

MA DOT Adopts Federal Regulations: This effects MA Commercial Vehicles & Business Owners

We have found a fairly new regulation promulgated by the Massachusetts DOT (Department of Transportation) regarding commercial vehicles. In essence, the Commonwealth has adopted the majority of the Federal Motor Vehicle Safety Regulations as its own. Here is a description of what the MA DOT **considers to be a "commercial vehicle:"**

1. A motor vehicle with a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more used for the transportation of property, or
2. A motor vehicle designed to transport more than 15 passengers, including the driver, or
3. A motor vehicle used in the transportation of hazardous materials in a quantity requiring placarding under the Federal Hazardous Materials Transportation Act.

The regulation goes on to say that it is the intent of the regulation that "commercial motor vehicle" under the state regulation shall have the same meaning as the federal regulation.

The specific portions of the federal regulations adopted by the MA DOT are:

- Part 382—Controlled Substances and Alcohol Use and Testing
- Part 390—General Applicability and Definitions/General Requirements and Information
- Part 391—Driver Qualification
- Part 392—Driving of Commercial Motor Vehicles
- Part 393—Parts and Accessories Necessary for Safe Operation
- Part 395—Hours of Service of Drivers
- Part 396—Inspection Repair, and Maintenance
- Part 397 Transportation of Hazardous Materials; Driving/Parking Rules

As a result, businesses operating only in Massachusetts that never before had to comply with the federal regulations will now need to comply with virtually all of the federal regulations except the requirement for DOT numbers.

As an example, a contractor with a Ford F-350 (one-ton) pickup truck with a GVWR of 12,500 pounds and an E-350 cargo van with a GVWR of 11,000 pounds operating ONLY in Massachusetts will now be subject to many of the federal regulations including:

- **Vehicle Markings:** The legal name of the business or, if a DBA, the registered owner of the vehicle must be appear on both sides of the self-propelled CMV; be in letters that contrast sharply in color with the background on which the letters are placed; be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.

- **Special Safety Equipment:** All commercial motor vehicles operating exclusively in Massachusetts will be subject to the MA Commercial Vehicle Inspection, which is the equivalent of the Federal Motor Carrier inspection. A copy of the inspection report must be in the vehicle.
- **Medical Certificate & Valid Driver's License:** Required to be carried by the driver.
- **Hours of Service Regulation:** Applies to all inter- and intra-state commercial motor vehicles

For intrastate motor vehicles over 26,000 pounds GVWR, there would be added requirements including the need for a Commercial Driver's License (CDL), pre-employment, post-accident and scientifically-based random substance and alcohol testing.

We put together a chart of what provisions apply to interstate commercial motor vehicles which many of our members have shared with their commercial clients. The provisions on the chart, with the exception of the DOT Registration requirements, would also apply to intrastate vehicles and may be helpful to intrastate clients (chart is last page of this document).

Although it is NOT an insurance agents responsibility to notify our clients about what specific regulations apply to our clients, but since fines for non-compliance are HUGE, and that we've heard that a number of MA-only businesses have been stopped and ticketed for non-compliance (some to the tune of \$1,000 for no medical cards). The best advice we can provide to our clients is to seek the advice from an expert on these compliance issues, either through a trade group they belong to or a consultant on these issues. There are two consultants in Massachusetts:

Fleet Safety Services, Inc.

12 Harvard Street
 Worcester, MA 01609
 Phone: 800-215-2490
 Fax: 508-831-7611

The Transportation Advisor, Inc.

P.O. Box 558
 Palmer, MA 01069
 Phone: 800-608-8890
 Fax: 413-284-0022

We highly recommend that if you own a business or have commercial plates that you should contact one of the above compliance specialists to find out if you or your business is affected by these changes. Please do not contact the agency as we will refer you to the above consultants because these changes and issues are outside our area of expertise.

Commercial Motor Vehicles

Definition: Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle --

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (**10,001 pounds**) or more, whichever is greater; or
- (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, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 **and transported in a quantity requiring placarding** under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Vehicles with a GVWR of 10,001—26,000 lbs

DOT Registration Required

Commercial Driver License Not Required*

Vehicle Markings Required—In addition to legal name and USDOT #, there are new special markings requirements for trucks making deliveries and parking in public areas in NYC — the vehicle must have the owner's name in addition to the lessee's

Special Safety Equipment and New MA Commercial Vehicle Inspection required
Inspections in lieu of Federal Annual Inspection with copy of inspection report in vehicle

Medical Certificate & Required to be carried by driver
Valid Driver's License

Substance & Alcohol Testing: Not Required*

Financial Responsibility Required of for-hire motor carriers transporting property interstate—See 49 CFR 387

*Exceptions: Vehicles carrying placardable amounts of hazardous materials and vehicles carrying 16 passengers (including driver)

Vehicles with a GVWR of 26,001 lbs or higher

DOT Registration Required

Commercial Driver License Required with appropriate license class for vehicle size and weight

Vehicle Markings Required—In addition to legal name and USDOT #, there are new special markings requirements for trucks making deliveries and parking in public areas in NYC — the vehicle must have the owner's name in addition to the lessee's

Special Safety Equipment and New MA Commercial Vehicle Inspection required
Inspections in lieu of Federal Annual Inspection with copy of inspection report in vehicle

Medical Certificate & Required to be carried by driver
Valid Driver's License

Substance & Alcohol Testing Required—including scientifically-based random testing plus testing for pre-employment, post-accident and other situations
See 49 CFR 382 and 40

Financial Responsibility Required of for-hire motor carriers transporting property interstate
See 49 CFR 387