

## 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: Adoption and Incorporation of Federal Regulations as State Regulations
- 14.04: State Exemptions Applicable Only to Intrastate Commerce
- 14.05: Penalties
- 14.06: Conflict with Other State Regulations and Application of Federal Standards
- 14.07: Enforcement

#### 14.01: Purpose

540 CMR 14.00 is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 90, § 31, to establish rules and regulations governing the use and operation of certain motor vehicles, trailers and commercial motor vehicles, 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 179 of Title 49, Code of Federal Regulations, by motor vehicles upon the ways of the Commonwealth
  - (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, 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 (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, as it may be amended, 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: Adoption and Incorporation of Federal Regulations as State Regulations

Subject only to the specific exceptions and limitations expressly stated in 540 CMR 14.00, the Federal Motor Carrier Safety Regulations, Parts 382, 390 through 397 of Title 49, Subchapter B of Chapter III, Code of Federal Regulations, and the highway related portions of the Federal Hazardous Materials Regulations, Parts 171 through 179 of Title 49, Subchapter C of Chapter I, Code of Federal Regulations, as they may be amended, are incorporated by reference 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.

## 540 CMR: REGISTRY OF MOTOR VEHICLES

### 14.04: 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 year age requirement contained in CFR 49 § 391.11(b)(1).
- (b) the ability to read and speak the English language contained in CFR 49 § 391.11(b)(2); however, this exemption shall not apply to any person operating a motor vehicle used for the transportation of hazardous material.
- (c) the road test requirement contained in CFR 49 §§ 391.11(b)(10) and 391.31.
- (d) the requirements for waivers of certain physical defects contained in CFR 49 § 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 re-evaluate 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 designee may require such evidence of satisfaction of the medical qualification criteria as he 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.
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°;
    - 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.

### 14.05: 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.

## 540 CMR: REGISTRY OF MOTOR VEHICLES

### 14.05: continued

(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, §2 B 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.

### 14.06: 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.

### 14.07: 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 Highway Administration, Office of Motor Carriers. 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.

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