TABLE OF CONTENTS

Motor Carrier Safety Regulations

Adoption of regulations. 14-163c- 1
Application of regulations 14-163c- 2
Exceptions to driving and on-duty time 14-163c- 3
Minimum age of operator 14-163c- 4
Motor vehicle out-of-service condition 14-163c- 5
Motor vehicle out-of-service infraction 14-163c- 6
Driver out-of-service condition. 14-163c- 7
Driver out-of-service infraction 14-163c- 8
Inspection authority. 14-163c- 9
Exemptions from compliance. 14-163c-10
Violation 14-163c-11
Enforcement. Infraction. 14-163c-12

Motor Carrier Safety Regulations

Sec. 14-163c-1. Adoption of regulations

(a) The following parts of the Code of Federal Regulations, Title 49, are incorporated by reference thereto as regulations of the Department of Motor Vehicles:

(1) Part 382, "Controlled Alcohol Use and Testing", as amended;

(2) Part 383, "Commercial Driver's License Standards; Requirements and Penalties," inclusive, as amended;

(3) Part 384, "State Compliance with Commercial Driver's License Program," inclusive, as amended;

(4) Part 385, "Safety Fitness Procedures," inclusive, as amended;

(5) Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," inclusive, as amended;

(6) Part 387, "Minimum Levels of Financial Responsibility for Motor Carriers," inclusive, as amended;

(7) Part 388, "Cooperative Agreements with States," inclusive, as amended;

(8) Part 390, "Federal Motor Carrier Safety Regulations; General," inclusive, as amended;

(9) Part 391, "Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors," inclusive, as amended, except as provided in subsection (b) of this section;

(10) Part 392, "Driving of Commercial Motor Vehicles," inclusive, as amended;

(11) Part 393, "Parts and Accessories Necessary for Safe Operation," inclusive, as amended;

(12) Part 394, "Removed and Reserved," inclusive, as amended;

(13) Part 395, "Hours of Service of Drivers," inclusive, as amended;

(14) Part 396, "Inspection, Repair and Maintenance," inclusive, as amended; and

(15) Part 397, "Transportation of Hazardous Materials; Driving and Parking Rules," inclusive, as amended.

(b) The incorporation of the Code of Federal Regulations, Title 49, Part 391, Subpart E – "Physical Qualifications for Drivers," Sections 391.41 through 391.49, inclusive, does not include the exemptions that are provided by federal law for individuals who do not operate a commercial motor vehicle in interstate commerce.

(Effective January 18, 1996; amended December 29, 2006, June 5, 2008)

Sec. 14-163c-2. Application of regulations

The regulations adopted in accordance with section 14-163c–1 of the Regulations of Connecticut State Agencies shall apply to:

(1) Any motor vehicle in intrastate commerce which has a gross vehicle weight rating, or gross combination weight rating, or gross vehicle weight or gross combination weight, of eighteen thousand one (18,001) or more pounds;

(2) Any motor vehicle in interstate commerce which has a gross vehicle weight rating, or gross combination weight rating, or gross vehicle weight or gross combination weight, of ten thousand one (10,001) or more pounds;

(3) Any motor vehicle which is designed to transport more than fifteen (15) passengers, including the driver;

(4) Any motor vehicle which is used in the transportation of hazardous materials in a quantity such as to require placarding of the vehicle under the Hazardous Materials Transportation Act, 49 USC App. 1801–1813, inclusive;

(5) A person who holds a commercial driver's license or who operates any motor vehicle as described in subsections (1) through (4) of this section; and

(6) A motor carrier as defined in the Code of Federal Regulations, Title 49, Part 390, Section 390.5, which is responsible for the operation of any motor vehicle or the driver thereof as provided in subsections (1) through (5), inclusive, of this section.

(Effective October 21, 1994; amended October 4, 2010)

Sec. 14-163c-3. Exceptions to driving and on-duty time

The provisions of the Code of Federal Regulations, Title 49, Part 395, Section 395.3, adopted in accordance with the provisions of subsection (10) of Section 1, and applicable to maximum driving and on-duty time of operators of motor vehicles, shall not apply to any public service company vehicle with a commercial registration when such vehicle is used to transport passengers or property to or from any portion of the state for the purpose of relief or assistance in the case of major loss of utility service, a disaster or other state of emergency declared by the governor. For the purpose of this section, ''disaster'' shall include, but not be limited to, a hurricane, snowstorm, ice storm, flood, fire or earthquake.

(Effective October 21, 1994)

Sec. 14-163c-4. Minimum age of operator

Insofar as the provisions of Section 1 apply to vehicles employed solely in intrastate use, the minimum age of an operator as stated in Code of Federal Regulations, Title 49, Part 391, Section 391.11 (b) (1), shall be 18 years old in lieu of 21 years old.

(Effective October 21, 1994)

Sec. 14-163c-5. Motor vehicle out-of-service condition

(a) Any motor vehicle identified in accordance with the provisions of subsections (1) through (4) of Section 2, which by reason of its mechanical condition or loading, and in accordance with the provisions of Code of Federal Regulations, Title 49, Part 396, Section 396.9, is determined by a person having inspection authority as defined in Section 8 to be so unsafe as to likely cause an accident or breakdown, or when such mechanical condition or loading would likely contribute to loss of control of the vehicle by the driver, shall be issued an out-of-service order.

(b) Standards for inspection of a motor vehicle as provided in subsection (a) of this section shall be in accordance with the most recent revision of the publication entitled ''North American Uniform Out-of-Service Criteria'' including Part II thereof entitled ''North American Uniform Vehicle Out-of-Service Criteria'' and Part III thereof entitled ''North American Hazardous Materials Out-of-Service Criteria.'' Reference to said publication and its use in connection with motor vehicle inspections shall be in accordance with the provisions of Appendix G to Subchapter B of the Code of Federal Regulations, Title 49.

(Effective October 21, 1994)

Sec. 14-163c-6. Motor vehicle out-of-service infraction

(a) Violation of any of the standards adopted in accordance with Section 1 for which a motor vehicle is placed out-of-service shall be an infraction.

(b) A complaint for a violation of subsection (a) of this section may be issued by a person with inspection authority as defined in Section 9 to the motor carrier or to the owner or lessee of such motor vehicle.

(Effective October 21, 1994)

Sec. 14-163c-7. Driver out-of-service condition

Each driver of a motor vehicle listed in subsection (1) through (4) of section 2 shall conform to the out-of-service criteria of the Code of Federal Regulations, Title 49, Part 395, Section 395.13, in accordance with the standards provided in the most recent edition of the publication entitled "North American Uniform Out-of-Service Criteria," Part I, "North American Uniform Driver Out-of-Service Criteria."

(Effective October 21, 1994)

Sec. 14-163c-8. Driver out-of-service infraction

(a) Any driver to whom an out-of-service order has been issued by a person with inspection authority as defined in section 14-163c-9 of the Regulations of Connecticut State Agencies for violations of any of the standards adopted in accordance with section 14-163c-1 of the Regulations of Connecticut State Agencies shall have committed an infraction.

(b) Such violations, referred to in subsection (a), for which an infraction complaint may be issued, include but are not limited to the following:

(1) Operating a commercial motor vehicle in violation of the out-of-service order as prescribed in 49CFR395.13(d);

(2) Operating a commercial motor vehicle transporting hazardous materials requiring placards or operating a motor vehicle designed to transport 16 or more passengers including the driver in violation of the out-of-service order as prescribed in 49CFR395.13(d);

(3) Operating a commercial motor vehicle that has been declared out of service in violation of the out-of-service order as prescribed in 49CFR396.9(c)(2); and

(4) Operating a commercial motor vehicle transporting hazardous materials requiring placards or operating a motor vehicle designed to transport 16 or more passengers including the driver that has been declared out of service in violation of the out-of-service order as prescribed in 49CFR396.9(c)(2).

(Effective October 21, 1994; amended December 29, 2006)

Sec. 14-163c-9. Inspection authority

(a) A person having inspection authority shall mean any motor vehicle inspector, appointed by the commissioner in accordance with Section 14-8 of the General Statutes, or any state or municipal police officer, who has satisfactorily completed forty hours of on-the-job training and a course of instruction as prescribed by the U.S. Department of Transportation, Federal Highway Administration, Office of Motor Carriers, in federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. As used in Sections 1 through 12, inspection authority means authorization to enter upon and perform inspections of motor carriers' vehicles in operation, to record the results of such inspections, and to declare a motor vehicle or its operator "Out of Service" as provided in the Title 49, Code of Federal Regulations, Part 395, Section 395.13, and Part 396, Section 396.9.

(b) A person having inspection authority as defined in subsection (a) of this section may enter upon and inspect the lands, buildings and equipment of persons subject to the provisions of Section 1, in accordance with law, to determine compliance with such provisions. Such persons subject to the provisions of Section 1, including motor carriers, may be required by the commissioner to submit for inspection and copying their accounts, books, records, memoranda, correspondence and other documents, as such documents relate to the requirements and standards of Section 1.

(c) In order to maintain inspection authority motor vehicle inspectors shall annually receive in-service training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The type and extent of such training shall be as determined by the commissioner.

(Effective October 21, 1994)

Sec. 14-163c-10. Exemptions from compliance

(a) The commissioner of motor vehicles may grant variations or exemptions from, or approve equivalent or alternate compliance with, any of the parts of the Code of Federal Regulations, Title 49, adopted in accordance with Section 1, when strict compliance with any of such provisions would entail practical difficulty or unnecessary hardship, or would be otherwise adjudged unwarranted.

(b) Any variation, exemption, approved equivalent or alternate compliance with the requirements of Section 1 as provided in subsection (a) of this section shall be requested in writing addressed to the Commissioner of Motor Vehicles, 60 State Street, Wethersfield, CT 06161-4010. Such request shall explain fully how strict compliance with the regulation would not serve the public interest, and how the requested modification or other change would maintain public safety no less secure than the compliance required by the original regulation. No such variation, exemption, approved equivalent or alternate compliance shall be permitted except as authorized in writing by the commissioner.

(Effective October 21, 1994)

Sec. 14-163c-11. Violation

No motor carrier as defined in Code of Federal Regulations, Title 49, Part 390, Section 390.5, shall require nor shall any person operate any motor vehicle declared and marked ''out-of-service'' until all required repairs of violations which resulted in the out-of-service condition have been completed. If as determined by the person having inspection authority, it is less hazardous to the public to relocate the vehicle, such vehicle shall be towed, transported, or escorted only at the direction of such person having inspection authority.

(Effective October 21, 1994)

Sec. 14-163c-12. Enforcement. Infraction

In addition to out-of-service infractions as provided in Sections 6 and 8, any person who violates any of the standards adopted in accordance with Section 1 which does not require an out-of-service order shall have committed an infraction. A complaint for such violation may be issued by a person with inspection authority or by any police officer within his jurisdiction.

(Effective October 21, 1994)