

**GEORGIA DEPARTMENT OF PUBLIC SAFETY
TRANSPORTATION RULEBOOK
CHAPTER 1 – MOTOR CARRIER SAFETY REGULATIONS**

1-1 Applicability.

(a) The motor carrier safety rules and regulations of the Department are the minimum safety requirements for all motor carriers operating both for hire and in private transportation in either interstate or intrastate commerce in Georgia, and to the extent that they do not conflict with Georgia law; and where applicable, are the same as the Motor Carrier Safety Regulations issued by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, contained in Title 49 of the Code of Federal Regulations, Parts 350, 365, 376, 382, 383, 385, 386, 387, and 390 through 397 (see Note), and as amended. (See Individual Section Pages and Notes).

(b) All references to the U.S. Department of Transportation except when used to designate approval of mechanical specifications shall be interpreted to mean the Georgia Department of Public Safety.

(c) Any reference in the regulations to the "Administrator, Federal Motor Carrier Safety Administration" shall be interpreted to mean Commissioner, Georgia Department of Public Safety, except insofar as the term relates to preemption.

(d) All references to "interstate" commerce shall be interpreted to include "intrastate" commerce. Except as provided for in the Individual Section Pages and Notes for each Part, it is the intent of the Department that the regulations shall apply to intrastate carriers and their operations.

(e) Where the Federal regulations as adopted by the Department refer to "carriers" or "motor carriers," the term shall mean all for hire and private motor carriers and other entities subject to the Department's jurisdiction pursuant to Title 40 O.C.G.A.

Note: Copies of the U.S. Department of Transportation's Motor Carrier Safety Regulations may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402 or may be found online at <http://www.fmcsa.dot.gov> .

1-2 Reports.

(a) All reports required by the safety regulations shall be sent to the Department of Public Safety, P.O. Box 1456, Atlanta, Georgia 30371, in addition to any copies required to be sent to any Federal Agency. Reports and forms may be submitted to the department electronically as technology applications for such filings become available.

(b) The Department will accept forms prescribed by the U.S. Department of Transportation where required by the safety regulations.

1-3 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §40-1-8.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §§ 40-1-8, 40-1-56 and Chapter 6 of this Rulebook.

1-4 Construction.

(a) Unless amended herein, the rules in this chapter numbered beyond 1-300 shall generally be the same as the rules contained in the Federal Motor Carrier Safety Regulations. Where reference is made to a federal rule number (e.g., "390.5") the compatible state rule shall be deemed to be "1-" preceded by DPS (which means Georgia Department of Public Safety) followed by the Federal rule number (e.g., "49 CFR §390.5" becomes "DPS 1-390.5").

(b) References on Department documents to a Federal rule by Federal Section number shall be construed as a valid cite of the Department's rules and regulations without listing the entire Department's section reference (e.g., "390.15" equals "DPS 1-390.15").

1-5. Inspection of Vehicles and Carriers.

(a) In performance of the duties specified in O.C.G.A. §§35-2-101, §§40-1-8, 40-1-23 40-1-51, 40-1-101, and 40-1-150, certified law enforcement officers employed by the Department or designated by the commissioner shall:

- (1) Be authorized to carry firearms;
- (2) Exercise arrest powers;
- (3) Have the power to stop, enter upon, and inspect all motor vehicles using the public highways for purposes of determining whether such vehicles have complied with and are complying with laws, the administration or enforcement of which is the responsibility of the department;
- (4) Have the power to examine the facilities where motor vehicles are housed or maintained and the books and records of motor carriers for purposes of determining compliance with laws, the administration or enforcement of which is the responsibility of the department;
- (5) Perform regulatory compliance inspections of vehicles, drivers, cargo, packaging, records, book, and/or supporting documents;
- (6) Exercise the powers generally authorized for law enforcement officers in the performance of their duties or otherwise to the extent needed to protect any life or property when the circumstances demand action.
- (7) Enforce criminal and traffic laws on the public roadways of this state; and
- (8) Perform any additional duties as defined in OCGA 35-2-33

1-6. Out of Service Criteria.

The *North American Standard Out-of-Service Criteria* published (and as may be amended from time to time) by the Commercial Vehicle Safety Alliance shall be the uniform criteria for placing unsafe vehicles, intermodal equipment, drivers, cargo and carrier operations out of service unless specifically required otherwise by any applicable rule, regulation or law. The Out of Service Criteria applies to both Lightweight Commercial Motor Vehicles and Commercial Motor Vehicles as defined by OCGA §40-1-1.

1-7. Safe Condition of Vehicles Required.

Every motor vehicle and all parts thereof shall be maintained in a safe condition at all times; and the lights, brakes, and equipment shall meet such safety requirements as herein promulgated.

1-8. Basic Driver Requirements.

Every driver employed to operate a motor vehicle for a motor carrier shall be at least 18 years of age, of temperate habits and good moral character, possess a valid driver's license, not use or possess prohibited drugs or alcohol while on duty, and shall be fully competent to operate the motor vehicle under his or her charge.

1-9. Accident Reports Required.

Accidents arising from or in connection with the operation of motor common or contract carriers shall be reported to the commissioner of transportation in such detail and in such manner as the commissioner of transportation may require.

1-10. Marking of Vehicles Required.

Every motor common, contract, exempt, and private carrier's vehicles to have attached to each unit or vehicle such distinctive markings as shall be adopted by the commissioner of public safety. Such identification requirements shall comply with the applicable provisions of the Federal Unified Carrier Registration Act of 2005 or any successive requirement of Federal Laws or Regulations or the laws of the State of Georgia or these Rules

Part 350
Commercial Motor Carrier Safety Assistance Program

1-350 Commercial Motor Carrier Safety Assistance Program.

Except as amended by the Department herein, the balance of Rule 1-350 is contained in Commercial Motor Carrier Safety Assistance Program Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 350, and as amended.

1-350.1 Purpose.

Insofar as necessary to insure consistency with federal regulations, the Department adopts this Part in order to assist with the implementation and maintenance of an ongoing motor carrier and hazardous materials safety program.

Reserved (No Department amendments)

Part 365
Rules Governing Applications for Operating Authority

1-365 Interstate Operating Authority.

Except as amended by the Department herein, the balance of Rule 1-365 is contained in Rules Governing Application for Operating Authority Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 365, and as amended.

1-365.1 Purpose and Scope.

Insofar as necessary to insure proper enforcement of Federal interstate operating authority regulations within this state, the Department adopts this Part in order to maintain compliance and compatibility with the Commercial Motor Carrier Safety Assistance Program. This Part is intended to apply only to interstate commerce except as provided for in Subpart F. Intrastate for-hire motor carriers shall comply with any applicable Operating Authority and Registration requirements contained in Title 40 O.C.G.A., including, but not limited to, §40-1-102, 40-2-140(d) and 44-1-13 O.C.G.A in addition to the requirements contained in 1-365.603 and 1-365.604.

Subpart F – Intrastate Registration and Authority

1-365.600 Scope of the rules of this part

The rules in this subpart define the procedures for motor carriers, property brokers, and freight forwarders to register with the Department to obtain authority to operate in intrastate commerce.

1-365.601 Definitions

As used in this part, the following terms mean:

Agricultural vehicle means a farm vehicle which is controlled and operated by a farmer, including operation by employees or family members; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and operated in intrastate commerce; which vehicle is not used in the operations of a for-hire motor carrier; and which is not used for the transportation of hazardous materials other than that contained or described in 49 CFR §173.5, 49 CFR §173.6, or that is otherwise excepted

from Subchapter C of Chapter I of Title 49 CFR (e.g. , batteries transported in accordance with §173.159). This term shall also include Covered Farm Vehicle as defined in 1-390.5.

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in intrastate commerce to transport passengers or property when the vehicle—

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport passengers for compensation; or
- (3) Is designed or used to transport more than 10 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in any quantity; or
- (5) Is a lightweight commercial vehicle as defined in OCGA 40-1-1

Commissioner means the Commissioner of the Department of Public Safety

Department means the Department of Public Safety

Private motor carrier of passengers (nonbusiness) means private motor carrier involved in the intrastate transportation of passengers not in the furtherance of a commercial enterprise.

Volunteer Charitable Organization means a bona fide charitable organization recognized by the Internal Revenue Service under §501(c)(3) of the Internal Revenue Code, or church meeting the requirements of §501(c)(3) and/or §508(c)(1)(A) of the Internal Revenue Code, where such organization operates only commercial motor vehicles that do not require a commercial drivers' license, and, further, such organization is staffed and managed entirely by volunteers who receive no monetary awards, honoraria, or compensation, other than for actual expenses incurred on behalf of the organization, or for per diem expenses in accordance with limits established under the Internal Revenue Code.

1-365.602 Applicability

- (a) The rules in Subpart F of this chapter are applicable to all employers, employees, and commercial motor vehicles, which transport property or passengers in intrastate commerce.
- (b) Exceptions. Unless otherwise specifically provided by State or Federal law, the rules in this subchapter do not apply to—
 - (1) All school bus operations as defined in 49 CFR §390.5,
 - (2) Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States;

- (3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
- (4) The transportation of human corpses or the emergency transportation of sick and injured persons;
- (5) The operation of fire trucks and rescue vehicles involved in emergency and related operations;
- (6) The operation of agricultural vehicles in intrastate commerce.
- (7) Volunteer charitable organizations
- (8) Private Motor Carrier of Passengers Non-business

1-365.603 Georgia Intrastate Motor Carrier Registration

Any intrastate motor carrier, leasing company leasing to a motor carrier, broker, or freight forwarder that engages in intrastate commerce and operates a commercial motor vehicle on or over any public highway of this state shall register with the Department unless such carrier is currently registered under the Unified Carrier Registration Program.

1-365.604 Certain Passenger Carriers, Household Goods Movers and Non-consensual Towing

Any motor carrier engaged in the operation certain passenger carrying vehicles, household's goods transportation or non-consensual towing operations shall be governed by the Georgia Motor Carrier Act of 2012 as outlined in OCGA Title 40 Chapter 1 Article 3 and by rules established by the Department.

1-365.605 Duration of Registration

Any registration issued under this part shall be valid from January 1st through December 31st of each calendar year unless otherwise specified. The commissioner may, at his discretion, choose to suspend the registration of any motor carrier found to be operating in an unsafe or unfit condition including but not limited to:

- (1) Any carrier which receives a permanent rating of "Unsatisfactory" as the result of an investigation by the Department or by the Federal Motor Carrier Safety Administration;
- (2) Any carrier classified as an "Imminent Hazard" by the Department or the Federal Motor Carrier Safety Administration;
- (3) Any carrier subject to an Out of Service order by the Department or the Federal Motor Carrier Safety Administration whether for interstate commerce, intrastate commerce or both;
- (4) Any carrier whose authority is suspended or revoked under the provisions of the Georgia Motor Carrier Act of 2012 as outlined in OCGA Title 40 Chapter 1 Article 3 and subsequent rules established by the Department.

Part 376

Lease and Interchange of Vehicles

1-376 Lease and Interchange of Vehicles.

Except as amended by the Department herein, the balance of Rule 1-376 is contained in Lease and Interchange of Vehicles Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 376, and as amended.

Reserved (No Department amendments)

Part 382 Controlled Substances and Alcohol Use and Testing

1-382 Controlled Substances and Alcohol Use and Testing.

Except as amended by the Department herein, the balance of Rule 1-382 is contained in Controlled Substance and Alcohol Use and Testing Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 382, and as amended.

Reserved (No Department amendments)

Part 383

Commercial Driver's License Standards; Requirements and Penalties

1-383 Commercial Driver's License Standards.

Except as amended by the Department herein, the balance of Rule 1-383 is contained in Commercial Driver's License Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 383, and as amended. These regulations are adopted for the purpose of enforcement and to assist the Department of Driver Services with ensuring compliance with applicable Federal Commercial Driver's License Standards.

Reserved (No Department amendments)

Part 385

Safety Fitness Procedures

1-385 Safety Fitness Procedures.

Except as amended by the Department herein, the balance of rule 1-385 is contained in Safety Fitness Procedures regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 385, and as amended.

Reserved (No Department amendments)

Part 386
**Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous
Materials Proceedings**

**1-386 Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous
Materials Proceedings.**

Except as amended by the Department herein, the balance of Rule 1-386 is contained in Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 386, and as amended.

1-386.1 Purpose and Scope.

Insofar as necessary to insure proper enforcement of Federal out-of-service regulations within this state, the Department adopts this Part in order to maintain compliance and compatibility with the Commercial Motor Carrier Safety Assistance Program. This Part is intended to apply only to interstate commerce and those intrastate operations of interstate carriers subject to the jurisdiction of the Federal Motor Carrier Safety Administration.

Reserved (No Department amendments)

Part 387
Minimum Levels of Financial Responsibility for Motor Carriers

1-387 Minimum Levels of Financial Responsibility for Motor Carriers.

Except as amended by the Department herein, the balance of Rule 1-387 is contained in Minimum Levels of Financial Responsibility for Motor Carriers Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 387, and as amended.

1-387.1 Purpose and Scope.

Insofar as necessary to insure proper enforcement of Federal financial responsibility regulations within this state, the Department adopts this Part in order to maintain compliance and compatibility with the Commercial Motor Carrier Safety Assistance Program. This Part is intended to apply only to interstate commerce and those operations of intrastate carriers subject to the jurisdiction of the Federal Motor Carrier Safety Administration as provided for in 49 CFR Part 387. It is not the intent of the Department to impose Federal financial responsibility limits on intrastate motor carriers not otherwise subject to 49 CFR Part 387.

Reserved (No Department amendments)

**Part 390
General**

1-390 Motor Carrier Safety Regulations—General.

Except as amended by the Department herein, balance of Rule 1-390 is contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, in Title 49 CFR Part 390, and as amended.

Subpart A—General Applicability and Definitions

1-390.3 ~~(h) & (i)~~ (l) & (m) General Applicability.

~~(h)~~(l) The Transportation Rules of the Department of Public Safety are applicable to all employers, employees, and commercial motor vehicles, which transport property or passengers in interstate or intrastate commerce, except as expressly exempted by law.

~~(i)~~(m) The transportation of hazardous materials in interstate and intrastate commerce is fully subject to the applicable provisions of this Chapter.

1-390.5 Definitions.

Except as amended by the Department herein, balance of 1-390.5 definitions are contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 49 CFR §390.5, and as amended. The following definitions are inserted in the appropriate alphabetical order:

Agricultural vehicle means a farm vehicle which is controlled and operated by a farmer, including operation by employees or family members; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and operated within a 150 air-mile radius of such person's farm; which vehicle is not used in the operations of a for-hire motor carrier; and which is not used for the transportation of hazardous materials other than that contained or described in 49 CFR §173.5, 49 CFR §173.6, or that is otherwise excepted from Subchapter C of Chapter I of Title 49 CFR (e.g. , batteries transported in accordance with §173.159).

Covered Farm Vehicle (1) means a straight truck or articulated vehicle —

- (i) Registered in a State with a license plate or other designation issued by the State of registration that allows law enforcement officials to identify it as a farm vehicle;
- (ii) Operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch;
- (iii) Used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch; and
- (iv) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (1)(i) through (iii) of this definition by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement.

(2) Meeting the requirements of paragraphs (1)(i) through (iv) of this definition:

- (i) With a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less may utilize the exemptions in § 390.39 anywhere in the United States; or
- (ii) With a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds may utilize the exemptions in § 390.39 anywhere in the State of registration or across State lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated

Exempt motor carrier means a person engaged in transportation exempt from economic regulation by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, or their successor agencies under 49 U.S.C. 13506; or the Georgia Department of Public Safety; or a motor carrier engaged in the contract transportation of U.S. Mail. "Exempt motor carriers" are subject to the Department's safety and hazardous material rules and regulations.

Lightweight commercial motor vehicle has the same meaning as specified in O.C.G.A. §40-1-1.

Other Traction Device means any device, which when in use, is affixed to or in contact with the drive wheels of a commercial motor vehicle and provides a level of additional traction greater than or equal to a tire chain as defined in this part.

Special Agent See Appendix B to Subchapter B—Special Agents. Any reference to "Special Agent" shall also include any law enforcement personnel of the Department designated pursuant to O.C.G.A. §§35-2-32, 35-2-33, 35-2-100, 35-2-101, 40-1-8, and 40-1-23 and/or other personnel authorized to conduct commercial vehicle inspections pursuant based upon to a Memorandum of Understanding approved by the Commissioner of Public Safety.

Tire Chain means metal chains which consist of two circular metal loops, positioned on each side of a tire, connected by not less than nine evenly spaced chains across the tire tread or any other traction devices as provided for by rules and regulations of the commissioner of public safety.

Volunteer Charitable Organization means a bona fide charitable organization recognized by the Internal Revenue Service under §501(c)(3) of the Internal Revenue Code, or church meeting the requirements of §501(c)(3) and/or §508(c)(1)(A) of the Internal Revenue Code, where such organization operates only commercial motor vehicles that do not require a commercial drivers' license, and, further, such organization is staffed and managed entirely by volunteers who receive no monetary awards, honoraria, or compensation, other than for actual expenses incurred on behalf of the organization, or for per diem expenses in accordance with limits established under the Internal Revenue Code.

1-390.15(c) Assistance in Investigations and Special Studies.

(c) Motor carriers shall obtain and maintain on file for a period of at least one year a legible copy of any police or insurance company accident report for any accident involving motor vehicles which they own or control.

1-390.19(j)&(k) Motor Carrier Identification Report. (Intrastate motor carriers)*(j) Motor carrier identification report.*

(1) All motor carriers and intermodal equipment providers currently conducting operations solely in intrastate commerce shall file a Motor Carrier Identification Report, and obtain a motor carrier identification number. Intrastate motor carriers and intermodal equipment providers shall periodically update their MCS-150 filings in accordance with the same schedule as interstate motor carriers as provided for in paragraph (b) of this section. Exception: The provisions of this paragraph do not apply to a motor carrier that:

- (i) Also engages in interstate or foreign commerce, and
- (ii) Has filed an MCS-150 with the FMCSA, or
- (iii) Has received written notification of a safety rating from FMCSA.

(2) The Motor Carrier Identification Report, Form MCS-150, is available from the U.S. Department of Transportation at their web site:

<http://safer.fmcsa.dot.gov/public/MCS-150.pdf>, or by calling the Department of Public Safety at (404)624-7211. A copy may also be downloaded from the Department's web site at <http://www.dps.georgia.gov>.

(3) The completed Motor Carrier Identification Report shall be filed with the Federal Motor Carrier Safety Administration (<http://www.fmcsa.dot.gov>)

(4) A carrier which engages solely in intrastate commerce and subsequently begins interstate operations shall comply with the provisions of Title 49 CFR §390.19, and shall submit a copy of the FMCSA MCS-150 to the Federal Motor Carrier Safety Administration in one of the manners listed above.

(k) Failure to report. Failure by a motor carrier or intermodal equipment provider to file a Motor Carrier Identification Report, Form MCS-150, pursuant to the provisions of this section, or furnishing misleading information or making false statements upon the MCS-150 shall subject the offender to civil and/or criminal penalties as provided for by law.

1-390.21(h) Marking of CMVs and Intermodal Equipment.

(h) Intrastate motor carriers and intermodal equipment providers. Except as provided for in subparagraph (2) of this paragraph, all CMVs and intermodal equipment shall comply with the marking requirements of this section, regardless whether engaged in interstate or intrastate commerce.

(1) If the carrier or intermodal equipment provider is engaged solely in intrastate transportation, the motor carrier identification number shall be displayed as provided for in paragraph (a) of this section, except that the USDOT marking shall be followed by the letters "GA" (Example: USDOT 000000 GA).

(2) Lightweight Commercial Motor Vehicles as defined by OCGA §40-1-1, other than a "Limousine" or "Limousine Carrier Vehicle" as defined by OCGA §40-1-151, must be marked and identified with the name of the motor carrier, city and state of principle domicile, and company telephone number. Such markings must meet the size, shape, location and color requirements as specified by Title 49 CFR, 390.21.

(3) Vehicles operated by limousine carriers must be marked and identified as required by OCGA §40-1-167;

(4) Persons claiming the "Covered Farm Vehicle" exception, as defined in Rule 1-390.5, may meet the Covered Farm Vehicle designation requirements by completing a "Covered Farm Vehicle Designation Certificate" prescribed by the

commissioner to be carried on the vehicle and presented upon request of a law enforcement officer of the Department; or, said vehicle may be equipped with a license plate or other special designation by the State in which the vehicle is registered to allow for identification of the vehicle as a “covered farm vehicle.”

1-390.23(a)(3)(iii) Tow Trucks Responding to Emergencies.

- (iii) *This exemption shall apply to Parts 393 and 396 of these regulations only until the wrecked or disabled vehicles can be removed from the roadway to a place of safety where the tow operator can comply, not to exceed five miles distance, or, on a limited access highway, the next available exit, rest area, weigh station, or accident investigation site, whichever comes first.*

1-390.39 Covered Farm Vehicles

[The rules in this part are in addition to those found in 1-390.51]

Every commercial motor vehicle meeting the definition of “Covered Farm Vehicle” operated in this State shall be subject to the Rules as adopted by the Commissioner of Public Safety in regards to safety except as provided herein. These exemptions shall not take away from and shall be in addition to any other exemptions provided in this part.

- a) Covered Farm Vehicles shall be exempt from the following:
- 1) Rule 1-383 Relating to Commercial Driver’s License
 - 2) Rule 1-382 Relating to Controlled Substance and Alcohol Testing
 - 3) Rule 1-391 Subpart E Relating to Physical Qualifications and Examination\
 - 4) Rule 1-395 Relating to Hours of Service
 - 5) Rule 1-396 Relating to Inspection, Repair and Maintenance
- b) Furthermore, any vehicle engaged in the transportation of agricultural commodities and farms supplies are exempt from Rule 1-395 relating to Hours of Service subject to the following provisions;
- 1) Drivers transporting agricultural commodities from the source of the commodities to a location within a 150 air-mile radius from the source; or
 - 2) Drivers transporting farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or
 - 3) Drivers transporting farm supplies for agricultural purposes from a wholesale distribution point to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.

1-390.50 Lightweight Commercial Motor Vehicles—Applicability of Regulations.

“Lightweight commercial motor vehicles” as defined by OCGA § 40-1-1 are subject to and must only comply with the following motor carrier safety regulations: §§391.11(b)(2), (3), (5), and (7); all of part 392 except §§392.8, 392.22, 392.62, and 392.63; all of part 393, except §393.95; all of part 396, except §§396.3(b), 396.11, 396.13, 396.15, and 396.17.

1-390.51 Agricultural Vehicles – Applicability of Regulations.

“Agricultural vehicles” and their drivers, as defined in §1-390.5, are subject only to, and must only comply with, the following regulations: §§391.11(b)(3) and (5); all of Part 392; all of Part 393; §§396.3(a)(1), 396.5, 396.7, and 1-396.9.

1-390.52 Volunteer Charitable Organizations – Applicability of Regulations.

“Volunteer Charitable Organizations” and their drivers, as defined in §1-390.5, are subject only to, and must only comply with, the following regulations: §§391.11(b)(3) and (5); all of Part 392; all of Part 393; §§396.3(a)(1), 396.5, 396.7, and 1-396.9.

Part 391
Qualifications of Drivers

1-391 Motor Carrier Safety Regulations—Qualifications of Drivers.

Except as amended by the Department herein, Balance of Rule 1-391, is contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 391, and as amended.

1-391.2(d) General Exemptions.

(d) *Limited exceptions for intrastate drivers.* Drivers of commercial motor vehicles are excepted from the following provisions of Part 391 if the terms and conditions contained herein are met:

(1) §391.41(b)(3), relating to diabetes mellitus;
(2) §391.41(b)(8), relating to epilepsy;
(3) §391.41(b)(10), relating to visual acuity, provided the driver has distant visual acuity of at least 20/40 (Snellen) in one eye without corrective lenses or visual acuity of corrected to 20/40 (Snellen) or better with corrective lenses, distant monocular acuity of at least 20/40 (Snellen) in one eye with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in one eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

(4) No driver may be grandfathered under the provisions of this section after March 31, 1993. Provided, however, a driver who is "grandfathered" under the above provisions will remain qualified to operate a commercial motor vehicle under the exceptions provided for in subparagraphs (1), (2), and (3) of this section so long as the driver is physically examined every 24 months and the examining physician determines that the existing medical or physical condition that would render the driver not qualified under the Federal Motor Carrier Safety Regulations has not worsened or another condition has not manifested itself.

(5) A driver who is otherwise physically disqualified, and who is ineligible for "grandfathering" under paragraph (d)(4) of this section, may apply to the Department of Driver Services for a waiver or exemption authorized under O.C.G.A. §40-5-147(e). A driver granted a waiver or exemption pursuant to §40-5-147(e) must comply with the documentation requirements of §391.41 when operating a commercial motor vehicle.

1-391.41(a)(1)(iii) Physical Qualifications of Drivers.

(iii) A person who qualifies for the medical examiner's certificate by virtue of having obtained pursuant to O.C.G.A. §40-5-147(e) a medical variance from the Department of Driver Services, must have on his or her person a copy of the variance documentation when operating a commercial motor vehicle.

1-391.43(i) & (j) Medical Examination; Certificate of Physical Examination.

(i) Any driver authorized to operate a commercial motor vehicle solely in intrastate commerce pursuant to §391.2(f) shall furnish the examining medical examiner with a copy of the medical findings that led to the issuance of the first medical examination which allowed the driver to operate a commercial motor vehicle solely in intrastate commerce.

(j) If a medical examiner determines the driver is qualified to drive only a commercial motor vehicle in intrastate commerce pursuant to §391.2(d), the following statement or other statement identifying the holder as a grandfathered driver, or driver granted a waiver or exemption pursuant to O.C.G.A. §40-5-147(e), shall appear on the medical examiner's certificate: "MEDICALLY UNQUALIFIED UNLESS DRIVING INTRASTATE."

1-391.61 Drivers Who Were Regularly Employed Before January 1, 1971, July 1, 1972, and April 1, 1984.

(a) The provisions of §391.21 (relating to applications for employment), §391.23 (relating to investigations and inquiries), §391.31 and §391.33 (relating to road tests) do not apply to a driver who has been a single-employer driver (as defined in §390.5 of this chapter) of an interstate motor carrier for a continuous period which began before January 1, 1971, as long as he/she continues to be a single-employer driver of that motor carrier.

(b) The qualification file for a driver of a for hire motor carrier engaged solely in intrastate commerce who has been a regularly employed driver of the motor carrier for a continuous period which began before July 1, 1972 must include, as minimum, the following:

- (1) The medical examiner's certificate of his/her physical qualification to drive a motor vehicle or a legible copy of the certificate;
- (2) The letter granting a waiver of a physical disqualification, if a waiver was issued under §391.49;
- (3) The note relating to annual review of the driver's driving record required by §391.25;
- (4) The response of each state agency to the driver's record inquiry required by 391.25(a); and,
- (5) Any other matter which relates to the driver's qualifications or ability to drive a motor vehicle safely.

(c) The qualification file for a driver of a private carrier engaged solely in intrastate commerce who has been a regularly employed driver of the motor carrier for a continuous period which began before April 1, 1984 must include, as minimum, the documents specified in paragraph (b) of this section.

1-391.75 Drivers of Lightweight Commercial Motor Vehicles; Intrastate Drivers.

The provisions of §391.11(b)(1) (relating to minimum age) do not apply to: A driver of a lightweight commercial motor vehicle as defined in §1-390.5 operated in interstate or intrastate commerce; and a driver of a commercial motor vehicle engaged solely in intrastate commerce. The driver of a motor vehicle described in this section need only be 18 years of age.

Part 392
Driving of Commercial Motor Vehicles

1-392 Motor Carrier Safety Regulations—Driving of Commercial Motor Vehicles.

Except as amended by the Department herein, Rule 4-1-392 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 392, and as amended

1-392.5(a)(3)(ii) Alcohol Prohibition.

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

Part 393
Parts and Accessories Necessary for Safe Operation

1-393 Motor Carrier Safety Regulations—Parts and Accessories Necessary for Safe Operation.

Except as amended by the Department herein, balance of Rule 1-393, is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 393, and as amended.

1-393.11PL Strobe Lamp or Light-emitting Diode (LED) on the Rear of Projecting Loads.

(a) Motor vehicles transporting loads of logs, long pulpwood, poles, or posts which extend more than 4 feet beyond the body or bed of such vehicle, shall have securely affixed as close as practical to the end of such projections one amber strobe type lamp or amber LED lamp equipped with a multi-directional type lens so mounted as to be visible from the rear and sides of the projecting load. If the mounting of one strobe lamp or LED lamp cannot be accomplished so as to be visible from both sides and the rear of the projecting load, multiple strobe lamps or LED lamps shall be utilized so as to meet the visibility requirements.

(b) The strobe or LED lamp shall flash a rate of at least 60 flashes per minute and shall be plainly visible from a distance of at least 500 feet to the sides and rear of the projecting load any time of the day or night. The lamp shall be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway.

(c) The use of red marker lamps on projecting loads as enumerated in O.C.G.A. §40-8-27, being transported on vehicles under the jurisdiction of the Department of Public Safety, are not required if a strobe or LED lamp is utilized as required by this rule.

(d) The projecting load shall also be marked with flag(s) as required by §393.87 of these rules and O.C.G.A. §40-8-27. The flag(s) required by this paragraph shall be a bright red or orange fluorescent color and shall not be less than 18 inches square. The required flag or flags shall be positioned as follows:

(1) if the load is 2 feet wide or less, there shall be a single flag at the extreme rear of the projecting load;

(2) if the load is wider than 2 feet, 2 warning flags shall be placed as far to the rear of the projecting load as practicable to indicate the overall width of the projecting load.

(e) In addition to the requirements of this section and §393.11 above, motor vehicles transporting projecting loads in interstate commerce are required to comply with the Federal Motor Carrier Safety Regulations under Title 49 CFR.

1-393.75 Tires

(i) Commercial motor vehicles traveling on a road declared as limited access due to a declared state of emergency for inclement winter weather conditions shall affix tire chains or other traction devices to each of the outermost drive wheel tires as follows:

(1) Trucks and truck tractors with 4 or more drive wheels shall affix tire chains to each of the outermost drive wheel tires

(2) Bus and motor coach operators shall affix tire chains to at least two of the drive wheel tires

1-393.95 (g)(2) Restrictions on the use of flame-producing devices.

(2) *Additional restrictions on the use of flame-producing devices.* No vehicle transporting unmanufactured forest products may be equipped with or use any flame-producing stopped vehicle warning devices, including, but not limited to, liquid-burning flares, fusees, oil lanterns.

1-393.100(e) What occupant protection is required for drivers?

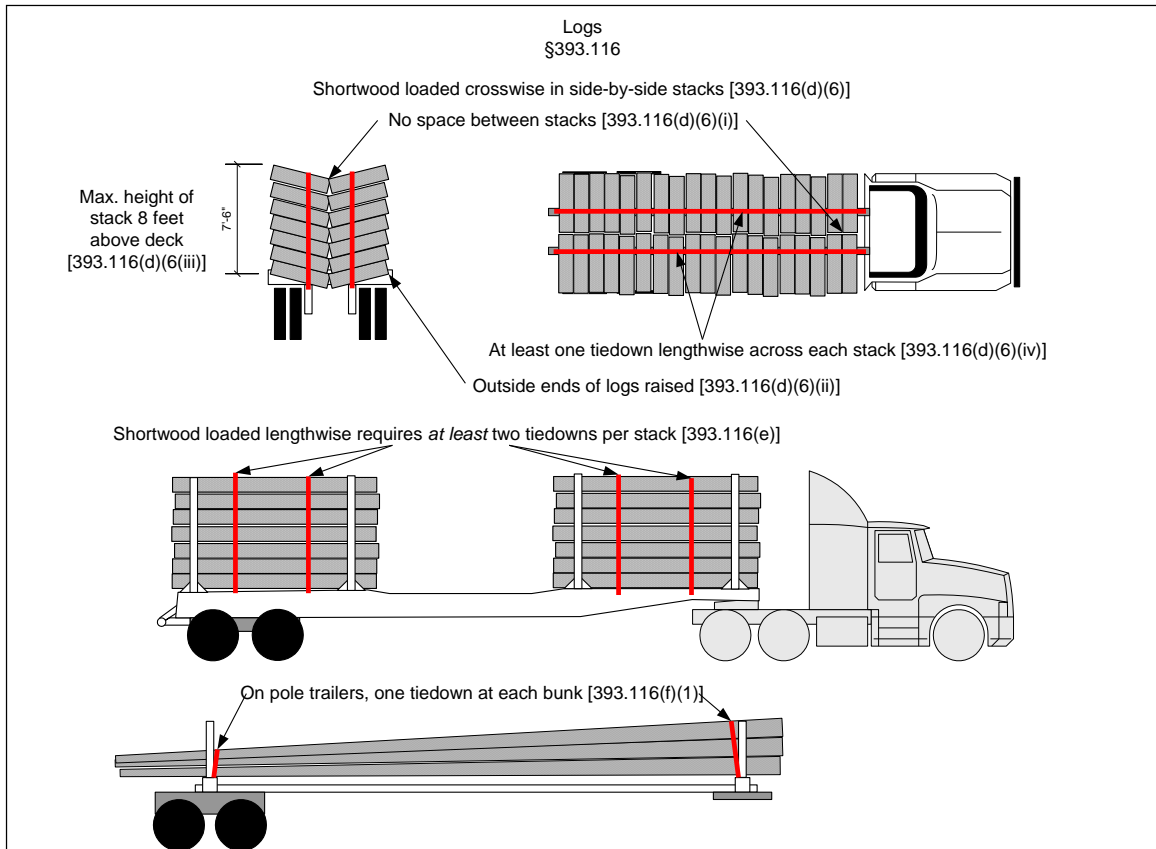
(e) *Occupant protection for drivers transporting log, poles, posts, beams, or articles of cargo of similar shape.* In addition to any other requirements of this subpart, vehicles operated in this state while transporting loads of logs, poles, posts, beams, or articles of cargo of similar shape shall be equipped with an occupant protection device (commonly known as a headache rack, header board, header rack, or front end structure) firmly mounted between the cargo and the driver. Such device shall be intended to protect the driver from the forward shifting of such loads in the event of rapid deceleration of the vehicle. The device may be mounted to the frame of the power unit or trailer, shall be installed and maintained in a workmanlike manner, and shall be free of cracks or breaks. The size, strength, and penetration resistance of such occupant protection device shall be the same as described in §393.114. An equivalent device (such as a trailer drop deck or similar device) may substitute for an occupant protection device provided the level of protect is equal to or greater than that provided by this section.

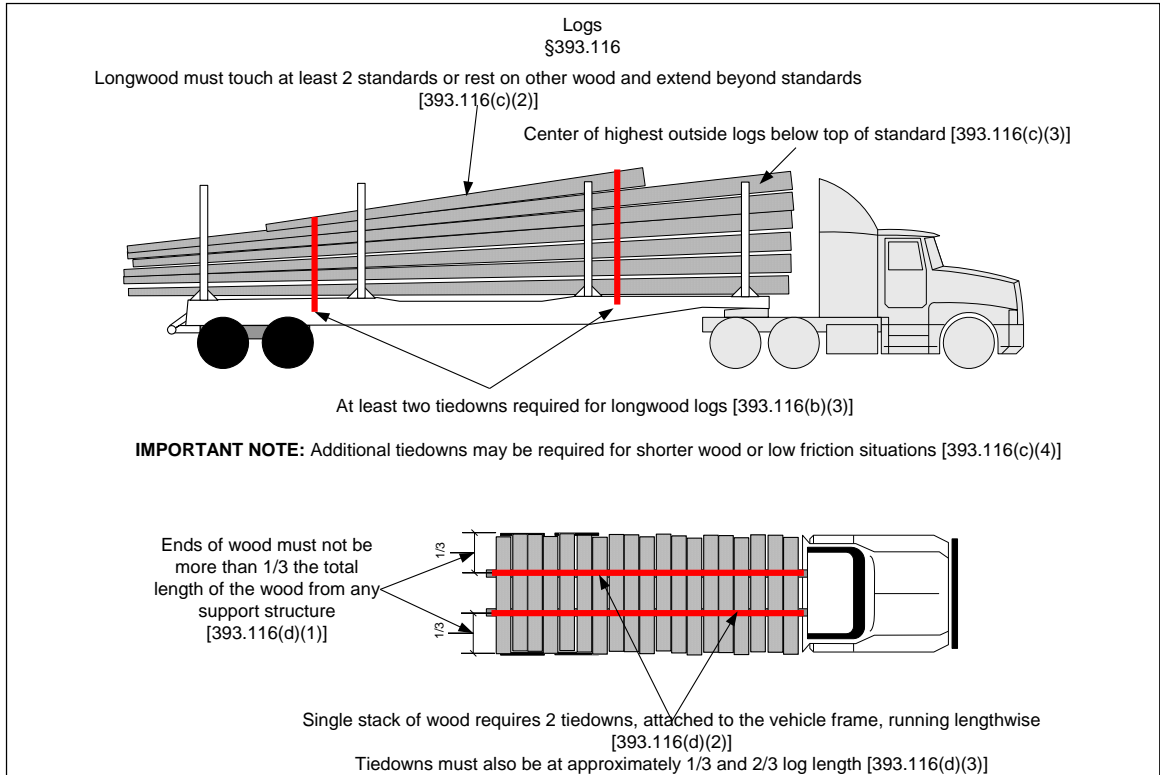
1-393.116(h) Strength and Positioning of Tiedowns.

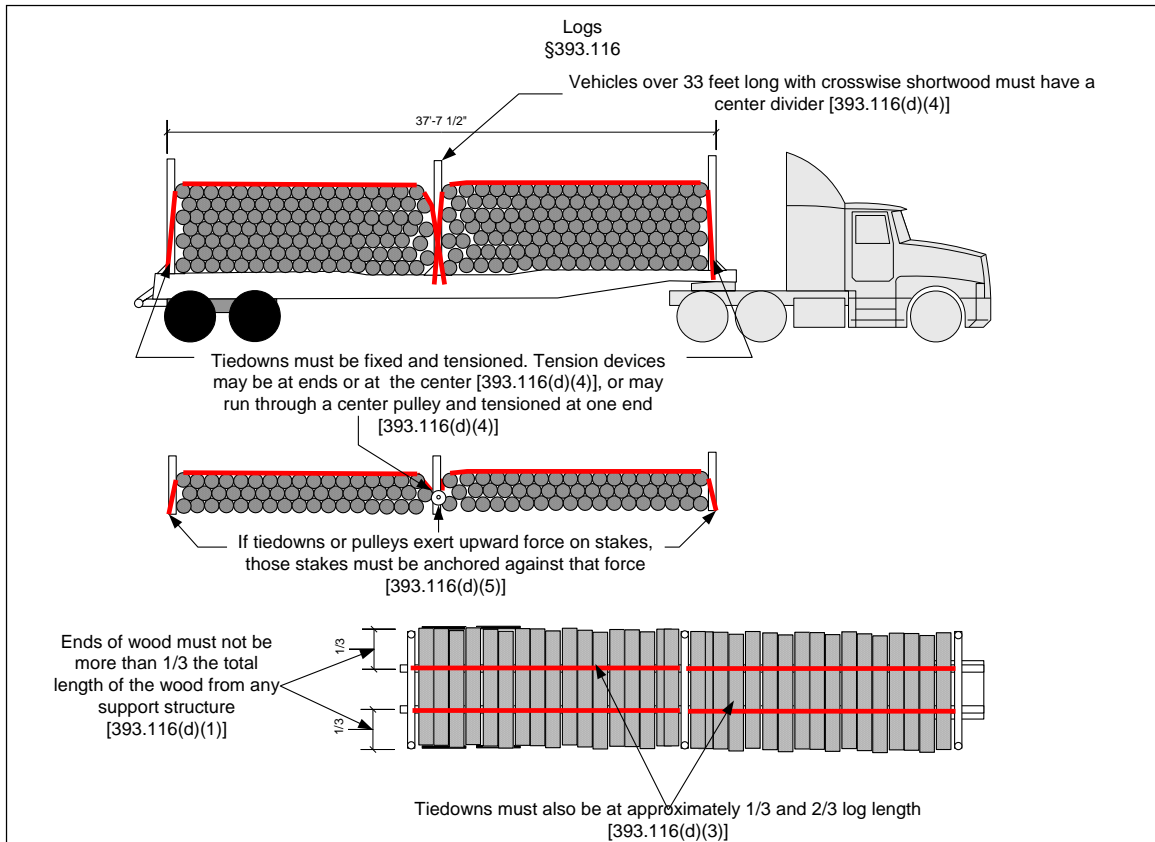
(h) *Strength and positioning of tiedowns.*

(1) Longwood (commonly known as tree-length wood) loaded lengthwise (as described in paragraphs (b)(3) and (f) of this section) shall be secured to the vehicle with two or more tiedowns, spread out and positioned along the length of the load to provide effective securement. The tiedowns must encircle the top of the load and must be attached to the frame or bunk of the vehicle at each end providing downward pull on the load. When two tiedowns are used, each tiedown and tensioning device shall be equal or greater in working load limit (WLL) strength to that of 4" synthetic webbing as described in §393.108 and the aggregate WLL strength of all the tiedown assemblies shall be equal to at least one-sixth the weight of the load of logs.

(2) Double-bunked wood loaded lengthwise (shortwood or longwood) shall be secured to the vehicle with two or more tiedowns per section. The tiedowns shall be spread out and placed near the ends of the section or near the standards to provide effective securement. The tiedowns must encircle the top of the load and must be attached to the frame or bunk of the vehicle at each end providing downward pull on the load. When two tiedowns are used, each tiedown and tensioning device shall be equal or greater in WLL strength to that of 3" synthetic webbing as described in §393.108 and the aggregate WLL strength of the tiedown assemblies shall be equal to at least one-sixth the weight of the section of logs.





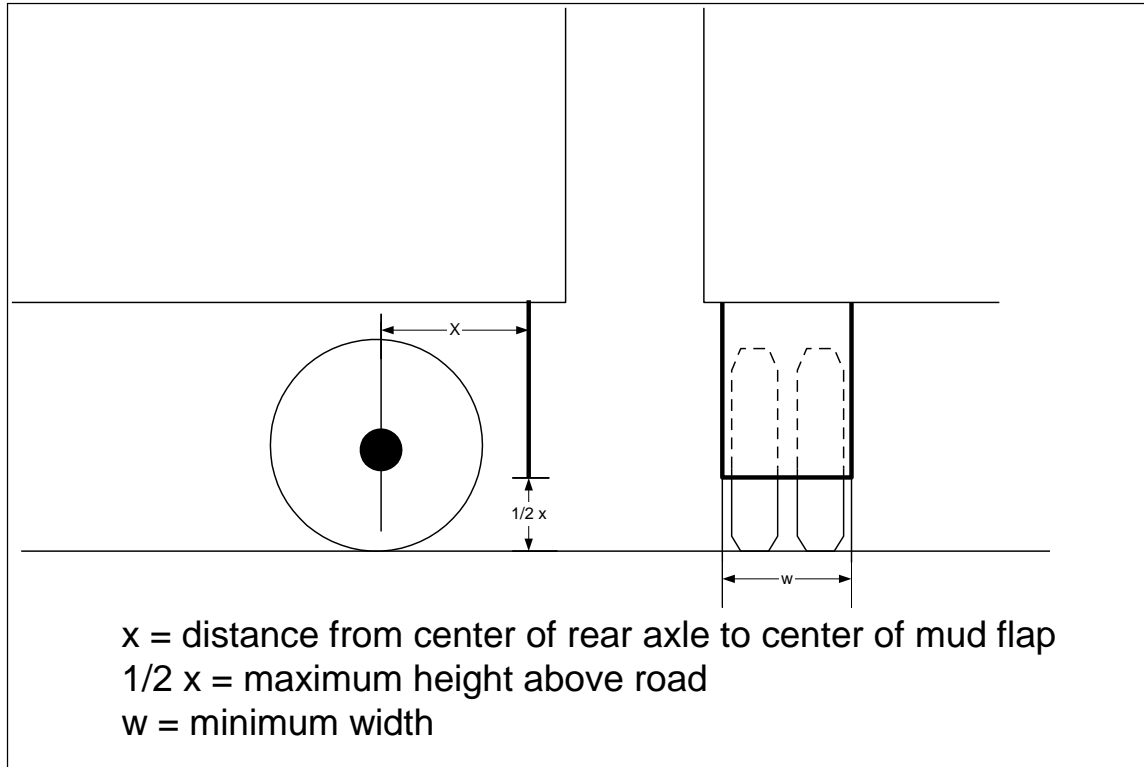


1-393.117 What are the requirements for securing sawdust, wood chips, bark, shavings, saw-mill waste, or pine straw?

Each load of sawdust, wood chips, bark, shavings, saw-mill waste, or pine straw carried in open top trailers must be secured on the top with a tarpaulin or similar cover, which must prevent the loss of cargo in normal transportation. Tarpaulins alone may not be used for side securement, but may be used to supplement other side securement. Furthermore, such loads must meet the applicable general cargo securement rules of §§ 393.100 through 393.114.

1-393.220 Tire Covers (wheel flaps; mud flaps).

Every bus, truck, trailer, semi-trailer, and pole trailer, shall be equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels to prevent, as far as practicable, such wheels from throwing dirt, gravel, rocks, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-half the distance from the center of the rearmost axle to the center of the protector or flap under any conditions of loading of the vehicle and shall be at least as wide as the tire or tires they are covering; provided, however, that if any such bus, truck, trailer, semi-trailer, and pole trailer is so designed and constructed that the foregoing requirements are accomplished by means of fenders, body construction, or other enclosures, then no such protectors or flaps shall be required. (See O.C.G.A. §40-8-75)



Part 394
[Reserved]

Part 395
Hours of Service of Drivers

1-395 Motor Carrier Safety Regulations—Hours of Service of Drivers.

Except as amended by the Department herein, Rule 1-395 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 395, and as amended.

1-395.1(k)(3) *Georgia planting and harvesting seasons.* Based on information provided by the Georgia Department of Agriculture, the Department finds that the planting and harvesting seasons for Georgia cover 365 days each year.

1-395.341 Hours of Service--Temporary Variance; Intrastate Motor Carriers

(a) Based on the Hours of Service variance authorized in Title 49, CFR, § 350.341 (e) for intrastate motor carriers, during the period December 15, 2014 to February 15, 2015, or during certain other periods specified through Administrative Order of the Commissioner of Public Safety, drivers and motor carriers operating commercial motor vehicles solely in intrastate commerce (Georgia only) are authorized to vary the Hours of Service limitations only to the following extent:

- (1) A driver may drive a maximum of 12 hours, provided such driver has not been on duty for more than 16 hours;
- (2) Respective of a driver's normal work week, a driver may not drive after having been on duty 70 hours in 7 consecutive days or 80 hours in 8 consecutive days.

Note: All other Records of Duty Status and Hours of Service requirements specified in state and federal law remain in full force and effect.

(b) This variance does not apply to:

- (1) The transportation of hazardous materials(as defined by O.C.G.A. § 40-1-1), requiring a placard;
- (2) The operation of vehicles designed or used to transport 16 or more people, including the driver;
- (3) The operation of vehicles in interstate commerce, including the transportation of interstate freight or property.
- (4) Drivers or motor carriers who exceed the Hours of Service variance provided herein.

(c) The Commissioner of Public Safety may rescind this Rule and any associated orders at any time to protect life, health, or safety.

Part 396**Inspection, Repair, and Maintenance****1-396 Motor Carrier Safety Regulations—Inspection, Repair, and Maintenance.**

Except as amended by the Department herein, balance of Rule 1-396 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 396, and as amended.

1-396.9 Inspection of Motor Vehicles in Operation.

(a) *Personnel authorized to perform inspections.* Every Law Enforcement Officer of the Department or other persons designated by the Department are authorized to stop, enter upon, and perform inspections of motor carrier's vehicles in operation and intermodal equipment in operation; said personnel are further authorized to examine vehicles, including, but not limited to, cargo and compartments where cargo or equipment and supplies may be carried, driver's compartments and sleeper berths, and to examine documents normally carried onboard such vehicles, including but not limited to, driver qualification and training documents, driver's licenses, records of duty status, hours of service records, inspection reports, shipping documents, receipts, leases, permits, vehicle registrations, and insurance documents. This authority extends to all stations, garages, offices, vehicles and their compartments, and all records kept or required to be kept.

(b) *Prescribed inspection report.* The Driver Vehicle Inspection Report shall be used to record results of motor vehicle inspections and intermodal equipment inspections conducted by authorized personnel. In addition to or in place of written documents, inspections may be recorded in electronic form.

(c) *Motor vehicles, intermodal equipment, drivers, and cargo declared "out of service."*

(1) The Department has established the *North American Standard Out-of-Service Criteria* published (and as may be amended from time to time) by the Commercial Vehicle Safety Alliance as the uniform "out of service" criteria for placing unsafe vehicles, intermodal equipment, drivers, and cargo out of service. An "out of service" sticker shall be used to mark vehicles and intermodal equipment out of service. Authorized personnel shall declare and mark "out of service" any vehicle or intermodal equipment which by reason of its mechanical conditions or loading would likely cause an accident or breakdown. Authorized personnel are further authorized to declare "out of service" any driver who violates or any motor carrier operation found to be in violation of an out of service order or that otherwise fails to comply with "out of service" criteria established pursuant to Parts 107, 130, 171-185, 365, 382, 383, 385, 386, 387, and 390-397.

(2) No motor carrier shall require or permit any person to operate any vehicle or intermodal equipment declared and marked "out of service" until all repairs required by the "out of service" notice have been satisfactorily completed. No driver declared "out of service" pursuant to criteria established under this section shall drive a vehicle, until the condition that caused the "out of service" action has been remedied and the conditions set forth in the "out of service" notice have been met. No cargo declared "out of service" pursuant to criteria established under this section shall be moved until the condition that caused the "out of service" action has been remedied and the conditions set forth in the "out of service" notice have been met. The term "operate" as used in this section shall include towing the vehicle, except that vehicles marked "out of service" may be towed away by means of a vehicle using a crane or hoist (commonly referred to as a wrecker). A vehicle combination consisting of an emergency towing vehicle and an "out of service" vehicle shall not be operated unless such combination meets the performance requirements of this Chapter except for those conditions noted on the Driver Vehicle Inspection Report. Hazardous materials cargo declared "out of service" may be allowed to be moved to the nearest facility with equipment and personnel capable of handling such materials.

(3) No person shall remove the "out of service" vehicle sticker from any motor vehicle prior to completion of all repairs required by the "out of service" notice.

(4) A motor carrier found to be operating after the motor carrier's operations have been declared out of service shall not continue on the current trip until conditions set forth by the Federal Motor Carrier Safety Administration are met.

(5) Violations or defects noted on the Driver Vehicle Inspection Report which do not render the driver, vehicle, intermodal equipment, or cargo "out of service" shall be repaired or corrected as soon as possible, but in any case before the vehicle, intermodal equipment, driver, or cargo is dispatched or sent on another trip.

(d) *Motor Carrier or intermodal equipment provider disposition.*

(1) The driver of any vehicle, including a driver transporting intermodal equipment, receiving an inspection report shall deliver it to both the motor carrier operating the vehicle and the intermodal equipment provider upon his or her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle or at a facility of the intermodal equipment provider within 24 hours, the driver shall immediately mail, fax, or otherwise transmit the report to the motor carrier and intermodal equipment provider.

(2) Motor carriers and intermodal equipment providers shall examine the report. Violations or defects noted thereon shall be corrected. Repairs of items of vehicles or intermodal equipment placed out-of-service are also to be documented in the maintenance records for such equipment. (3) Within 15 days following the date of the inspection, the motor carrier or intermodal equipment provider shall—

(i) Certify that all violations noted have been corrected by completing the "Signature of Carrier/Intermodal Equipment Provider Official, Title and "Date Signed" portions of the form;

(ii) When applicable, have the repairer complete the "Signature of Repairer," "Facility," and "Date" portions of the report; and

(iii) Return the completed inspection form to the Department at the address indicated on the report and retain a copy at the motor carrier's principal place of business, at the intermodal equipment provider's principal place of business, or where the vehicle is housed for 12 months from the date of the inspection.

(e) *Penalties.* Violation of an "out of service" order, or false, fraudulent, or misleading statements regarding correction of the driver, vehicle, intermodal equipment, or cargo defects may subject the driver, carrier, intermodal equipment provider, and repairer, to civil and criminal penalties as provided by law.

Part 397

Transportation of Hazardous Materials; Driving and Parking Rules.

1-397 Motor Carrier Safety Regulations—Transportation of Hazardous Materials; Driving and Parking Rules.

Except as amended by the Department herein, balance of Rule 1-397 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 397, and as amended.

RESERVED (No Department Amendments)