce** is when a motor carrier operates entirely within the state and is not involved with any segment of transportation that crosses a state or international border.

(MICHIGAN MOTOR CARRIER SAFETY ACT . . . Michigan Public Act 181 of 1963)



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Compliance Areas

Federal Motor Carrier Safety Regulations

- Part 387 Financial Responsibility (for-hire motor carriers and all motor carriers transporting HM; in any amount)
- Part 390 General
- Part 391 Qualification of Drivers
- Part 392 Driving Commercial Motor Vehicles
- Part 393 Parts and Accessories
- Part 395 Hours of Service of Drivers
- Part 396 Inspections, Repairs, and Maintenance

- Part 383 Commercial Driver's license (CDL)
- Part 382 Drug and Alcohol Use Testing (CDL drivers)



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Michigan Public Act 231 of 2012

*This act amends the Motor Carrier Safety Act and **exempts** motor carriers operating **non-CDL** vehicles in intrastate commerce from all compliance except for:*

- ▶ **FMCSR Part 391 . . . Driver Qualification**
 - Driver Qualification Files
 - Medical Examiner's Certificate

- ▶ **FMCSR Parts 392 & 393**
 - Safe driving requirements,
 - Inspection requirements (no documentation)
 - Vehicle equipment requirements
 - Cargo securement requirements



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Part 391 **Qualification of drivers (all motor carriers)**

Any person who operates a CMV must be fully qualified by the motor carrier (employer).

The motor carrier (employer) must maintain a **Driver Qualification File and Driver Investigative History File** for each driver.



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Part 391 Qualification of drivers (all motor carrier)

The **Driver Qualification File** must contain:

- ▶ Application for employment
- ▶ Annual inquiry to state agencies (MVR)
- ▶ Driver's **annual written report** of moving violations
- ▶ Motor carriers **annual written review**
- ▶ Medical examiner's certificate and/or letters granting waiver
- ▶ Proof of a road test



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Part 391 Qualification of drivers (all motor carrier)

The **Driver Investigative History File** must contain:

- ▶ Inquiries to previous Employers
- ▶ Accident History
- ▶ Drug & Alcohol Testing information



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National Registry of Certified Medical Examiners

Compliance begins May 21, 2014

- ▶ Medical examiners who conduct physical examinations must:
 - Meet minimum training and testing standards
 - Must be listed in the FMCSA National Registry

- ▶ Motor carriers and drivers must use only those medical examiners on the National Registry ([GOOGLE . . . fmcsa mrcme](#))

- ▶ FMCSA will only accept as valid medical examiner's certificates issued by medical examiners listed on the National Registry.



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Part 392 Driving of Commercial Motor Vehicles (all motor carriers)

- ▶ Ensure **vehicle is safe to operate** prior to operating.
- ▶ Requires all **emergency equipment** is in place and ready to use, and the **cargo** is properly loaded and secure.
- ▶ Placement of **emergency warning devices** during stops along the traveled portion of a highway.
- ▶ Requires drivers to **reduce speed or stop driving** during periods of poor visibility or the road becomes unsafe due to weather conditions
- ▶ **Seat belt** and **parking brake** requirements.



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Part 392 Driving of Commercial Motor Vehicles (all motor carriers)

- ▶ Safe loading and enroute inspection requirements.
- ▶ Scheduling of trips to conform with speed limits.
- ▶ Driver's requirements to notify the motor carrier (employer) of any **revocation or suspension** of driving privileges.
- ▶ Railroad grade crossing requirements.
- ▶ Use of radar detectors . . . **prohibited**.
- ▶ Texting and cell phone use . . . **prohibited**



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Cell Phone Use

Compliance date: January 3, 2012

- ▶ Federal Regulations prohibit the use cell phone, and hand-held communication devices by CMV drivers operating in interstate commerce.
- ▶ Michigan adopts regulation for intrastate CMV drivers.



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Part 393 Parts and Accessories & Cargo Securement (all motor carriers)

Parts and accessories necessary for safe operation

- ▶ A motor carrier cannot operate any commercial motor vehicle unless it is properly equipped.
- ▶ Commercial motor vehicles having defective or improper equipment are subject to being placed out of service.

If equipment is required . . .

It's required to work !!!



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Part 393 Parts and Accessories & Cargo Securement (all motor carriers)

Cargo securement requirements

- ▶ Requires a vehicle to be loaded and equipped, and cargo secured to **prevent spillage**.

KEEP IT ON THE TRUCK !

- ▶ Requires cargo to be secured to prevent shifting to an extent that the vehicle's stability and maneuverability is not adversely affected.



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The remainder of the compliance requirements in this program apply when:

- a) The CMV is operated across a state or international border (**interstate commerce**), or
- b) The vehicle requires a CDL to operate (**interstate or intrastate commerce**)



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Part 390 **General**

- ▶ General applicability and information
- ▶ Definitions , e.g., motor carriers, commercial motor vehicles, drivers,
- ▶ Accident recording requirements (**recordkeeping**)
- ▶ Marking of CMVs . . . Requirements for USDOT number

Note: If you operate CMVs across a state line you are an interstate motor carrier and must register with the Unified Carrier Registration program (UCR). An annual fee is required based on the number of trucks you operate.



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Part 395 Drivers Hours of Service

- ▶ Establishes **limits** to the number of **hours** drivers may **work and drive** during any daily work period and for any period of 7 or 8 consecutive days.
- ▶ Establishes **minimum rest** (off-duty) periods
- ▶ Requires **other compensated work** (other jobs) to be counted

A driver may not resume driving until he/she has complied with the off-duty requirements.



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Part 395 Drivers Hours of Service

Property-Carrying CMV Drivers

Is permitted a **14 hour tour of duty** following 10 consecutive hours off duty, and cannot drive beyond the 14th hour after coming on duty

May **drive** a maximum of **11 hours** during a 14 hour tour of duty

May not drive after 60/70 hours on duty in 7/8 consecutive days.
(34 consecutive hrs off to reset 60/70 hrs)



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Part 395 Drivers Hours of Service

- ▶ 34 hour restart must include two periods between 1 a.m. - 5 a.m. and may only be used once per week.
- ▶ May drive only if 8 hours or less have passed since end of driver's last off-duty period of at least 30 minutes. (Does not apply to short haul drivers)
- ▶ On duty time does not include any time resting in a parked CMV.
- ▶ In a moving property-carrying CMV, on duty time does not include up to 2 hours in passenger seat immediately before or after 8 consecutive hours in sleeper-berth. Also applies to passenger-carrying drivers.



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Part 395 **Drivers Hours of Service**

- ▶ A motor carrier **may not permit or require** a driver to violate and a driver may not violate the requirements this part.
- ▶ A motor carrier must ensure the driver's **daily record of duty status** (i.e., logbook, timecards, timesheets) are accurate, complete and has not been falsified.
- ▶ All records of time worked (i.e., logbooks, timecards, timesheets) shall be maintained for a minimum of **6 months** along with all supporting documents.



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Part 396 Inspection, Repair and Maintenance



- ▶ Every motor carrier shall **ensure** that all vehicles under its control are **systematically (regularly) inspected, repaired and maintained** and all parts and accessories are in safe and proper working order at all times.
- ▶ Motor carrier's shall **maintain a maintenance file** for each vehicle . . . for a period of 1 year and for 6 months after the vehicle leaves the carrier's control.
Note: this would include leased vehicles and vehicles owned by employees



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Part 396 Inspection, Repair and Maintenance

- ▶ A record of maintenance, for each vehicle, must be kept in a vehicle maintenance file.

- ▶ The vehicle maintenance file shall include:
 - Written procedures (**maintenance schedule**) indicating the types and due dates of inspections and maintenance
 - A record of inspections and all maintenance performed
 - Documentation of annual inspections
 - Documentation of driver's daily inspection report



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Part 383

Commercial Driver's License (CDL)

A Michigan resident requires a CDL if he/she operates a commercial motor vehicle (CMV) that is:



A Single Vehicle having a gross vehicle weight rating (**GVWR**) or **loaded weight** of 26,001 pounds or more, or



A Combination Vehicle having a gross combination weight rating (**GCWR**) or **loaded weight** of 26,001 or more, towing a trailer or other vehicle having a gross vehicle weight rating (**GVWR**) of 10,001 pounds or more.



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Medical Certificate Registration

Effective Date: January 31, 2012

Compliance Date: January 31, 2014

- ▶ After January 31, 2012, current CDL holders have until January 30, 2014 or upon renewal of their CDL (whichever comes first) to submit a current medical certificate to the Secretary of State.
- ▶ The certificate will be scanned into the CDL information system
- ▶ Drivers who have not provide the Secretary of State a copy of a current medical certificate by January 31, 2014 are subject to having their CDL vehicle designators denied.



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Medical Certificate Registration

- ▶ When renewing a CDL, drivers will also be asked to identify the type of driving they do:
 - **Excepted interstate** or **Excepted intrastate**
 - **Non-excepted interstate** or **Non-excepted intrastate**

- ▶ **Excepted** means . . . There is a rule but you are excluded
- ▶ **Non-excepted** means . . . There is a rule and you must comply

- ▶ **Interstate** means . . . You operate across a state line
- ▶ **Intrastate** means . . . You operate entirely within the state



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Part 382 Controlled Substance and Alcohol Testing

- ▶ Effective Date: **March 17**, 1994
- ▶ Requires all interstate and intrastate drivers, operating CMVs which require a (CDL), to be tested drivers for controlled substances and alcohol.
- ▶ Requires motor carriers (employers) to **establish** a drug and alcohol testing program and to **contract** with certified clinics, laboratories, Breathe Alcohol Technicians, Medical Review Officers and Substance Abuse Professionals for testing services.





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Part 382 **Controlled Substance and Alcohol Testing**

Drivers must be tested for **controlled substances and alcohol** under the following conditions:

- a) pre-employment (controlled substances only)
- b) reasonable cause (suspicion)
- c) random selection
- d) post-accident



A driver who fails a drug or alcohol test is **medically unqualified** to drive a CMV (**10,001 pounds or more**) until he/she has completed a SAP evaluation . . . and has **passed back to work** tests . . . and is participating in a **follow-up testing** program.



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Part 382 **Controlled Substance and Alcohol Testing**

- ▶ Requires employers to refer a driver to a Substance Abuse Professional for clinical evaluation, following a positive test result and drivers are required to seek evaluation.
- ▶ Requires employers to **obtain drug and alcohol testing information** from previous employers for all perspective drivers.
- ▶ Meet **educational requirements** for drivers and supervisors.
- ▶ Establishes **recordkeeping** requirements.



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Part 382 **Controlled Substance and Alcohol Testing**

On February 12, 2014, the Federal Motor Carrier Safety Administration (FMCSA) announced a **proposed rule** to establish a drug and alcohol clearinghouse for all national commercial driver's license (CDL) holders.

The clearinghouse would create a repository of truck or bus drivers who are prohibited from operating a commercial motor vehicle for failing to comply with federal drug and alcohol regulations, including mandatory testing.

The proposed rule would require employers to conduct **pre-employment searches** for all new CDL drivers and **annual searches on current drivers**.



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Part 382 **Controlled Substance and Alcohol Testing**

Under the proposed rule, **truck and bus companies**, Medical Review Officers, Substance Abuse Professionals, and private, third party USDOT drug and alcohol testing laboratories would be required to record information about a driver who:

- ▶ Fails a drug and/or alcohol test;
- ▶ Refuses to submit to a drug and/or alcohol test; and
- ▶ Successfully completes a substance abuse program and is legally qualified to return to duty.

Private, third-party USDOT drug and alcohol testing laboratories also would be required to report summary information annually. This information would be used to help identify companies that do not have a testing program.



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If you have questions about trucking regulations, your compliance requirements or available programs and services, please call our toll-free Truck Safety Hot Line at **(800) 682-4682**.



email questions to our staff
www.truckingsafety.org