



Honorable Nathan Deal
Governor

Department of Public Safety

Post Office Box 1456

Atlanta, Georgia 30371-1456

Phone: (404) 624-7477

Fax: (404) 624-7788

Colonel Mark W. McDonough
Commissioner

ADMINISTRATIVE ORDER

- WHEREAS:** Pursuant to O.C.G.A. § 40-1-8(b), the Commissioner shall have the authority to promulgate rules and regulations for the safe operation of motor carriers, the safe operation of commercial motor vehicles and drivers, and the safe transportation of hazardous materials consistent with the Constitution of the United States and of this State, the Official Code of Georgia Annotated and other laws of this State;
- WHEREAS:** Pursuant to O.C.G.A. § 40-1-8(c)(1), the adoption of rules and regulations governing the safe operations of motor carriers, commercial motor vehicles and drivers, and the safe transportation of hazardous materials are exempt from the procedural requirements of Chapter 13 of Title 50 of the Official Code of Georgia, the "Georgia Administrative Procedure Act;"
- WHEREAS:** The Commissioner of the Department of Public Safety may, through administrative order, by referencing compatible federal regulations or standards, adopt the rules and regulations described herein which shall be maintained on file by the Department of Public Safety and made available for inspection and copying by the public, by means including but not limited to posting on the department's Internet site;
- WHEREAS:** The Motor Carrier Compliance Division has completed a review of the Georgia Transportation Rule Book as a result of said review certain changes to the Georgia Transportation Rule Book are required;

- WHEREAS: The Commissioner of Public Safety has promulgated an amended version of 49 CFR Part 365.1 which provides the purpose and scope of interstate operating authority.
- WHEREAS: The Commissioner of Public Safety has promulgated the addition of 49 CFR Part 365 Subpart F 365.600 through 605 which provides for intrastate registration and authority.
- WHEREAS: The Commissioner of Public Safety has promulgated an amended version of 49 CFR 390.5 which defines "Covered Farm Vehicle," "Other Traction Device," and "Tire Chain";
- WHEREAS: The Commissioner of Public Safety has promulgated an amended version of 49 CFR 390.19(j) and (k) to provide for reporting to the Federal Motor Carrier Safety Administration;
- WHEREAS: The Commissioner of Public Safety has promulgated an amended version of 49 CFR 390.21(h) which provides the marking requirements for light commercial motor vehicles, vehicles operated by limousine carriers, and covered farm vehicles;
- WHEREAS: The Commissioner of Public Safety has promulgated the addition of 49 CFR Part 390.39 which provides for covered farm vehicles;
- WHEREAS: The Commissioner of Public Safety has promulgated the addition of 49 CFR Part 393.75 which provides for tires.
- WHEREAS: The Commissioner of Public Safety has promulgated the addition of 49 CFR Part 395.341 which provides for hours of service temporary variance for intrastate motor carriers for a 90 days period from December 15, 2014 to February 15, 2015.

ORDERED: Chapter 1, "Motor Carrier Safety Regulations," of the Transportation Rules of the Department of Public Safety 1-1, Applicability, is amended as follows:

Subsection (e) refers to Title 40 of the Official Code of Georgia Annotated;

ORDERED: Chapter 1, "Motor Carrier Safety Regulations," of the Transportation Rules of the Department of Public Safety 1-3, Penalties, is amended as follows:

Subsection (a) refers to compliance with O.C.G.A. § 40-1-8 in reference to criminal penalties and O.C.G.A. § 40-1-56 is added to subsection (b) in reference to civil penalties;

ORDERED: Chapter 1, "Motor Carrier Safety Regulations," of the Transportation Rules of the Department of Public Safety 1-5, Inspection of Vehicles and Carriers, is amended as follows:

O.C.G.A. §§ 40-1-23, 40-1-51, 40-1-101, and 40-1-150 are added to subsection (a) and O.C.G.A. § 40-1-23 is deleted. Paragraphs 7 and 8 are added to include enforcement of criminal and traffic laws on the public roadways of this state and any additional duties as defined in O.C.G.A. § 35-2-33;

ORDERED: Chapter 1, "Motor Carrier Safety Regulations," of the Transportation Rules of the Department of Public Safety 1-6, Out of Service Criteria, is amended to include:

"The Out of Service Criteria applies to both Lightweight Commercial Motor Vehicles and Commercial Motor Vehicles and Commercial Motor Vehicles as defined by O.C.G.A. § 40-1-1.";

ORDERED: Chapter 1, "Motor Carrier Safety Regulations," of the Transportation Rules of the Department of Public Safety 1-390.3 General Applicability [49 C.F.R. Part 390.3 as amended] is amended as follows:

Subsections (h) and (i) are replaced with (l) and (m) respectively;

ORDERED: Chapter 1, "Motor Carrier Safety Regulations," of the Transportation Rules of the Department of Public Safety 1-390.5 Definitions [49 C.F.R. Part 390.5 as amended] is amended as follows:

Georgia Department of Revenue is removed from the definition of "*exempt motor carrier*" replaced with Georgia Department of Public Safety and the definition of "lightweight commercial motor vehicle" is specified to have the same meaning as specified in O.C.G.A. § 40-1-1;

ORDERED: Chapter 1, "Motor Carrier Safety Regulations," of the Transportation Rules of the Department of Public Safety 1-390.50 Lightweight Commercial Motor Vehicles – Applicability of Regulations [49 C.F.R. Part 390.50 as amended] is amended as follows:

"Motor carrier" is added to the phrase "safety regulations" and §§ 390.19 and 21 are deleted;

and further,

ORDERED: Chapter 1, "Motor Carrier Safety Regulations," of the Transportation Rules of the Department of Public Safety 1-392.5(a)(3)(ii) Alcohol Prohibition [49 C.F.R. Part 392.5(a)(3)(ii) as amended] is amended to read as follows:

"Unless otherwise prohibited by law, this section does not apply to bus or limousine passengers."

SO ORDERED this 10th day of DECEMBER, 2014.

A handwritten signature in cursive script, appearing to read "Mark W. McDonough". The signature is written in black ink and is positioned above a horizontal line.

Colonel Mark W. McDonough, Commissioner