

M/C Ofcr. James Malone

Michigan Department of State Police
Commercial Vehicle Enforcement Division
Gaylord Post – Petoskey Detachment



WHAT RULES APPLY?

MEDICAL CARDS

CELL PHONE USE

GENERAL QUESTIONS

WHAT RULES APPLY?

Section 390.3(f)(2) of the FMCSR states that transportation performed by the Federal government, a State government, or a political subdivision of a State, is exempt from the FMCSR.

The state law that adopted the FMCSR, however, brought government operations back into the regulations. Section 480.15(6) of Act 181 states that government transportation must comply with the following parts of the FMCSR:

WHAT RULES APPLY?

- Part 382, Controlled Substance and Alcohol Use Testing;
- Part 391, Qualifications of Drivers;
- Part 392, Driving of Motor Vehicles; and
- Part 393, Parts and Accessories Necessary for Safe Operation.

WHAT RULES APPLY?

EXEMPTIONS:

Part 395, “Hours of Service for Drivers”, and

Part 396, “Inspection, Repair, and Maintenance” are not included.

Government operations are NOT subject to hours of service/log books or driver daily, and annual inspections.

WHAT RULES APPLY?

MCLA 257.603

Government vehicles that are actively engaged in road maintenance may:

- (a) Park or stand, irrespective of this act.
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (c) Exceed the prima facie speed limits so long as he or she does not endanger life or property.
- (d) Disregard regulations governing direction of movement or turning in a specified direction.

WHAT RULES APPLY?

MCLA 257.603

(6)The exemptions provided for by this section apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but do not apply to those persons and vehicles when traveling to or from work. The provisions of this CHAPTER governing the size and width of vehicles do not apply to vehicles owned by public highway authorities when the vehicles are proceeding to or from work on public highways. **DOES NOT INCLUDE WEIGHT!**

CHANGES IN MEDICAL CARD LAW

NATIONAL REGISTRY

GRANDFATHER CARDS

NATIONAL REGISTRY

FMCSR 391.42

All commercial drivers whose current medical certificate expires on or after May 21, 2014, at expiration of that certificate must be examined by a medical professional listed on the National Registry of Certified Medical Examiners.

nationalregistry.fmcsa.dot.gov



NATIONAL REGISTRY

OF CERTIFIED
MEDICAL EXAMINERS

nationalregistry.fmcsa.dot.gov



Welcome

The National Registry of Certified Medical Examiners (National Registry) is a new Federal Motor Carrier Safety Administration (FMCSA) program. All commercial drivers whose current medical certificate expires on or after May 21, 2014, at expiration of that certificate must be examined by a medical professional listed on the National Registry of Certified Medical Examiners. Only medical examiners that have completed training and successfully passed a test on FMCSA's physical qualification standards will be listed on the National Registry.

[Learn More](#)

Drivers & Carriers

Search for a Medical Examiner

City State

OR Zip Code Radius

Use [Advanced Search](#) to find a medical examiner by name or National Registry number



Resource Center

Information, forms, manuals, frequently asked questions

Contact Us

[Complete Guide to Medical Examiner Certification](#)

[Distribution of Certified Medical Examiners](#)



Medical Examiners

- [Register to Become Certified](#) +
- [Find a Testing Organization](#) +
- [Find a Training Organization](#) -

Find a Training Organization:

Alerts

Important Message for Drivers and Carriers

- Driver physical exams must be performed by a Medical Examiner who is certified and listed on the National Registry.
- Before scheduling your next exam, make sure you can see your Medical Examiner's name on the National Registry website. If you are unable to find your Medical Examiner, he or she is not certified and you should select another practitioner.

Stay Connected

Sign up to receive updates



Search:

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
National Registry of Certified Medical Examiners

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Home > Medical Examiner Search Results

Medical Examiner Locations Search Results

You searched for Medical Examiners with gaylord, MI, Showing Results Page 1 of 1

Map Results:

The map displays the Gaylord, Michigan area, including Traverse City, Charlevoix, Boyne, and Alpena. Major roads shown are I-75, I-127, and US-131. Medical examiner locations are marked with blue numbered circles: 3, 4, 5, 6, 8, 13, 15, and 16. The map includes a scale bar and the Esri logo.

Doctor Information:

1 Alicia M Williams 1.51 Miles
Physician Assistant , National Registry #: 8240692751
Certification Date: 4/1/2014

OMH Medicare Walkin Clinic
Employer: Otsego Memorial Hospital
1996 Walden Dr., Gaylord, MI, 49735
989-731-4111 , Fax:
Hours of Operation: 7:00am-7:00pm

[Website](#)  | [Email](#)  | [Get Directions](#) 

2 Ronald A Weisberger
Doctor of Osteopathy, Director MedCare Clinic, National Registry #:
2741418572
Certification Date: 1/24/2014

1.6 Miles

MedCare Walk in Clinic
Employer: Otsego Memorial Hospital
1996 Walden Drive, Gaylord , MI, 49735
989-721-4111 , Fax: 989-705-8511
Hours of Operation: 7-7

[Website](#)  | [Email](#)  | [Get Directions](#) 

3 David J Kurn 1.6 Miles
Medical Doctor , National Registry #: 6369031884
Certification Date: 5/3/2014

Search for Medical Examiner

Last Name First Name

National Registry ID #

Business Name

Employer Name

Medical Profession

City State

OR Zip Code Radius

INSTRUCTIONS: Write firmly

1. Lift laminate cover
2. Complete certificate
3. Remove liner from laminate
4. Apply laminate to ORIGINAL-DRIVER
5. Remove top stub and carbon
6. Distribute DRIVER and MOTOR CARRIER COPY plies

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined _____
in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49)
and with knowledge of the driving duties, I find this person is qualified; and, if applicable,
only when:

- ☐ wearing corrective lenses
- ☐ wearing hearing aid
- ☐ accompanied by a _____ waiver/exemption
- ☐ driving within an exempt intracity zone (49 CFR 391.62)
- ☐ accompanied by a Skill Performance Evaluation Certificate (SPE)
- ☐ qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete.
A complete examination form with any attachment embodies my findings completely and
correctly, and is on file in my office.

SIGNATURE OF MEDICAL EXAMINER		TELEPHONE	
		DATE	
MEDICAL EXAMINER'S NAME (PRINT)		<input type="checkbox"/> MD <input type="checkbox"/> Advanced Practice Nurse	
MEDICAL EXAMINER'S LICENSE OR CERTIFICATE NO. / ISSUING STATE		<input type="checkbox"/> DO <input type="checkbox"/> Physician Assistant <input type="checkbox"/> Other Practitioner	
NATIONAL REGISTRY NO.		<input type="checkbox"/> Chiropractor	
SIGNATURE OF DRIVER		INTRASTATE ONLY <input type="checkbox"/> YES <input type="checkbox"/> NO	CDL <input type="checkbox"/> YES <input type="checkbox"/> NO
DRIVER'S LICENSE NO.		STATE	
ADDRESS OF DRIVER		MEDICAL CERTIFICATION EXPIRATION DATE	

ORIGINAL – DRIVER

MEDICAL CARDS:

MCLA 480.14

Grandfather rights cards expire
December 31, 2014.



CELL PHONE USE

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.**

392.82 Using a hand-held mobile telephone.

- **(b) Definition. For the purpose of this section only, driving means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.**

392.82 Using a hand-held mobile telephone.

- **(c) Emergency exception. Using a hand-held mobile telephone is permissible by drivers of a CMV when necessary to communicate with law enforcement officials or other emergency services.**

QUESTIONS?



CELL PHONES:

FAQ'S

Q: Are wired or wireless earpieces allowed?

A: Yes. Hands-free use of a mobile telephone is allowed using either a wired or wireless earpiece, or the speakerphone function of the mobile telephone. Wireless connection of the mobile telephone to the vehicle for hands-free operation of the telephone, which would allow the use of single-button controls on the steering wheel or dashboard, would also be allowed.

Q: Are CMV drivers allowed to use push-to-talk mobile communications equipment while driving?

A: Yes. Provided the driver does not reach for, dial, or hold the actual mobile telephone in his/her hand while driving and the driver is able to touch the button needed to operate the push-to-talk feature from the normal seated position with the safety belt fastened.

Generally, the use of this type of communication equipment does not require drivers to take their eyes off of the forward roadway because the button used to enable the driver to communicate can be operated from the normal seated position with the safety belt fastened.

For example, if the mobile phone is mounted in a cradle or similar device near the driver, or there is a remote push-to-talk button near the vehicle controls to allow the driver to communicate without reaching for, dialing, or holding the actual mobile telephone in his/her hands while driving, the equipment may be used.

Q: Are holders of a commercial driver's license (CDL) subject to the regulation only when driving a CMV, as defined in 49 CFR 383.5, or any vehicle?

A: CDL holders are subject to the Federal rule only when driving a CMV.

**Q: What drivers are covered by the
Federal rule:
intrastate or interstate?
CDL holders?
All CMVs?**

A: The rule covers both drivers of CMVs in interstate and intrastate commerce (vehicles with a GVWR or CGVWR greater than 10,000 pounds). Also drivers who operate a vehicle transporting a quantity of hazardous materials requiring placarding under 49 CFR Part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

If a CMV driver is employed by the State or a political subdivision of the State (e.g., county, city, township, etc.), FMCSA safety regulations (part 382, 391, 392, 393) apply, even if the driver is only engaged in intrastate transportation.

Q: What is required of the employer in terms of company policy or training?

A: The rule does not require motor carriers to establish written policies in terms of company policy or training programs for their drivers. However, employers are prohibited from allowing or requiring their drivers to use hand-held mobile phones. A motor carrier may establish policies or practices that make it clear that the employer does not require or allow hand-held mobile telephone use while driving a CMV in interstate commerce. The carrier is responsible for its drivers' conduct.

Q: Is dialing a phone number allowed under this rule?

A: No. Dialing a mobile telephone while operating a CMV in interstate or intrastate commerce is prohibited by the rule. A driver can initiate, answer, or terminate a call by touching a single button on a mobile telephone, earpiece, steering wheel, or instrument panel – comparable to using vehicle controls or instrument panel functions, such as the radio or climate control system.

Q: Can a driver reach for a mobile telephone even if he/she intends to use the hands-free function?

A: No. In order to comply with this rule, a driver must have his or her mobile telephone located where the driver is able to initiate, answer, or terminate a call by touching a single button while the driver is in the seated driving position and properly restrained by a seat belt. If the mobile telephone is not close to the driver and operable while the driver is restrained by properly installed and adjusted seat belts, then the driver is considered to be reaching for the mobile phone, which is prohibited by the rule.

THE END

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