



MICHIGAN CENTER
for TRUCK SAFETY

Presents

What Motor Carrier Regulations Apply to
Me?



**MICHIGAN CENTER
for TRUCK SAFETY**

The
MICHIGAN CENTER *for* TRUCK SAFETY
is funded by the
Michigan Truck Safety Commission
and financed with truck safety funds
administered through the
Office of Highway Safety Planning.
The Center is operated through a grant to
the Michigan Trucking Association
Educational Center, Inc. (MTA)

Am I a Commercial Vehicle?

Think a commercial vehicle looks like this?



Think again.



What Regulations Apply to Me?

All or part of the following regulations apply to your operation if you transport or ship goods by CMV's

FMCSR

Act 300 P.A. 1949

Act 181 P.A. 1963

All these regulations can be viewed at:

www.legislature.mi.gov

www.fmcsa.dot.gov

Commercial Motor Vehicle FMCSR/Michigan Motor Carrier Safety Act

- ◆ Has a GVWR or CGVWR or Gross weight of 10,001 lbs or more.
- ◆ Is designed or used to transport more than 8 passengers including the driver for compensation.
- ◆ Is designed or used to transport more than 15 passengers including the driver not for compensation.
- ◆ Is used to transport Haz-Mat requiring placarding.

Applicability of FMCSR

Intrastate

**Commercial Motor
Vehicles 26,000 lbs or
less not requiring a CDL**

Part 391 Driver
Qualifications

Part 392 Driving of
Commercial Motor Vehicles

Part 393 Parts and
Accessories Necessary For
Safe Operations

**Commercial Motor
Vehicles Over 26,000
lbs requiring a CDL**

- ◆ Part 382 Controlled Substances and Alcohol Use and Testing.
- ◆ Part 383 CDL
- ◆ Part 387 Financial Responsibility
- ◆ Part 390 Applicability
- ◆ Part 391 Driver Qualifications
- ◆ Part 392 Driving of Commercial Motor Vehicles
- ◆ Part 393 Parts and Accessories
- ◆ Part 395 Hours of Service
- ◆ Part 396 Inspection, Repair and Maintenance

Applicability of FMCSR Interstate

- ◆ 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
 - ◆ Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
 - ◆ Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
 - ◆ 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.
- ◆ Part 382 Controlled Substances and Alcohol Use and Testing.
 - ◆ Part 383 CDL
 - ◆ Part 387 Financial Responsibility
 - ◆ Part 390 Applicability
 - ◆ Part 391 Driver Qualifications
 - ◆ Part 392 Driving of Commercial Motor Vehicles
 - ◆ Part 393 Parts and Accessories
 - ◆ Part 395 Hours of Service
 - ◆ Part 396 Inspection, Repair and Maintenance

USDOT Numbers



- ◆ Carriers operating a CMV interstate.
- ◆ Intrastate carriers operating vehicles requiring a CDL.

Where to Obtain DOT Numbers

Interstate

- ◆ www.fmcsa.dot.gov
- ◆ 517-853-5990
x101

Intrastate

Michigan State Police
Commercial Vehicle
Enforcement Division

<http://www.michigan.gov/msp>

517-284-3250

Knowledge of and compliance with the regulations.

- ◆ Every employer/driver shall be knowledgeable of and comply with all regulations contained in this subchapter which are applicable to that motor carrier's operations.

Commercial Vehicle

- ◆ 257.7 “Commercial vehicle” includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.”

Chauffeur

- ◆ A person who is employed for the principal purpose of operating a motor vehicle with a GVWR of 10,000 lbs or more
- ◆ A person who operates a bus or school bus

A person shall be considered to be employed for the principal purpose of operating a motor vehicle when the person's employment customarily involves the necessary use of a motor vehicle for hire or for transporting passengers for hire, or for transporting for gain or hire any merchandise for display, sale, or delivery.

Who needs a CDL?

- ◆ Vehicles having a gross vehicle weight rating (GVWR) of 26,001 Lbs. or more.
- ◆ Combination vehicles towing a trailer or other vehicle with a GVWR of 10,001 pounds or more with a gross combination weight rating of 26,001 pounds or more.
- ◆ Any vehicle designed to transport 16 or more people including the driver.
- ◆ Any vehicle carrying Haz-Mat in amounts requiring placards.

What Type of CDL Do I Need?

- ◆ Group A: To operate a vehicle which is a combination of vehicles with a GCWR of 26,001 lbs. or more and tows a vehicle with a GVWR of more than 10,000 lbs.
- ◆ Group B: To operate a single vehicle having a GVWR of 26,001 pounds or more.
- ◆ Group C: To operate small vehicle designed to carry 16 more people including the driver; or not meeting the requirements for group A or B with carry Haz-Mat in amounts that require placarding.

What Endorsements Do I Need?

- T DOUBLE or TRIPLE TRAILERS** (Triple-trailer combinations are not permitted in Michigan)
- P PASSENGER:** For vehicles which are designed to carry more than 15 people (including the driver)
- N TANK VEHICLES:** Any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.
- H HAZARDOUS MATERIALS:** To carry hazardous materials in amounts requiring placarding (includes small trucks, pickup trucks and passenger vehicles)
- X** An “X” endorsement will appear on the license instead of the H and N codes when an applicant receives both the tanker and hazardous materials’ endorsements
- S SCHOOL BUS** for commercial motor vehicles used to transport pre-primary, primary, or secondary school students from home to school, school to home, or to and from school sponsored events

Does a EGVW or Apportioned registration determine if a CDL is Required?

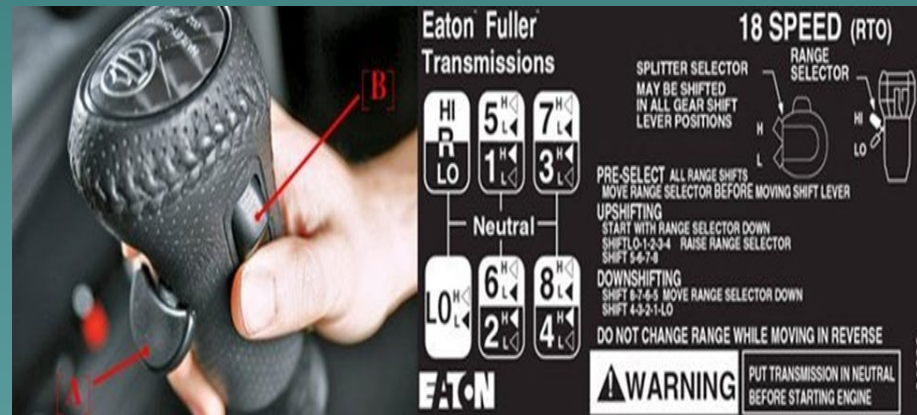
- ◆ No
- ◆ CDL Requirements are not based on the weight on your EGVW or Apportioned registration plate.
- ◆ Based on manufactures GVWR, combined GVWR or actual gross vehicle weight.

CDL Exceptions

- ◆ Active military operating military vehicles.
- ◆ Police and Firefighters operating authorized emergency vehicles.
- ◆ Farmers operating within 150 mile radius of a farm (an "F" endorsement may be required)
- ◆ Individuals operating motor homes or vehicles used exclusively to transport personal possessions or family members for nonbusiness purposes.

New CDL Restrictions

- ◆ Manual transmission – A driver who tests in a commercial motor vehicle (CMV) equipped with an automatic transmission is restricted from driving a CMV equipped with a manual transmission.
- ◆ These restrictions took effect July 8, 2015.

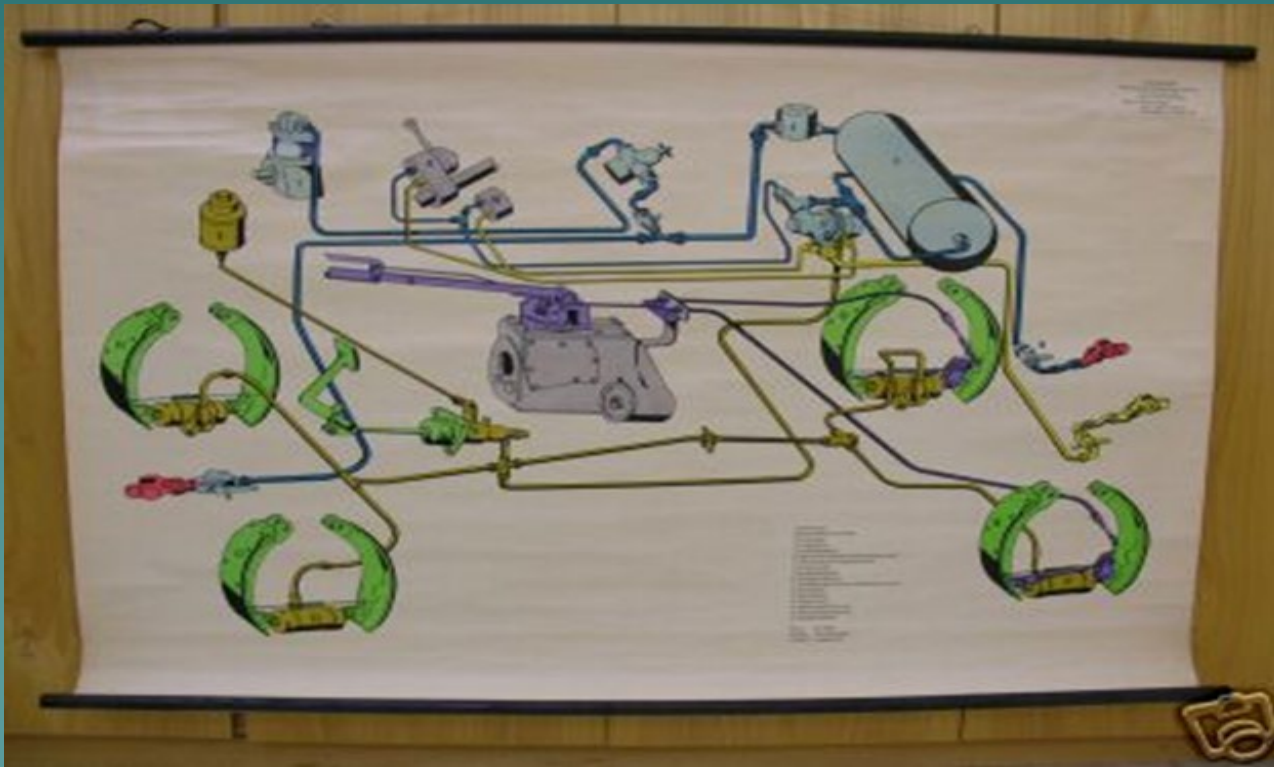


Tractor/trailer – A driver who tests for a CDL group A designation in a CMV that is not a tractor/trailer combination vehicle will be restricted from driving a tractor/trailer combination vehicle.

These restrictions took effect July 8, 2015.



- ▶ Partial air brake – A driver who tests in a CMV equipped with an air-over-hydraulic brake system will be restricted from driving a vehicle equipped with a full air brake system.



Medical Certificate Registration

- ◆ MI CDL holders who operate interstate must provide to SOS a valid and current medical certificate.
- ◆ The medical certificate will be entered into their CDL.
- ◆ Additional information: (517) 322-5555.

Part 382

Alcohol & Drug Testing Requirements

Drivers required to have a CDL are subject to the controlled substance and alcohol testing rules.

This includes commercial motor vehicles operated by:

For-Hire and private companies

Federal, state, local governments

Church and civic organizations.

Alcohol and Drug Testing

Types of Testing

- ◆ Pre-employment
- ◆ Post-Accident
- ◆ Random
- ◆ Reasonable Suspicion
- ◆ Return-to-Duty
- ◆ Follow-up

Supervisor training/Driver Awareness

- ◆ Every carrier shall provide educational materials explaining the requirements as well as policies regarding alcohol and controlled substances abuse.
- ◆ Every carrier shall identify the person designated and trained to answer drug and alcohol questions.

CDL Drug & Alcohol Clearinghouse

- ◆ A secure online database that will give employers, state and federal agencies, and CDL drivers information on drug and alcohol program violations.
- ◆ Compliance Date January 4, 2020.

Reporting

- ◆ Employers, consortium/3rd party administrators and/or medical review offices will be required to report drug and alcohol testing violations to the clearinghouse.

Reporting

- ◆ SAP's will be required to report information about drivers undergoing the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- ◆ Each time information is added, modified or removed the FMCSA will notify the driver if they have registered in the clearinghouse.

Querying

- ◆ Employers will be required to query the Clearinghouse for covered drivers for two purposes:
 - ◆ Pre-employment
 - ◆ Annual verification

Fees

- ◆ No fees for a driver to access their own record.
- ◆ Carriers will pay a fee of \$1.25 per query. Options are available.
- ◆ <https://clearinghouse.fmcsa.dot.gov/query/Unlimited>

Employers

- ◆ Report drug and alcohol violations and check that no current or prospective employee is prohibited from performing safety sensitive functions.

Drivers

- ◆ View their own record
- ◆ Provide consent to current or prospective employers to access details.
- ◆ Select a Substance Abuse Professional if needed.

State Driver Licensing Agencies

- ◆ Will query the Clearinghouse prior to completing licensing transactions.

Registering for Clearinghouse

- ◆ Phone: 800-832-5660 (option #2)
- ◆ Online:
<https://clearinghouse.fmcsa.dot.gov>
- ◆ Help:
<https://clearinghouse.fmcsa.dot.gov>

Part 391

Driver Qualifications

**Non CDL Vehicles
10,001 lbs GVWR or
more**

- ◆ Interstate Yes
- ◆ Intrastate Yes

**Vehicles Requiring
CDL**

- ◆ Interstate Yes
- ◆ Intrastate Yes

Part 391

Qualification of Drivers

- ◆ A Driver must meet the following:
- ◆ Be in good health
- ◆ Be 18/21 years old.
- ◆ Speak and read English
- ◆ Be able to driver the vehicle safely
- ◆ Know how to safely load cargo
- ◆ Have only 1 CDL or license

Qualification of Drivers

- ◆ Provide employing carrier with list of all motor vehicle violations for past 12 months.
- ◆ Pass a road test.
- ◆ Complete an application for employment.
- ◆ Possess a valid Medical Certificate.

Driver Qualification File

- ◆ Drivers application for employment
- ◆ Inquiry to previous employers (3 yrs)
- ◆ Inquiry to state agencies (driving record for preceding 3 years)
- ◆ Annual review of driving record.

Driver Qualification File

- ◆ Annual driver's certification of violations.
- ◆ Driver's road test certificate or equivalent.
- ◆ Medical Certificate.

Examples of Physical Requirements

- ◆ No loss foot leg hand or arm.
- ◆ Heart disease.
- ◆ High blood pressure
- ◆ Epilepsy
- ◆ Vision better than 20/40 with correction.
- ◆ Distant binocular of at least 20/40 both eyes.

Insulin Treated Diabetetes

MCSA-5870

OMB Control Number: 2126-0006
Expiration Date: 11/30/2021

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

Individual's Name: _____

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately 8 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-RRA, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

INSULIN-TREATED DIABETES MELLITUS ASSESSMENT FORM

Name: _____ DOB: _____

Driver's License Number (if applicable): _____ State: _____

This individual is being evaluated either to determine whether he/she meets the physical qualification standards of the Federal Motor Carrier Safety Administration (FMCSA) to operate a commercial motor vehicle or because the individual has recently experienced a severe hypoglycemic episode. A treating clinician should complete this form to the best of his/her ability based on his/her knowledge of the individual's medical history. Completion of this form does not imply that a treating clinician is making a medical certification decision to qualify the individual to drive a commercial motor vehicle. Any determination as to whether the individual is physically qualified to drive a commercial motor vehicle will be made by a certified medical examiner on FMCSA's National Registry of Certified Medical Examiners.

FMCSA defines a treating clinician as a healthcare professional who manages, and prescribes insulin for, treatment of the individual's diabetes mellitus as authorized by the healthcare professional's applicable State licensing authority.

Instructions to the Individual:

When you are being evaluated prior to a medical certification examination, the certified medical examiner must receive this form and begin the examination no later than 45 calendar days after a treating clinician signs this form.

When you are being evaluated after a severe hypoglycemic episode, you must retain this form and give it to the certified medical examiner at your next medical certification examination.

Insulin-Treated Diabetes Mellitus Diagnosis

1. Date insulin use began: _____

Blood Glucose Self-Monitoring Records

2. Has the individual maintained at least the preceding 3 months of ongoing blood glucose self-monitoring records while being treated with insulin that are measured with an electronic glucometer that stores all readings, records the date and time of readings, and from which data can be electronically downloaded?
____ Yes ____ No

3. Has the individual provided at least the preceding 3 months of electronic self-monitoring records while being treated with insulin from his/her glucometer to the treating clinician for review?
____ Yes ____ No

Medical Waiver Intrastate

- ◆ A waiver issued by the State of Michigan allows the driver to engage in intrastate operations only (within the borders of the State of Michigan). The waiver is not valid for movements made in continuation of interstate commerce, for example, U.S. Mail, delivery of air freight, or as part of a movement that has an origin or destination outside of Michigan

Waiver Questions

- ◆ Please contact the Medical Waiver Unit at the following:
- ◆ Michigan State Police
Commercial Vehicle Enforcement Division
Medical Waiver Program
P.O. Box 30634
Lansing, MI 48909-0634
Phone: 517-284-3243
Fax: 517-284-8127
- ◆ Email: MSP-CVEDmedwaiver@michigan.gov

Disqualifying Offenses

- ◆ Suspension of operator's license.
- ◆ Driving a CMV while under the influence of alcohol.
- ◆ Driving a CMV while under the influence of drugs or controlled substance.

Disqualifying Offenses

- ◆ Leaving the scene of an accident involving a CMV
- ◆ Using a CMV to commit a felony.
- ◆ Using a CMV to violate an Out-of-Service Order.

Disqualifying Offenses

- ◆ A first offense is disqualified for one year following conviction.
- ◆ For a second offense within 3 years, a driver is disqualified for 3 years.

Part 392

Driving a Commercial Vehicle

Non-CDL vehicle
10,001 lbs or more

Intrastate Yes

Interstate Yes

CDL Vehicles

◆ Intrastate Yes

◆ Interstate Yes

Part 392 Equipment, Inspection and Use

- ◆ No CMV shall be driven unless the driver is satisfied that the CMV's equipment is in good working order.

Required Equipment to be Inspected

- ◆ Service brakes
- ◆ Parking brake
- ◆ Steering
- ◆ Lighting
- ◆ Reflectors
- ◆ Tires
- ◆ Horn
- ◆ Windshield
- ◆ Wipers and Washers
- ◆ Mirrors
- ◆ Coupling devices
- ◆ Wheels and rims
- ◆ Emergency equipment

Part 392 Driving a Commercial Vehicle

- ◆ **392.80: Prohibition against texting.**
- ◆ (a) ***Prohibition.*** No driver shall engage in texting while driving.
- ◆ (b) ***Motor carriers.*** No motor carrier shall allow or require its drivers to engage in texting while driving.

Part 392

- ◆ **392.82: Using a hand-held mobile telephone.**
- ◆ (a)(1) No driver shall use a hand-held mobile telephone while driving a CMV.
- ◆ (2) No motor carrier shall allow or require its drivers to use a hand-held mobile telephone while driving a CMV.

392.11

Railroad Grade Crossing

- ◆ Every commercial motor vehicle shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear.



Seat Belts

- ◆ A driver must not drive before correctly restraining him/herself.



Illness or Fatigue

- ◆ No driver is permitted to operate a commercial vehicle when their ability and/or alertness is impaired by fatigue, illness and or any other cause.

Drugs

- ◆ No driver may be on duty and possess, be under the influence of:
 - ◆ Schedule 1 drugs.
 - ◆ Any amphetamine.
 - ◆ Narcotics.
 - ◆ Any other substance that makes driving unsafe.

Marijuana

- ◆ May I operate a CMV and use marijuana since recreational and medical use is legal in Michigan?
- ◆ NO !
- ◆ FMCSR Parts 382 and 392 prohibit the use and possession of marijuana by CMV drivers.

Alcohol

- ◆ A driver cannot consume or be under the influence of alcohol within 4 hours of going on duty, or while on duty.
- ◆ A driver is forbidden to possess an alcoholic beverage while on duty.

A CMV driver will be placed out of service for 24 hours if he/she:


- ◆ Refuses a PBT
- ◆ Consumes alcohol within 4 hrs prior to driving a CMV
- ◆ Consumes alcohol while operating a CMV.
- ◆ Has an alcohol content of .02 while operating a CMV

Safe Loading

- ◆ No one may drive or require anyone to drive a CMV unless the cargo is properly loaded and secure.



State Laws

- ◆ Act 300 Michigan Vehicle Code
 - ◆ Act 181 Michigan Motor Carrier Safety Act
 - ◆ Act 254 Michigan Motor Carrier Act
 - ◆ Act 119 Michigan Fuel Tax
- 
- A decorative graphic at the bottom of the slide showing a silhouette of a mountain range in a teal color, matching the background.

Elected Gross Vehicle Weight Plate (EGVW)

- ◆ This is required registration for vehicles used in a commerce when:
 - ◆ Trucks weighing 8,001 pounds or more
 - ◆ Pickup trucks weighing 8,001 pounds or more that tows a trailer or other vehicle
 - ◆ A truck (other than a pickup) weighing 8,000 or less towing a trailer or other vehicle
- ◆ **NOTE:** *The EGVW weight selected must cover the maximum loaded weight of the power unit and if USED in combination, the towed vehicle as well.*
- ◆ **NOTE:** *A pickup truck that has been modified/converted (flatbed, dump-box added, etc) is no longer considered a pickup for registration purposes.*

IFTA

- ◆ IFTA requires a fuel tax license for a qualified motor vehicle used for the transportation of persons or property in **interstate** commerce (includes farm plated vehicles). Recreational vehicles are exempt from IFTA.

IRP Registration

- ◆ IRP is a program for the licensing of commercial vehicles being operated in interstate commerce. Motor carriers are issued an “apportioned” registration plate and cab card for each vehicle. The card lists the IRP states the vehicle is licensed to enter and the elected weight for each state.

IFTA and IRP Qualifying Vehicles

- ◆ IFTA and IRP apply to vehicles operating in interstate commerce only:
- ◆ a) having 2 axles and a gross vehicle weight or registered weight exceeding 26,000 pounds, or
- ◆ b) having 3 or more axles regardless of weight, or
- ◆ c) is used in a combination of vehicles and the gross combination weight or the registered weight exceeds 26,000 pounds.
- ◆ ***For complete IFTA and IRP information contact the Michigan Department of Treasury (IFTA) at 517-636-4580 and the Michigan Department of State (IRP) at 517-322-1097.***

Unified Carrier Registration (UCR)

- ◆ A commercial motor vehicle is one that is operated in interstate commerce with a gross vehicle weight (GVW) or gross vehicle weight rating (GVWR) of at least 10,001 pounds or, in the case of a passenger vehicle, is one built to carry more than 10 persons, including the driver. It also includes a vehicle that transports hazardous materials in a quantity that requires placarding. Contact CVED Regulatory & Credentialing Section at 517-284-3250.

Following Distance

257.643(2)

- ◆ Outside the corporate limits of a city or village, a person shall not operate a motor vehicle with a gross weight, loaded or unloaded, **in excess of 5,000 pounds** within 500 feet of a similar vehicle traveling in the same direction, except to pass.

Approaching Emergency Vehicles

- ◆ Upon approaching and passing an authorized stationary emergency vehicle with flashing lights, the driver of an approaching vehicle must:
- ◆ a. On any public roadway with at least two adjacent lanes proceeding in the same direction of the emergency vehicle, proceed with caution and yield the right-of-way by moving into a lane at least one moving lane or two vehicle widths apart from the emergency vehicle, unless directed otherwise by a police officer. If this movement is not possible due to weather, road conditions or the presence of traffic or pedestrians, follow step b:
- ◆ b. The approaching vehicle should reduce and maintain a safe speed for weather, road conditions and traffic, and proceed with due care and caution, or as directed by a police officer.

Truck Speed

- ◆ Where the posted speed limit is greater than 65 miles per hour, a person operating a school bus, a truck with gross weight of 10,000 pounds or more, a truck-tractor, or a truck-tractor with a semi-trailer or trailer or a combination of these vehicles shall not exceed a speed of 65 miles per hour on a limited access freeway or a state trunk line highway.

Third-lane Use

- ◆ On **freeways** having three or more lanes for travel in the same direction, trucks with a **gross weight of more than 10,000 lbs.**, a truck-tractor or a combination of a vehicle and trailer or semitrailer must operate in the **two right-hand lanes only.**

Michigan Weigh Stations Do I Have to Cross?

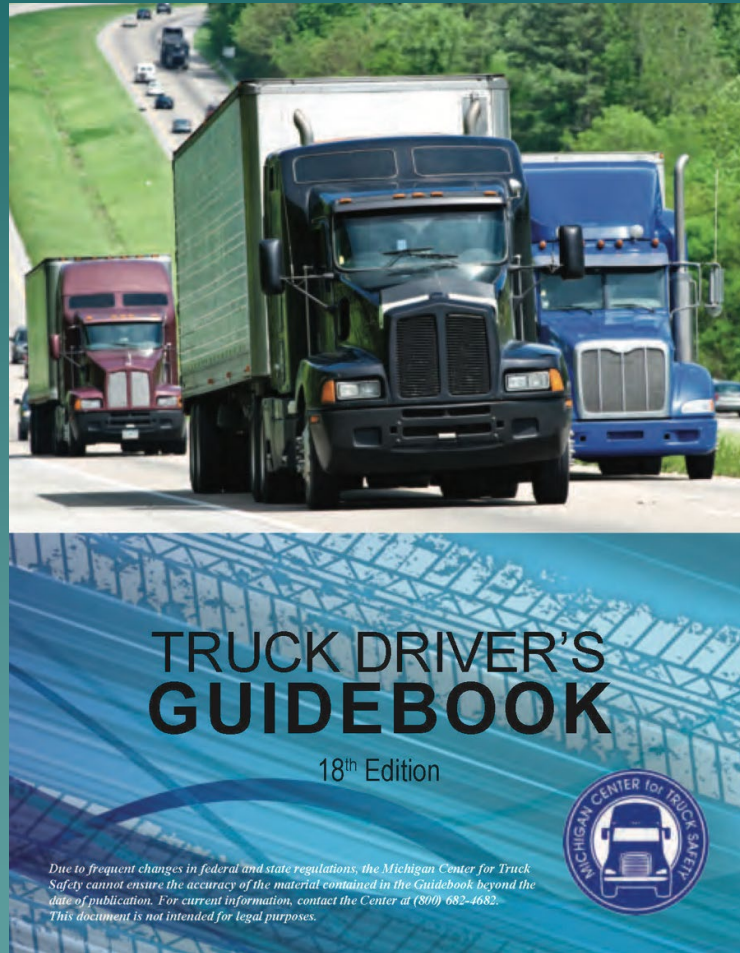


Failure to Weigh

- ◆ A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment who fails to stop at or bypasses any scales or weighing station is guilty of a misdemeanor.



Resource For Weight and Load Limits



Frost Law Information

- ◆ State frost law information:
1 800 787-8960 or 517 373-6256

For County Roads:
www.micountyroads.org

Questions ?



◆ Toll Free:
800 682-4682

www.truckingsafety.org

E-mail:

info@truckingsafety.org