

## SUBCHAPTER 07C – MOTOR CARRIER SAFETY REGULATIONS

### SECTION .0100 – SAFETY RULES AND REGULATIONS

#### 14B NCAC 07C .0101 SAFETY OF OPERATION AND EQUIPMENT

(a) The regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390 through 397) apply to all for-hire motor carriers and all for-hire motor carrier vehicles, and all private motor carriers and all private motor carrier vehicles engaged in interstate commerce over the highways of the State if such vehicles are commercial motor vehicle(s) as defined in 49 CFR Part 390.5.

(b) The regulations adopted by the U.S. Department of Transportation relating to safety of operation and equipment (49 CFR Parts 390 through 397) apply to all for-hire motor carriers and all for-hire motor carrier vehicles, and all private motor carriers and all private motor carrier vehicles engaged in intrastate commerce over the highways of the State if such vehicle(s):

- (1) have a gross vehicle weight rating (GVWR), gross combination weight rating (GCWR), gross vehicle weight (GVW), gross combination weight (GCW) of 26,001 pounds or more, whichever is greater;
- (2) is designed or used to transport 16 or more passengers, including the driver; or
- (3) is used in transporting a hazardous material in a quantity requiring placarding pursuant to 49 C.F.R. Parts 170 through 185.

(c) The following exceptions also apply to all intrastate motor carriers:

- (1) An intrastate motor carrier driver shall not drive more than 12 hours following eight consecutive hours off duty; for any period after having been on duty 16 hours following eight consecutive hours off duty; after having been on duty 70 hours in seven consecutive days; or more than 80 hours in eight consecutive days. An intrastate driver shall be determined by his or her previous seven days of operation.
- (2) Persons who qualify medically to operate a commercial motor vehicle within the State are exempt from the provisions of Part 391.11(b)(1) and may be exempt from provisions of Part 391.41(b)(1) through (11) where applicable and therefore are authorized for intrastate operation if approved by an Exemption Review Officer appointed by the Commissioner of Motor Vehicles. These drivers shall continue to be exempt upon completion of a medical examination indicating the condition has not worsened or no new disqualifying conditions have been diagnosed and upon continued approval of an Exemption Review Officer. After a medical review by the Exemption Review Officer, a driver may be granted a waiver not to exceed a period of two years based on the type and severity of the condition. The Exemption Review Officer shall follow the guidelines established for variances from the Federal Motor Carrier Safety Regulations for intrastate commerce found in 49 CFR 350.341.

(d) The regulations adopted by the U. S. Department of Transportation relating to inspection, repair, and maintenance of motor vehicles (49 CFR Part 396.17 through 396.23 and including Appendix G) apply to all for-hire motor carrier vehicles, and all private motor carrier vehicles engaged in intrastate commerce over the highways of the State if such vehicles have a GVWR of greater than 10,000 pounds.

(e) Every motor vehicle registered or required to be registered in North Carolina and subject to the inspection requirements of the Federal Motor Carrier Safety Regulations (49 CFR Part 396), shall display a current federal inspection certificate when operated on the streets and highways of this State. On self-propelled vehicles, the federal inspection certificate shall be displayed on the driver's side of the vehicle, exclusive of the window or rear view mirror. On trailers and semitrailers, the federal inspection certificate shall be located on the left side as near as possible to the outside lower front of the vehicle. The inspection certificate shall contain at least the following information, legible for review by the public:

- (1) The date of inspection;
- (2) The name and address of the motor carrier or other entity where the inspection report required by 49 CFR 396.21(a) is maintained;
- (3) Information uniquely identifying the vehicle inspected, such as the VIN; and
- (4) A certification that the vehicle has passed an inspection in accordance with 49 CFR 396.17.

(f) The Secretary shall fine violators for out-of-service criteria as allowed by G.S. 20-17.7. The out-of-service maximum civil fine schedule does not apply to violations discovered during educational contacts. An "educational contact" for the purpose of this Subchapter means a pre-planned, public safety inspection activity, focusing on commercial motor vehicle safety awareness and compliance.

(g) Any fines assessed for a violation listed in the Commercial Vehicle Safety Alliance (CVSA) North American Standard out-of-service criteria shall be assessed against the motor carrier of the commercial motor vehicle. These standards are incorporated by reference and may be purchased at a range of prices beginning at forty-five dollars (\$45.00) from the CVSA at <https://cvsa.org/inspections/inspections/out-of-service-criteria/>.

(h) Whenever a motor carrier of a vehicle has a defense to the enforcement of a fine or fines for violation(s) of the out-of-service criteria by the Department of Public Safety, it shall pay the penalty within 30 calendar days after the date the penalty was assessed or make a written request within this time limit to the Department for a Departmental review of the penalty. A person who does not submit a request for review within the required time waives the right to a review and hearing on the penalty.

(i) All Code of Federal Regulations (CFR) Parts cited in this Rule are incorporated herein by reference including any subsequent amendments. A copy of the CFR is available online without cost at <http://www.fmcsa.dot.gov/> or from the Office of Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at a cost set by that office.

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