

2020 Michigan Winter Operations Conference

Day 1 – Tuesday, October 13th



MICHIGAN CENTER
for TRUCK SAFETY

Presents

What Motor Carrier Regulations Apply to Me? (Government)

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MICHIGAN CENTER
for TRUCK SAFETY

This material was
developed through a
project funded by the
Michigan Truck Safety
Fund.

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

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 on Government Vehicles/Drivers Intrastate

Part 382 Controlled Substance Testing/Use

Part 391 Driver Qualifications

Part 392 Driving of Commercial Motor Vehicles

Part 393 Parts and Accessories Necessary For Safe Operations


A stylized, dark teal silhouette of a mountain range is positioned in the bottom right corner of the slide, partially overlapping the text area.

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

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.
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- A stylized teal silhouette of a mountain range is located in the bottom right corner of the slide, partially overlapping the text area.

Knowledge of and compliance with the regulations.

- ◆ Every employer/Employee 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.
- 
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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.

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.
- 
- A stylized silhouette of a mountain range in shades of teal, located in the bottom right corner of the slide.

Standardized Endorsements for CDLs

- ◆ T for double/triple trailers
- ◆ P for passenger
- ◆ N for tank vehicle
- ◆ H for hazardous materials
- ◆ X for a combination of tank vehicle and hazardous materials endorsements
- ◆ S for school bus

Standardized Endorsements for CDL's

- ◆ P for passenger endorsement
- ◆ S for school bus endorsement
- ◆ N for tank vehicle endorsement

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.



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Dreamstime.com

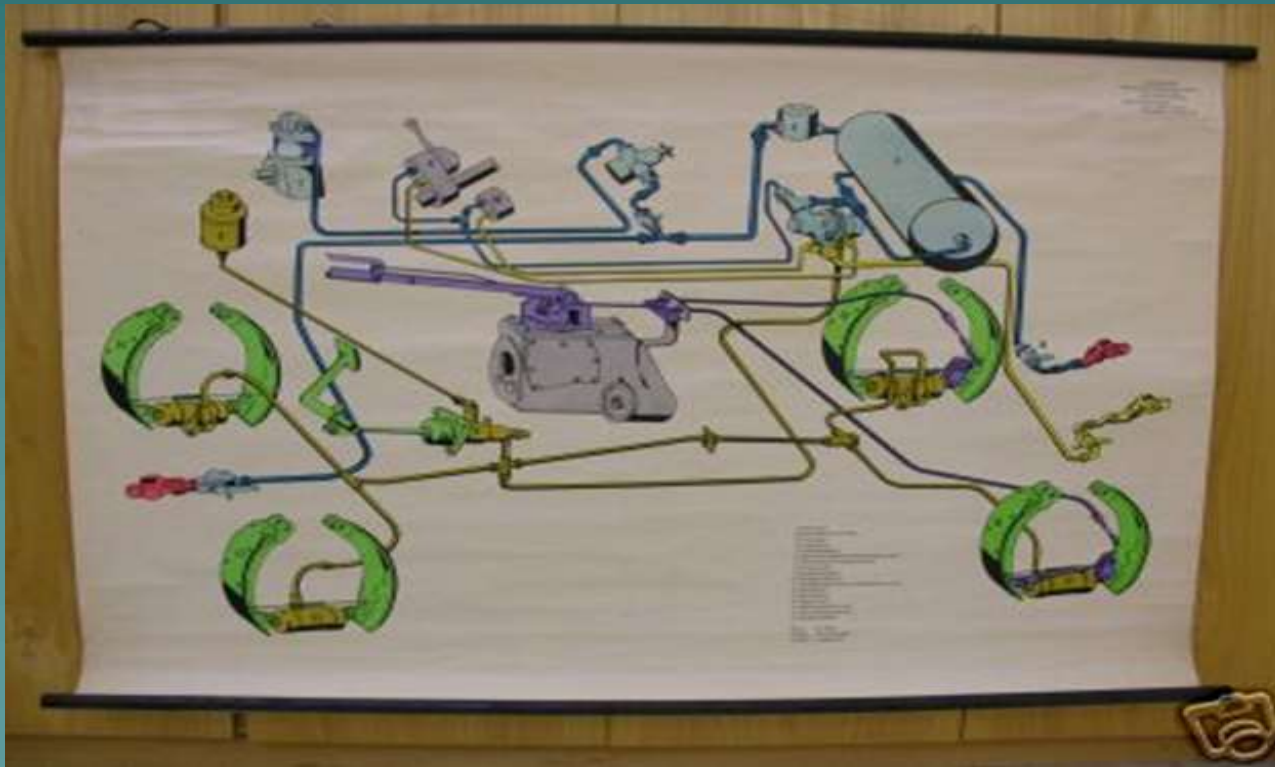
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ID 497521

Robert Pernel | Dreamstime.com

- ▶ 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.



Waiting period for a CDL Skills Test

- ◆ An applicant for a CDL must hold a Commercial Learner's Permit-the CDL temporary instruction permit-for 14 days prior to taking a CDL driving skills test. This policy went into effect on July 8, 2015.
- ◆ Also, all CDL skills tests are subject to observation by State and Federal officials. CDL skills testers must report each scheduled CDL skills test at least two business days prior to the test.


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.


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Alcohol and Drug Testing

Types of Testing

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

Registering for Clearinghouse


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

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.
- 
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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.
- 
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Driver Qualification File Checklist

- ☐ DRIVER'S APPLICATION FOR EMPLOYMENT (49 CFR 391.21)
- ☐ INQUIRY TO PREVIOUS EMPLOYERS — 3 YEARS (49 CFR 391.23(a) (2) & (c))
- ☐ INQUIRY TO STATE AGENCIES – 3 YEARS (49 CFR 391.23(a) (1) & (b))
- ☐ ANNUAL REVIEW OF DRIVING RECORD (49 CFR 391.25)
- ☐ ANNUAL DRIVER'S CERTIFICATION OF VIOLATIONS (49 CFR 391.27)
- ☐ DRIVER'S ROAD TEST CERTIFICATE OR EQUIVALENT (49 CFR 391.31)
- ☐ MEDICAL EXAMINER'S CERTIFICATE (49 CFR 391.43)

Driver File Retention

Document	Regulation	Retention
Driver application	§391.21	Employment, plus 3 years
Motor vehicle report (MVR) from hire	§391.23	Employment, plus 3 years
Road test/certificate or photocopy of CDL	§391.31 §391.33	Employment, plus 3 years
Safety Performance History (10/30/2004 to present hire dates) Previous employer checks (prior to 10/30/2004)	§391.23	Employment, plus 3 years
Annual MVR & annual review of driving record	§391.25	3 years
Annual list of violations	§391.27	3 years
Medical examiner's Certificate & any exemptions/waivers	§391.43	3 years

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.
- 
- A stylized, dark teal silhouette of a mountain range is positioned in the bottom right corner of the slide, partially overlapping the text area.

Special provisions for Insulin Treated Diabetes.

- ◆ Insulin treated diabetics can now qualify for a USDOT Medical Certificate.
- ◆ Insulin treated diabetics must submit a form MCSA-5870 filled out by their doctor treating them for diabetes and submitted to the USDOT medical examiner at the time of the exam.

Medical Waivers

- ◆ The Motor Carrier Safety Appeal Board was created by the Motor Carrier Safety Act, Public Act 181 of 1963, as amended, [MCL 480.13](#). The purpose of the board is to hear and decide applications for waivers from medical requirements of this act and the rules promulgated under this act. The safety appeals board consists of one member from each of the following: the director of the Department of State Police or his/her designee, the Secretary of State or his/her designee, the director of the Michigan Department of Transportation or his/her designee, and one representative of the motor carrier industry chosen jointly by these three department heads and the Michigan Trucking Association.

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

Medical Waiver

- ◆ An application for a waiver shall be submitted jointly by the person who seeks a waiver of his or her physical disqualification and by the motor carrier that will employ the person if the application is granted.

Medical Waiver

- ◆ Any supporting documentation from medical professionals and the potential employer is welcome.
- ◆ The medical condition dictates what information is required.


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

- ◆ A driver is disqualified from operating a CMV on public highways for the following:
- ◆ Revocation, suspension, of operator's license.
- ◆ Conviction or forfeiture of bond for he following offenses while driving a CMV:

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.
- 
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Disqualifying Offenses

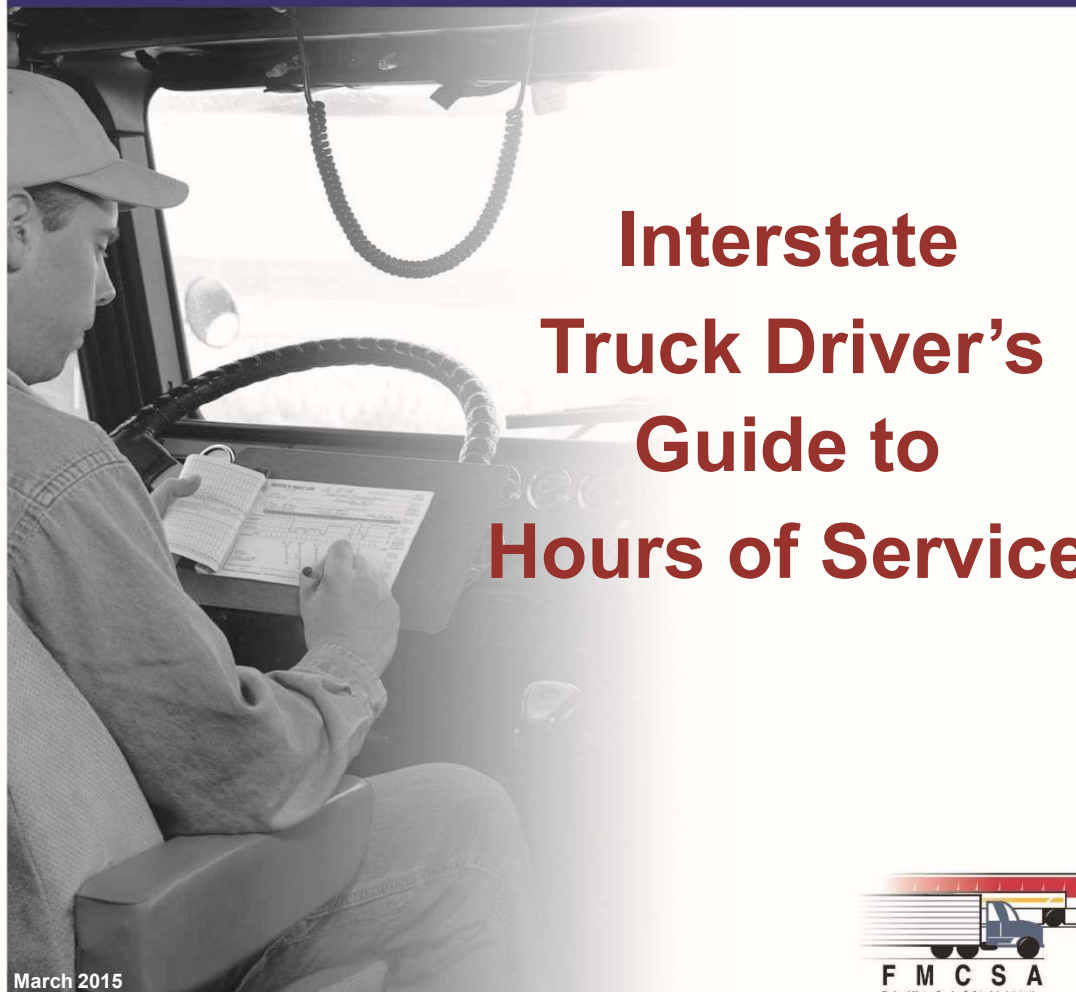
- ◆ Leaving the scene of an accident involving a CMV
- ◆ Using a CMV to commit a felony.
- ◆ Using a CMV to violate an Out-of-Service Order.

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.



Federal Motor Carrier Safety Administration



Interstate Truck Driver's Guide to Hours of Service


March 2015



Intrastate Exemptions

- ◆ Non-CDL drivers
- ◆ Government employees driving CMVs operated by a unit of government.
- ◆ Utility service vehicle drivers.
- ◆ Michigan intrastate farm vehicle drivers.

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.

Part 392.7

Reequipment Inspection and Use



- ◆ No CMV shall be driven unless the driver is satisfied that the vehicles 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
- 
- A stylized teal silhouette of a mountain range is located in the bottom right corner of the slide.

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

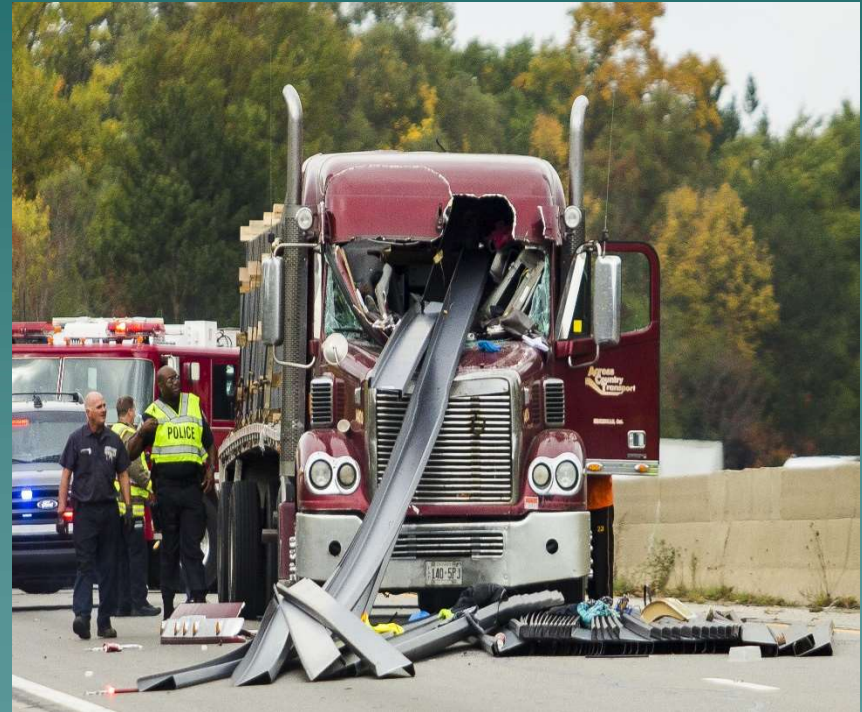
- ◆ A driver cannot consume or be under the influence of alcohol within 4 hours of going on duty, or while on duty.
- ◆ A driver is forbidden to possess an alcoholic beverage while on duty.

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 driver a CMV unless the cargo is properly loaded and secure.



Cargo Securement



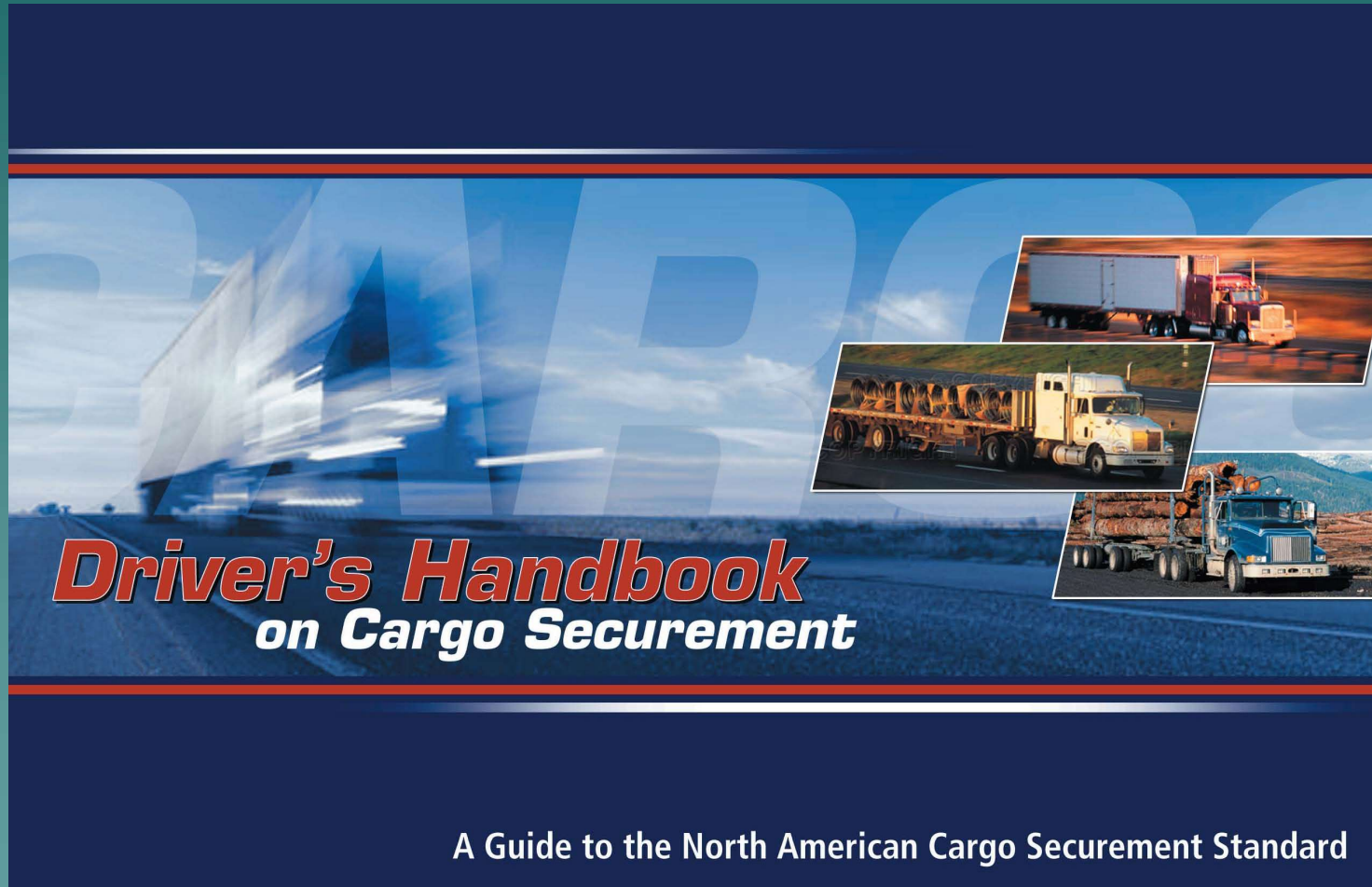
- ◆ 257.720
- ◆ Required loads that will blow or spill to be tarped.

Cargo Securement FMCSR



- ◆ All cargo must be secured according to 393.100 – 393.136

For More Information



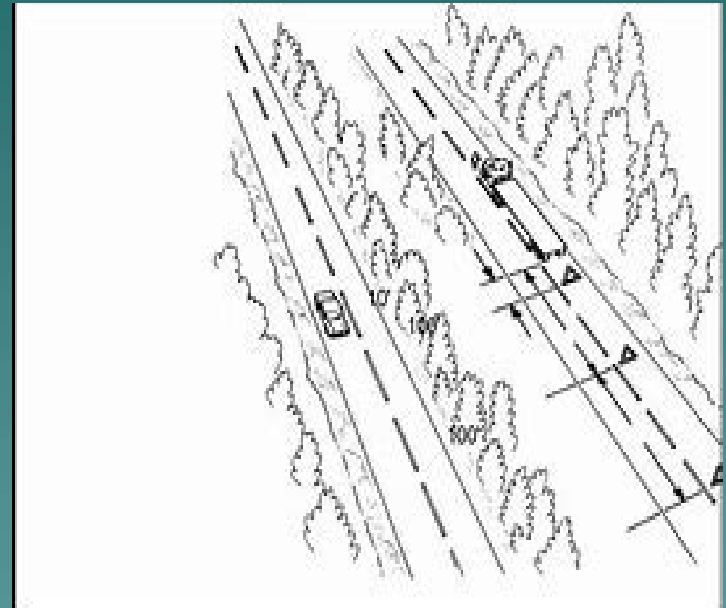
Seat Belts

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



Emergency Signals

- ◆ A vehicle stopped upon a highway must activate the vehicles warning flashers and place warning devices as required.



Railroad Crossings/Stopping

- ◆ A motor vehicle transporting Haz-Mat are forbidden to cross RR tracks without stopping and looking both ways.
- ◆ Drivers must not shift gears while crossing tracks.

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.



Part 393

Parts and Accessories

- ◆ Every CMV must be equipped with certain standard equipment found in Part 393 of the FMCSR.



Part 393

Lights

- ◆ specifies type, placement, color.
- ◆ Must be operable at all times.
- ◆ Stop lamps required and must activate when brakes are applied.

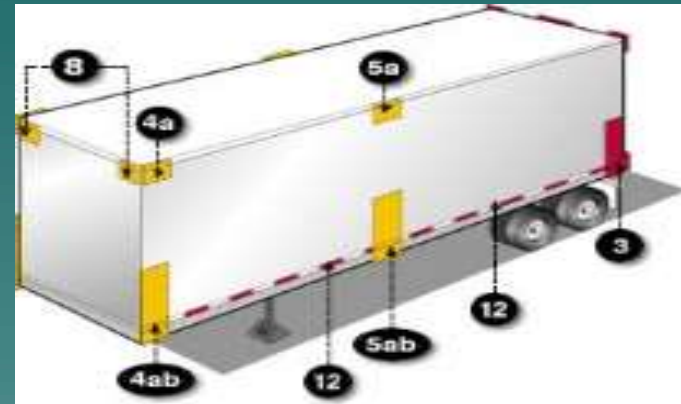


Figure 1 - Truck Tractor Illustration for § 393.11

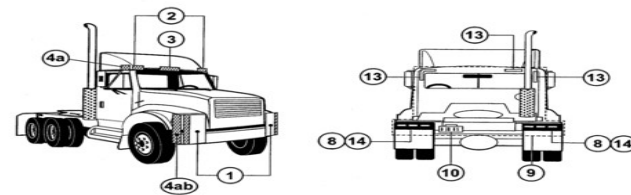
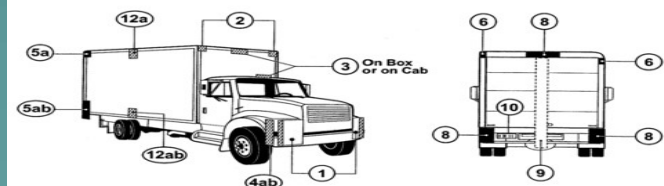



Figure 2 - Straight Truck Illustration for § 393.11



Part 393

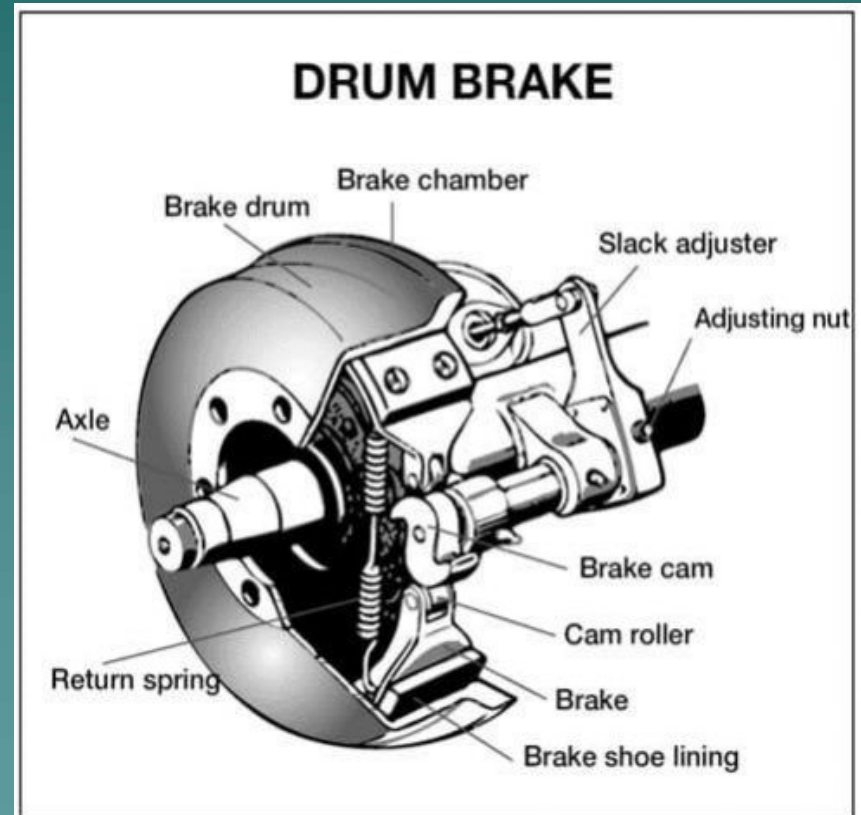
Brake Requirements

- ◆ All CMV's must be equipped with:
 - ◆ Service brakes
 - ◆ Parking brakes
 - ◆ Emergency brakes
 - ◆ Brakes are required on ALL wheels.
- 
- A stylized, dark teal silhouette of a mountain range is positioned in the bottom right corner of the slide, extending from the right edge towards the center.

Part 393

Brake Requirements

- ◆ Breakaway brakes
- ◆ Brake warning devices



Part 393

Windshield

- ◆ A CMV must have a windshield that must be free of discoloration, obstructions and cracks.



Part 393

Fuel Systems

- ◆ Fuel systems must:
- ◆ Have no leaks
- ◆ Must be secure
- ◆ Crossover lines must be supported
- ◆ Placement must conform with Part 393



Part 393


Coupling Devices

- ◆ Part 393.70 and 393.71 provide requirements for attachment and location of 5th wheels and full trailers.
- ◆ Safety chains are required on full trailers.



Part 393

Tires

- ◆ Must meet requirements of Part 393
 - ◆ Minimum 4/32" tread depth steering
 - ◆ 2/32" all other tires.
 - ◆ No cord exposed
 - ◆ No leaks
 - ◆ No sidewall damage
 - ◆ No tread or sidewall separation.
- 
- A stylized, layered mountain range graphic in shades of teal and blue, located in the bottom right corner of the slide.

Tires



Part 393

Exhaust System

- ◆ No leaks or discharge at any point forward or below driver compartment.
- ◆ Must be secure



Part 393

Emergency Equipment

- ◆ CMV Must be equipped with:
- ◆ Fire Extinguisher
- ◆ Spare electric fuses
- ◆ Warning Devices



Part 393

Steering and Suspension

- ◆ All steering and suspension parts must meet the requirements found in Part 393.201 – 393.209.

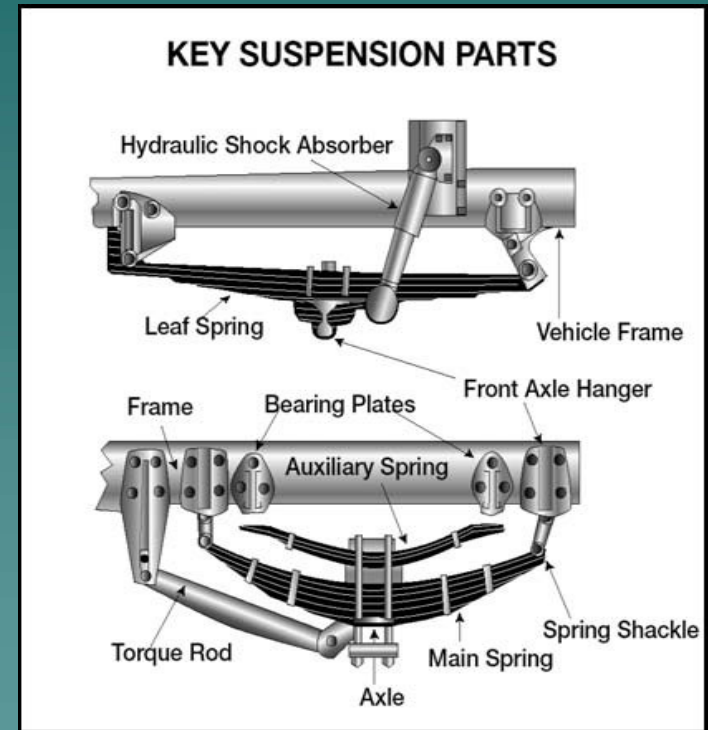


Figure 2.2

Part 396

Inspection, Repair and Maintenance

- ◆ Every carrier shall inspect, repair and maintain all CMV's under it's control
- ◆ Intrastate government vehicles exempt.



Required Driver Inspections

- ◆ Pre-trip inspection 392.7, 392.8 and 396.13
- ◆ Cargo inspection (enroute) 392.9
- ◆ Post-trip inspection 396.11 (not required on government vehicles intrastate)
- ◆ Post-trip inspection must be documented only if a defect is found.
- ◆ Post-trip and annual inspections are NOT required on government CMV's

Post Trip Inspection

- ◆ Every driver is required to conduct a post trip inspection at the end of each driving day.
- ◆ A written inspection report is only required if a defect is found.
- ◆ Government exempt

Driver's Vehicle Inspection Report

Check Any Defective Item and Give Details Under "Remarks."

JATE: _____

TRUCK/TRACTOR NO. _____

<input type="checkbox"/> Air Compressor	<input type="checkbox"/> Horn	<input type="checkbox"/> Springs
<input type="checkbox"/> Air Lines	<input type="checkbox"/> Lights	<input type="checkbox"/> Starter
<input type="checkbox"/> Battery	<input type="checkbox"/> Head - Stop	<input type="checkbox"/> Steering
<input type="checkbox"/> Brake Accessories	<input type="checkbox"/> Tail - Dash	<input type="checkbox"/> Tachograph
<input type="checkbox"/> Brakes	<input type="checkbox"/> Turn Indicators	<input type="checkbox"/> Tires
<input type="checkbox"/> Carburetor	<input type="checkbox"/> Mirrors	<input type="checkbox"/> Transmission
<input type="checkbox"/> Clutch	<input type="checkbox"/> Muffler	<input type="checkbox"/> Wheels
<input type="checkbox"/> Defroster	<input type="checkbox"/> Oil Pressure	<input type="checkbox"/> Windows
<input type="checkbox"/> Drive Line	<input type="checkbox"/> On-Board Recorder	<input type="checkbox"/> Windshield Wipers
<input type="checkbox"/> Engine	<input type="checkbox"/> Radiator	<input type="checkbox"/> Other
<input type="checkbox"/> Fifth Wheel	<input type="checkbox"/> Rear End	
<input type="checkbox"/> Front Axle	<input type="checkbox"/> Reflectors	
<input type="checkbox"/> Fuel Tanks	<input type="checkbox"/> Safety Equipment	
<input type="checkbox"/> Heater	<input type="checkbox"/> Fire Extinguisher	
	<input type="checkbox"/> Flags-Flares-Fuses	
	<input type="checkbox"/> Spare Bulbs & Fuses	
	<input type="checkbox"/> Spare Seal Beam	

TRAILER(S) NO.(S) _____

<input type="checkbox"/> Brake Connections	<input type="checkbox"/> Hitch	<input type="checkbox"/> Tarpaulin
<input type="checkbox"/> Brakes	<input type="checkbox"/> Landing Gear	<input type="checkbox"/> Tires
<input type="checkbox"/> Coupling Chains	<input type="checkbox"/> Lights - All	<input type="checkbox"/> Wheels
<input type="checkbox"/> Coupling (King) Pin	<input type="checkbox"/> Roof	<input type="checkbox"/> Other
<input type="checkbox"/> Doors	<input type="checkbox"/> Springs	

Remarks: _____

☐ CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY

DRIVER'S SIGNATURE _____

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE _____ DATE _____

DRIVER'S SIGNATURE _____ DATE _____

Intrastate Exemption

- ◆ Vehicles that do NOT require a CDL to operate them and operate only in intrastate commerce are exempt from periodic, and post-trip inspections.
- ◆ Carriers must continue to comply with inspection and maintenance requirements in Parts 392 and 393.

Questions ?



◆ Toll Free:
800 682-4682

www.truckingsafety.org

E-mail:
info@truckingsafety.org

Questions

New Challenges in the Workplace

Duane Poole – Bloomfield Township

Matt Wiktorowski – City of Novi