

**GEORGIA DEPARTMENT OF PUBLIC SAFETY
TRANSPORTATION RULEBOOK
CHAPTER 2 – HAZARDOUS MATERIALS TRANSPORTATION SAFETY REGULATIONS**

2-1 Applicability.

(a) The hazardous materials rules and regulations of the Department of Public Safety are the minimum requirements for all motor carriers operating both for hire and in private transportation in either interstate or intrastate commerce in Georgia, and to persons who ship or offer hazardous materials in interstate or intrastate commerce, and to the extent that they do not conflict with Georgia law; and where applicable, are the same as the Hazardous Materials Regulations issued by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, contained in Title 49 of the Code of Federal Regulations, Subtitle B, Chapter I, Subchapters A, B, and C, Parts 107, 130, 171-173, and 178 through 180 (and as amended) (See Individual Rule Pages and Notes).

(b) Any reference in the regulations to the "Associate Administrator" shall be interpreted to mean Commissioner, Department of Public Safety, except insofar as the term relates to—

- (1) packaging design, construction, manufacture; or
- (2) the issuance of exemptions from this chapter; or
- (3) authorizations issued under this chapter; or
- (4) preemption.

(c) All references to "interstate" commerce shall be interpreted to include "intrastate" commerce. It is the intent of the Department that the regulations shall apply to intrastate carriers and their operations.

(d) 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 O.C.G.A. Title 40 and Title 35, et. seq.

**NOTE: Copies of the U.S. Department of Transportation's Hazardous Materials Regulations may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402 or may be found on-line at:
<http://www.phmsa.dot.gov/hazmat/regs>.**

2-2 Reports.

(a) All reports required by the hazardous materials regulations shall be sent to the Department of Public Safety, P.O. Box 1456, Georgia 30371, in addition to any copies required to be sent to any Federal Agency. Incident reports as required by 49 CFR §§171.15 and 171.16 need only be submitted to the U.S. Department of Transportation, and not to the Department of Public Safety. Reports and forms may be submitted to the department electronically as technology applications for such filings becomes available.

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

2-3 Hazardous Materials Permits.

(a) See Chapter 3 for rules governing permits for the transportation of radioactive materials, liquefied natural gas, and polychlorinated biphenyl.

2-4 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(h) and §40-1-23(v).

(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(d) and §40-1-23(n)(3), and Chapter 6 of this Rulebook.

2-5 Construction.

(a) Unless amended by the Department herein, the rules in this chapter numbered beyond 2-100 shall generally be the same as the rules contained in the Federal Hazardous Materials Regulations. Where reference is made to a federal rule number (e.g., "171.9") the compatible state rule shall be deemed to be "2-" preceded by DPS (which means Georgia Department of Public Safety) followed by the Federal rule number (e.g., "49 CFR §171.9" becomes "DPS 2-171.9").

(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 section reference (e.g., "171.8" equals "DPS 2-171.8").

Part 107
Hazardous Materials Program Procedures

2-107 Hazardous materials program procedures.

Except as amended by the Department herein, the balance of Rule 2-107 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 107, and as amended.

RESERVED (No Department amendments)

Part 130
Oil Spill Prevention and Response Plans

2-130 Oil Spill Prevention and Response Plans

Except as amended by the Department herein, the balance of Rule 2-130 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 130, and as amended.

2-130.1 Purpose.

This part prescribes prevention, containment, and response planning requirements of the Department applicable to transportation of oil by motor vehicle.

RESERVED (No Department Amendments)

Part 171
General Information, Regulations, and Definitions

2-171 General Information, Regulations, and Definitions.

Except as amended by the Department herein, the balance of Rule 2-171 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, in Title 49 CFR Part 171, and as amended.

2-171.1(h) - (l), Applicability.

(h) In addition to the foregoing, this subchapter prescribes the requirements of the Department governing—

(1) The offering of hazardous materials for transportation and transportation of hazardous materials in interstate, intrastate, and foreign commerce by motor vehicle.

(2) The representation that a hazardous material is present in a package, container, or motor vehicle.

(3) The manufacture, fabrication, marking, maintenance, reconditioning, repairing, or testing of a packaging or container which is represented, marked, certified, or sold for use in transportation of hazardous materials.

(4) The use of terms and symbols prescribed in this subchapter for the marking, labeling, placarding, and description of hazardous materials and packaging used in their transport.

(i) Any person who, under contract with any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government, transports, or causes to be transported or shipped, a hazardous material or manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person as qualified for use in the transportation of a hazardous material shall be subject to and comply with all provisions of the Federal hazardous materials transportation law, all orders and regulations issued thereunder, and all other substantive and procedural requirements of Federal, State, and local governments and Indian tribes (except any such requirements that have been preempted by the Federal hazardous materials transportation law or any other Federal law), in the same manner and to the same extent as any person engaged in such activities that are in or affect commerce is subject to such provisions, orders, regulations, and requirements.

(j) Any person who knowingly violates a requirement of Department hazardous material rules, an order issued thereunder, any order, rule, or exemption requirement, shall be subject to criminal and civil penalties as provided for by law, in addition to any penalties which may be imposed by the Federal Hazardous Materials Law or Regulations.

(k) The regulations of this subchapter pertaining to prohibited or restricted practices shall apply to all persons, motor vehicles, packaging, and freight containers subject to the jurisdiction of the Department; those prohibited practices shall include, but not be limited to, misrepresentation of placarding, marking, labeling, and specifications.

(l) Where this subchapter makes references to the "Secretary of Transportation" or "Associate Administrator for Hazardous Materials Safety," said terms shall mean the Commissioner, Department of Public Safety, except insofar as the term relates to—

- (1) packaging design, construction, manufacture; or
- (2) the issuance of exemptions from this chapter; or
- (3) authorizations issued under this chapter; or
- (4) preemption.

2-171.8 Definitions.

Balance of 2-171.8 definitions, except as amended herein, are contained in the Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, contained in Title 49 CFR §171.8. The following definitions are inserted in 49 CFR §171.8 in the appropriate alphabetical order:

RESERVED (No Department Amendments)

Part 172**Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements****2-172 Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements.**

Except as amended by the Department herein, the balance of Rule 2-172 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 172, and as amended.

RESERVED (No Department Amendments)

Part 173**General Requirements for Shipments and Packaging****2-173 General Requirements for Shipments and Packaging.**

Except as amended by the Department herein, the balance of Rule 2-173 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 173, and as amended.

2-173.5-1 Georgia intrastate agricultural operations.

(a) Subject to the conditions and limitations set forth in 49 CFR §173.5, the Department's Hazardous Materials Regulations specifically authorize the transportation of "agricultural products" (as defined in 49 CFR §171.8), as provided for in O.C.G.A. §40-1-23.

(NOTE: Originally adopted as part of Georgia Public Service Commission Appendix "A" File MCA 1-3, Docket No. 16632-M, Effective June 1, 1998; prior to the passage of HB 1441, Act 737 of the 2000 General Assembly, and subsequent passage of HB 501, Act 68 of the 2005 General Assembly, Hazardous Materials Rulemaking authority rested with the Public Service Commission. These exceptions were then codified in O.C.G.A. §40-1-23(k)(2) by HB 112, Act 119, of the 2011 General Assembly.)

2-173.8-1 Georgia exceptions for non-specification packaging used in intrastate commerce.

(a) *Cargo tanks.* Subject to the conditions and limitations set forth in 49 CFR §173.8, the Department's Hazardous Materials Regulations specifically authorize the transportation of Class 3 (flammable liquid) petroleum products in intrastate commerce in non-specification cargo tanks less than 3,500 gallons capacity, as provided for in O.C.G.A. §40-1-23.

(b) *Non-bulk tanks.* Subject to the conditions and limitations set forth in 49 CFR §173.8, the Department's Hazardous Materials Regulations specifically authorize the transportation of Class 3 (flammable liquid) petroleum products in intrastate commerce in non-specification non-bulk tanks permanently mounted to motor vehicles, as provided for in O.C.G.A. §40-1-23.

(NOTE: Originally adopted as part of Georgia Public Service Commission Appendix "A" File MCA 1-3, Docket No. 16632-M, Effective June 1, 1998; prior to the passage of HB 1441, Act 737 of the 2000 General Assembly, and subsequent passage of HB 501, Act 68 of the 2005 General Assembly, Hazardous Materials Rulemaking authority rested with the Public Service Commission. These exceptions were then codified in O.C.G.A. §40-1-23(k)(2) by HB 112, Act 119, of the 2011 General Assembly.)

**Part 177
Carriage by Highway**

2-177 Carriage by Highway.

Except as amended by the Department herein, the balance of Rule 2-177 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 177, and as amended.

RESERVED (No Department Amendments)

**Part 178
Specifications for Packaging**

2-178 Specifications for Packaging.

Except as amended by the Department herein, the balance of Rule 2-178 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 178, and as amended.

RESERVED (No Department Amendments)

**Part 179
Specifications for Packaging**

2-179 Specifications for Packaging.

Except as amended by the Department herein, the balance of Rule 2-179 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 179, and as amended.

RESERVED (No Department Amendments)

**Part 180
Continuing Qualification and Maintenance of Packaging**

2-180 Continuing Qualification and Maintenance of Packaging

Except as amended by the Department herein, the balance of Rule 2-180 is contained in Federal Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 180, and as amended.

RESERVED (No Department Amendments)