

Regulations of Connecticut State Agencies

TITLE 14. Motor Vehicles. Use of the Highway by Vehicles. Gasoline

Agency

Department of Motor Vehicles

Subject

Motor Carrier Safety Regulations

Inclusive Sections

§§ 14-163c-1—14-163c-12

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Motor Carrier Safety Regulations

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

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

- (1) Part 382, "Controlled Alcohol Use and Testing", as amended from time to time;
- (2) Part 383, "Commercial Driver's License Standards; Requirements and Penalties," as amended from time to time;
- (3) Part 384, "State Compliance with Commercial Driver's License Program," as amended from time to time;
- (4) Part 385, "Safety Fitness Procedures," as amended from time to time;
- (5) Part 386, "Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings," as amended from time to time;
- (6) Part 387, "Minimum Levels of Financial Responsibility for Motor Carriers," as amended from time to time;
- (7) Part 388, "Cooperative Agreements with States," as amended from time to time;
- (8) Part 390, "Federal Motor Carrier Safety Regulations; General," as amended from time to time;
- (9) Part 391, "Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors," as amended from time to time;
- (10) Part 392, "Driving of Commercial Motor Vehicles," as amended from time to time;
- (11) Part 393, "Parts and Accessories Necessary for Safe Operation," as amended from time to time;
- (12) Part 394, "Removed and Reserved," as amended from time to time;
- (13) Part 395, "Hours of Service of Drivers," as amended from time to time;
- (14) Part 396, "Inspection, Repair and Maintenance," as amended from time to time;
- and
- (15) Part 397, "Transportation of Hazardous Materials; Driving and Parking Rules," as amended from time to time.

(Effective January 18, 1996; Amended December 29, 2006; Amended June 5, 2008; Amended October 4, 2013)

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 that 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 that 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 that is designed or used to transport more than eight (8) passengers,

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including the driver, for compensation;

(4) Any motor vehicle that is designed to transport more than fifteen (15) passengers, including the driver, and is not used to transport passengers for compensation;

(5) Any motor vehicle that 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. Sections 1801-1813, inclusive;

(6) A person who holds a commercial driver's license or who operates any motor vehicle as described in subdivisions (1) to (5), inclusive, of this section; and

(7) A motor carrier as defined 49 CFR Section 390.5, as amended from time to time, that is responsible for the operation of any motor vehicle or the driver thereof as provided in subdivisions (1) to (6), inclusive, of this section.

(Effective October 21, 1994; Amended October 4, 2010; Amended October 4, 2013)

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

Repealed October 4, 2013.

(Effective October 21, 1994; Repealed October 4, 2013)

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

Insofar as the provisions of subdivision (1) of section 14-163c-2 of the Regulations of Connecticut State Agencies apply to vehicles employed solely in intrastate use, the minimum age of an operator as stated 49 CFR Section 391.11 (b) (I), shall be eighteen (18) years old in lieu of twenty-one (21) years old. This section shall not apply to the operators of any vehicles designed or used to transport more than fifteen (15) passengers, including the driver, or any school bus as defined in section 14-275 of the Connecticut General Statutes, or any vehicle that is used in the transportation of hazardous materials in a quantity such as to require the placarding of the vehicle under the Hazardous Materials Transportation Act, 49 USC App. Sections 1801-1813, inclusive, as amended from time to time.

(Effective October 21, 1994; Amended October 4, 2013)

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

(a) Any motor vehicle identified in accordance with the provisions of subdivisions (1) to (5), inclusive, of section 14-163c- 2 of the Regulations of Connecticut State Agencies, which by reason of its mechanical condition or loading, and in accordance with the provisions of 49 CFR Section 396.9, is determined by a person having inspection authority as defined in section 14-163c-9 of the Regulations of Connecticut State Agencies 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 operator, shall be issued an out-of-service order.

(b) Standards for inspection and declaration of an out-of-service order of a motor vehicle as provided in subsection (a) of this section shall be in accordance with the most recent

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revision of the Commercial Vehicle Safety Alliance publication entitled “North American Standard Out-of-Service Criteria” including Part II thereof entitled “North American Standard Vehicle Out-of-Service Criteria”, Part III thereof entitled “North American Standard Hazardous Materials Out-of-Service Criteria” and Part IV thereof entitled “North American Standard Administrative Out-of-Service Criteria”. Reference to said publication and its use in connection with motor vehicle inspections shall be in accordance with 49 CFR Section 385.4, the provisions of Appendix G to Subchapter B of Title 49 of the Code of Federal Regulations or the North American Standard Inspection procedures as prescribed in the Commercial Vehicle Safety Alliance Operating Policies.

(Effective October 21, 1994; Amended October 4, 2013)

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

(a) Violation of any of the standards adopted in accordance with section 14-163c-1 of the Regulations of Connecticut State Agencies for which a motor vehicle is declared 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 14-163c-9 of the Regulations of Connecticut State Agencies to the motor carrier or to the owner, lessee or operator of such motor vehicle.

(Effective October 21, 1994; Amended October 4, 2013)

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

(a) Each operator of a motor vehicle listed in subdivision (1) to (5), inclusive, of section 14-163c-2 of the Regulations of Connecticut State Agencies shall conform to the standards adopted in accordance with section 14-163c-1 of the Regulations of Connecticut State Agencies that are applicable to such operator. Any operator found to be noncompliant with such standards and criteria established in the most recent revision of the Commercial Vehicle Safety Alliance publication entitled “North American Standard Out-of-Service Criteria” including Part 1 thereof entitled “North American Standard Driver Out-of-Service Criteria”, shall be declared out of service.

(b) Standards for operator inspection and declaration of an out-of-service order for such operator as provided in subsection (a) of this section shall be those from the most recent revision of the Commercial Vehicle Safety Alliance publication entitled “North American Standard Out-of-Service Criteria”, including Part 1 thereof entitled “North American Standard Driver Out-of-Service Criteria.”

(Effective October 21, 1994; Amended October 4, 2013)

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

(a) Any operator 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.

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(b) Such violations, referred to in subsection (a) of this section, 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 49 CFR Section 395.13(d);

(2) Operating a commercial motor vehicle transporting hazardous materials requiring placards or operating a motor vehicle designed to transport (sixteen) (16) or more passengers including the driver in violation of the out-of-service order as prescribed in 49 CFR Section 395.13(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 49 CFR Section 396.9(c)(2); and

(4) Operating a commercial motor vehicle transporting hazardous materials requiring placards or operating a motor vehicle designed to transport sixteen (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 49 CFR Section 396.9(c)(2).

(Effective October 21, 1994; Amended December 29, 2006; Amended October 4, 2013)

Sec. 14-163c-9. Inspection authority

(a) A person having inspection authority means any motor vehicle inspector appointed by the commissioner in accordance with section 14-8 of the Connecticut General Statutes, or any state or municipal police officer who has satisfactorily completed eighty (80) hours of on-the-job training and a course of instruction as prescribed by the United States Department of Transportation, Federal Motor Carrier Safety Administration, in federal motor carrier safety regulations, North American safety inspection procedures and the Commercial Vehicle Safety Alliance's "North American Standard Out-of-Service Criteria." As used in sections 14-163c-1 through 14-163c-12 of the Regulations of Connecticut State Agencies, inspection authority means authorization to enter upon and perform inspections of motor carriers' vehicles in operation, to record the results of such inspections, to issue infractions for those parts specified in section 14-163c-1 of the Regulations of Connecticut State Agencies, and to declare a motor vehicle or its operator "Out of Service".

(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 14-163c-1 of the Regulations of Connecticut State Agencies, in accordance with law, to determine compliance with the provisions of 49 CFR Parts 100 to 199, inclusive, and 49 CFR Parts 382 to 397, inclusive, as amended from time to time. Such persons subject to the provisions of section 14-163c-1 of the Regulations of Connecticut State Agencies, including motor carriers, may be required by the commissioner to submit for inspection and copying their accounts, books, records, memoranda, correspondence and other documents that relate to the requirements and standards of such section, the Federal Motor Carrier Safety Regulations, the Hazardous Material Regulations and other applicable Connecticut General Statutes.

(c) In order to maintain inspection authority, motor vehicle inspectors shall annually

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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; Amended October 4, 2013)

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

(a) The commissioner of motor vehicles may grant variations to or exemptions from, or approve equivalent or alternate compliance with, Title 49 of the Code of Federal Regulations adopted in accordance with section 14-163c-1 of the Regulations of Connecticut State Agencies, 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 14-163c-1 of the Regulations of Connecticut State Agencies as provided in subsection (a) of this section shall be requested in writing and 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; Amended October 4, 2013)

Sec. 14-163c-11. Violation

No motor carrier as defined in 49 CFR Section 390.5, as amended from time to time, shall require nor shall any person operate any motor vehicle declared and marked “out-of-service” until all required repairs of violations that 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; Amended October 4, 2013)

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

In addition to out-of-service infractions as provided in sections 14-163c-6 and 14-163c-8 of the Regulations of Connecticut State Agencies, any person who violates any of the standards adopted in accordance with section 14-163c-1 of the Regulations of Connecticut State Agencies who has not committed an out-of-service violation shall have committed an infraction. A complaint for such violation may be issued by a person with inspection authority.

(Effective October 21, 1994; Amended October 4, 2013)