

1 14B NCAC 07C .0101 is readopted with changes as published in 33:01 NCR 6-7 as follows:

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3 **SUBCHAPTER 07C – MOTOR CARRIER SAFETY REGULATIONS**

4 **SECTION .0100 – SAFETY RULES AND REGULATIONS**

5 **14B NCAC 07C .0101 SAFETY OF OPERATION AND EQUIPMENT**

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

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

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

21 (c) ~~In addition, the~~ The following exceptions also apply to all intrastate motor carriers:

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

1 (d) ~~The rules and regulations adopted by the U. S. Department of Transportation relating to inspection, repair repair,~~
2 and maintenance of motor vehicles (49 CFR Part 396.17 through 396.23 and including Appendix G) ~~G, and~~
3 ~~amendments thereto~~ apply to all for-hire motor carrier vehicles, and all private motor carrier vehicles engaged in
4 intrastate commerce over the highways of the State of North Carolina if such vehicles have a GVWR of greater than
5 10,000 pounds.

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

13 (1) The date of inspection;

14 (2) ~~Name~~ The name and address of the motor carrier or other entity where the inspection report required
15 by 49 CFR 396.21(a) is maintained;

16 (3) Information uniquely identifying the ~~vehicle inspected; and~~ vehicle inspected, such as the VIN; and

17 (4) A certification that the vehicle has passed an inspection in accordance with 49 CFR 396.17.

18 (f) The Secretary shall fine violators for out-of-service criteria as allowed by G.S. 20-17.7. ~~The Commercial Vehicle~~
19 ~~Safety Alliance (CVSA) out-of-service maximum civil fine schedule shall be maintained in the Office of the Secretary~~
20 ~~of Crime Control and Public Safety, be available for public inspection, and be updated annually by the Secretary on~~
21 ~~the first day of April.~~ The out-of-service maximum civil fine schedule does not apply to violations discovered during
22 educational contacts. An ~~educational contact~~ “educational contact” for the purpose of this ~~code~~ Subchapter means a
23 pre-planned, public safety inspection activity, focusing on commercial motor vehicle safety awareness and
24 compliance.

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

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

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

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History Note: Authority G.S. 20-17.7; 20-381;
Eff. December 1, 1983;
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Temporary Amendment Eff. February 1, 1992 for a Period of 180 Days to Expire on July 30, 1992;
Temporary Amendment Eff. March 30, 1992 for a Period of 180 Days to Expire on September 26,
1992;
Amended Eff. August 3, 1992; July 1, 1992;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. August 6, 2002;
Amended Eff. August 1, 2004;
Transferred and recodified from 19A NCAC 03D .0801 Eff. March 23, 2009;
Amended Eff. June 1, 2011;
Transferred from 14A NCAC 09J .0101 Eff. June 1, 2013.
Readopted Eff. November 1, 2018.

1 14B NCAC 07C .0102 is readopted with changes as published in 33:01 NCR 6-7 as follows:

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3 **14B NCAC 07C .0102 HAZARDOUS MATERIALS**

4 (a) ~~The rules and regulations adopted by the U.S. Department of Transportation and the rules and regulations adopted~~
5 ~~by the U.S. Department of Transportation relating to hazardous materials~~ materials, including the transportation of
6 hazardous materials (49 CFR Parts ~~170-185 and amendments thereto~~) 170-185) shall apply to all for-hire and all
7 private motor carrier vehicles engaged in interstate commerce or intrastate commerce over the highways of the State
8 of North Carolina.

9 ~~(b) The rules and regulations adopted by the U.S. Department of Transportation and the transportation of hazardous~~
10 ~~materials (49 CFR 170-185 and amendments thereto) shall also apply to all for hire motor carriers and all private~~
11 ~~motor carriers engaged in the transportation of hazardous materials in interstate or intrastate commerce over the~~
12 ~~highways of the State of North Carolina.~~

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

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18 *History Note: Authority G.S. 20-2; 20-381;*
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23 *Readopted Eff. November 1, 2018.*

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