

540 CMR: REGISTRY OF MOTOR VEHICLES

540 CMR 14.00: MOTOR CARRIER SAFETY AND HAZARDOUS MATERIAL TRANSPORTATION

Section

- 14.01: Purpose
- 14.02: Scope and Applicability
- 14.03: Incorporation of Federal Regulations as State Regulations
- 14.04: Compliance and Audit of Records of Commercial Motor Carrier
- 14.05: State Exemptions Applicable Only to Intrastate Commerce
- 14.06: Penalties
- 14.07: Conflict with Other State Regulations and Application of Federal Standards
- 14.08: Enforcement

14.01: Purpose

540 CMR 14.00 is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 90, §§ 19L and 31, to establish rules and regulations governing the use and operation of certain motor vehicles, trailers and commercial motor vehicles, the auditing of records of commercial motor carriers, and motor carrier safety and the transportation of hazardous materials by motor carriers in both intrastate and interstate commerce upon the public ways of the Commonwealth of Massachusetts. 540 CMR 14.00 is adopted to reduce the number and severity of accidents and hazardous materials incidents involving commercial vehicles, consistent with the Federal Motor Carrier Safety Regulations and the Federal Hazardous Materials Regulations issued by the United States Department of Transportation.

14.02: Scope and Applicability

- (1) 540 CMR 14.00 applies to:
 - (a) motor carriers operating commercial motor vehicles and persons who drive commercial motor vehicles as, for, or on behalf of motor carriers, upon the ways of the Commonwealth;
 - (b) all motor carriers and shippers transporting hazardous materials, under the Hazardous Materials Regulations of the United States Department of Transportation, Parts 171 through 180 of Title 49, Code of Federal Regulations, by motor vehicles upon the ways of the Commonwealth; and
 - (c) common and contract carriers by motor vehicle, and private carriers of property and passengers by motor vehicle.
- (2) (a) As used in 540 CMR 14.00, Commercial Motor Vehicle shall mean:
 - 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;
 - 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 (49 U.S.C. App.1801-1813).
- (b) It is the intent that the term “commercial motor vehicle” as used in 540 CMR 14.00 shall have the same meaning as in Part 390.5 of Title 49 Code of Federal Regulations and, to the extent there is a conflict between the two at any time, the definition in 49 CFR Part 390.5 shall control.

14.03: Incorporation of Federal Regulations as State Regulations

Subject only to the specific exceptions and limitations expressly provided in 540 CMR 14.00, the following are incorporated as the regulations of the Registry of Motor Vehicles governing motor carrier safety and the transportation of hazardous materials upon the ways of the Commonwealth of Massachusetts in both intrastate and interstate commerce:

Federal Motor Carrier Safety Regulations of Title 49, Subchapter B of Chapter III, Code of Federal Regulations:

Part 325: Compliance with Interstate Motor Carrier Noise Emissions Standards;

Part 350: Commercial Motor Carrier Safety Assistance Program;

540 CMR: REGISTRY OF MOTOR VEHICLES

14.03: continued

- Part 382: Controlled Substances and Alcohol Use and Testing;
- Part 383: Commercial Drivers License Standards; Requirements and Penalties;
- Part 387: Minimum Levels of Financial Responsibility for Motor Carriers;
- Part 390: Federal Motor Carrier Safety Regulations; General;
- Part 391: Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors;
- 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 and Parking Rules; and
- Part 107: (subparts F & G) and Parts 171 through 180 of Title 49, Subchapter C of Chapter I, Code of Federal Regulations.

14.04: Compliance and Audit of Records of Commercial Motor Carriers

- (1) Every motor carrier operating in intrastate or interstate commerce, or both, upon the public ways of the Commonwealth of Massachusetts shall comply with:
 - (a) the Federal Regulations adopted by the Registrar and referenced in 540 CMR 14.00;
 - (b) M.G.L. c. 90, §§ 2, 3, 9, and 10 relative to operator licensing and registration of commercial vehicles;
 - (c) M.G.L. c. 85, § 2B and M.G.L. c. 90, §§ 19L and 31 and relative to the transportation of freight, passengers or hazardous materials;
 - (d) M.G.L. c. 90F relative to the operation of commercial vehicles; and
 - (e) any other applicable state statute or regulation pertaining to the operation of commercial motor vehicles.

- (2) In order to ensure compliance with the provisions of M.G.L. c. 85, § 2B and M.G.L. c. 90, §§ 19L and 31 and the provisions of 540 CMR 14.00, an authorized officer or officers of the Department of State Police or inspectors authorized by the Registrar, may enter the commercial premises owned or leased by a commercial carrier for the purpose of conducting a compliance review as described in M.G.L. c. 90, § 19L. The review shall be made during regular business hours at the place where the records are required to be maintained and stored. The officer or officers may reasonably inspect the records for the purpose of enforcing the statutes and regulations. If the officer or officers are satisfied that records in the possession of the carrier contain evidence of violations of the statutes or regulations, the officer or officers may make copies of the records on copying equipment in the possession of the carrier. If the carrier refuses to allow copying on its equipment or if operable copying equipment is not available, the inspecting officer or officers shall make reasonable arrangements to have the documents copied and have the costs assessed to the carrier.

- (3) At a minimum, a motor carrier, whether engaging in intrastate or interstate operation, must maintain records in the regular course of business that comply with:
 - (a) 49 CFR Part 387 relating to minimum levels of financial responsibility for a motor carrier engaged in interstate or foreign commerce or intrastate commerce;
 - (b) 49 CFR Parts 383, 391, and 392 relating to driver qualification files, including all required forms;
 - (c) 49 CFR Part 382 relating to drug and alcohol testing records, as applicable;
 - (d) 49 CFR Part 395 relating to hours of service;
 - (e) 49 CFR Parts 393 and 396 relating to vehicle inspection reports filed by the driver and maintenance records of the vehicle;
 - (f) 49 CFR Parts 171 through 180 relating to hazardous materials records, as applicable; and
 - (g) 49 CFR Part 390.15 relating to accident registers and copies of all accident reports required by state or other governmental entities or insurers.

14.04: continued

(4) In addition to the penalties established for violations contained in M.G.L. c. 90, § 19L (c), a carrier who fails or otherwise refuses to make documents available for review that are subject to a motor carrier compliance review, without good cause, is subject to action by the Registrar. When the Colonel of the State Police or his or her designated representative informs the Registrar, in writing, of such failure or refusal, the Registrar may initiate immediate action to revoke all motor vehicle and trailer registrations issued to the carrier, or in the discretion of the Registrar, he or she may limit the revocations to the vehicles which relate to the documents that the carrier has failed or refused to produce. Such action shall be taken pursuant to M.G.L. c. 90, § 22A.

(5) Whenever the State Police have determined through a compliance review that a carrier engaged only in intrastate commerce is in violation of state law or regulations, it shall report such noncompliance to the Registrar with a copy to the Federal Motor Carrier Safety Administration.

14.05: State Exemptions Applicable Only to Intrastate Commerce

(1) Drivers of vehicles engaged only in intrastate commerce within the Commonwealth shall be exempt from the following Federal regulations:

(a) the 21 years of age or older requirement contained in 49 CFR § 391.11(b)(1).

(b) the ability to read and speak the English language contained in 49 CFR § 391.11(b)(2), except that this exemption shall not be applicable to initial permits or initial commercial driver licenses issued after March 9, 2018; and except further, that this exemption does not apply to any person operating a motor vehicle used for the transportation of hazardous material

(c) the requirements for waivers of certain physical defects contained in 49 CFR § 391.49. Waivers of the provisions of 49 CFR §§ 391.41, 391.43 and 391.45 shall be granted by the Registrar of Motor Vehicles as follows:

1. The Registrar may issue an intrastate waiver for a vision impairment if the applicant has a combined horizontal peripheral field of vision of not less than 120°, provided the applicant also has a distant visual acuity of at least 20/40 (Snellen) in either eye, with or without corrective lenses, and the ability to distinguish the colors red, green, and amber.

2. The Registrar may issue an intrastate waiver for a diabetic condition if the applicant submits a written statement from his or her physician (defined in 540 CMR 24.02) which:

a. provides specific reasons as to why the applicant is not at risk or is no longer at risk of suffering hypoglycemic spells or episodes; and

b. recommends a specific date for the Registry to reevaluate the applicant's ability to operate a commercial motor vehicle safely.

3. The Registrar may issue an intrastate waiver for a cardiovascular condition if the applicant does not have an implanted cardiac defibrillator and does not have Class III or Class IV heart disease according to the American Heart Association functional guidelines for classifying heart disease.

4. The Registrar may issue an intrastate waiver for applicants with a loss or impairment of limb, so long as such loss or impairment of limb is not likely to interfere with the safe operation of a commercial motor vehicle.

5. Applicants with conditions specified in 540 CMR 14.04(1)(d), may obtain an intrastate waiver provided that the condition will not interfere with the safe operation of a commercial motor vehicle, as certified by their physician.

6. Intrastate waivers shall not be applicable to school bus operator certificates.

7. The Registrar or his or her designee may require such evidence of satisfaction of the medical qualification criteria as he or she deems appropriate, or may modify these standards.

8. The terms used in 540 CMR 14.04(1)(d) shall have the same meaning as defined in 540 CMR 24.00: *Medical Qualifications for Operators of Motor Vehicles*.

9. Medical Qualifications Applicable to Existing Intrastate Medical Waivers. An individual who is unable to meet the medical qualification standards of 540 CMR 14.04(1)(d)1. through 4., but who held a valid intrastate medical waiver as of the effective date of 540 CMR 14.04(1)(d), shall be eligible to retain or renew such intrastate medical waiver, provided:

a. he or she satisfies the following medical qualification standards:

i. Visual acuity of 20/40 in the better eye with a total field of 120°;

540 CMR: REGISTRY OF MOTOR VEHICLES

14.06: continued

- ii. Insulin dependant diabetes that is under control;
 - iii. Minor afflictions such as loss of finger;
 - iv. Any other condition that the Registry determines in an individual case will not interfere with the safe operation of a commercial motor vehicle.
- b. he or she provides a certification from his or her physician that, to a reasonable degree of medical certainty, the individual is medically qualified to safely operate a commercial motor vehicle; and
- c. the Registry has no other cause to believe, based upon the individual's driving history or otherwise, that the individual cannot safely operate such motor vehicle.

14.06: Penalties

(1) Subject to 540 CMR 14.05(2), the penalties and provisions contained in M.G.L. c. 90, §§ 2, 9 and 20, shall apply to the enforcement of 540 CMR 14.00. If the Registrar determines that a commercial motor vehicle is unsafe, improperly equipped, or unfit to be operated, he or she may refuse to register such commercial motor vehicle or, if it is already registered, may suspend or revoke its registration.

(2) Penalties for violation of the rules and regulations pertaining to the transportation of hazardous materials shall be those provided in M.G.L. c. 85, § 2B for the transportation of unsafe materials or products, and those provided in M.G.L. c. 90, § 2, pertaining to the right of the Registrar to refuse to register a vehicle or, if already registered, to suspend or revoke such registration.

(3) Penalties for violations of 540 CMR 14.04 for noncompliance with records requirements shall be as stated in M.G.L. c. 90, § 19L(c).

14.07: Conflict with Other State Regulations and Application of Federal Standards

540 CMR 14.00 establishes minimum standards for motor carrier safety and hazardous materials transportation. Motor carriers, drivers, shippers and any other persons subject to 540 CMR 14.00 must comply with the laws and regulations of the Commonwealth, and in the event of a conflict between 540 CMR 14.00 and any other regulation or law of the Commonwealth, the stricter, more stringent standard shall apply.

14.08: Enforcement

540 CMR 14.00 shall be enforced only by police officers of the Commonwealth who have satisfactorily completed a course of instruction in Federal Motor Carrier Safety regulations, safety inspection procedures, and out-of-service criteria, as prescribed by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration. Each police officer shall be recertified annually. 540 CMR 14.07 shall not limit the power of the Registrar to withhold, suspend or revoke registrations, or take any other action authorized by law.

REGULATORY AUTHORITY

540 CMR 14.00: M.G.L. c. 90, § 31.