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STATE & FEDERAL RULES AND REGULATIONS YOU NEED TO KNOW!

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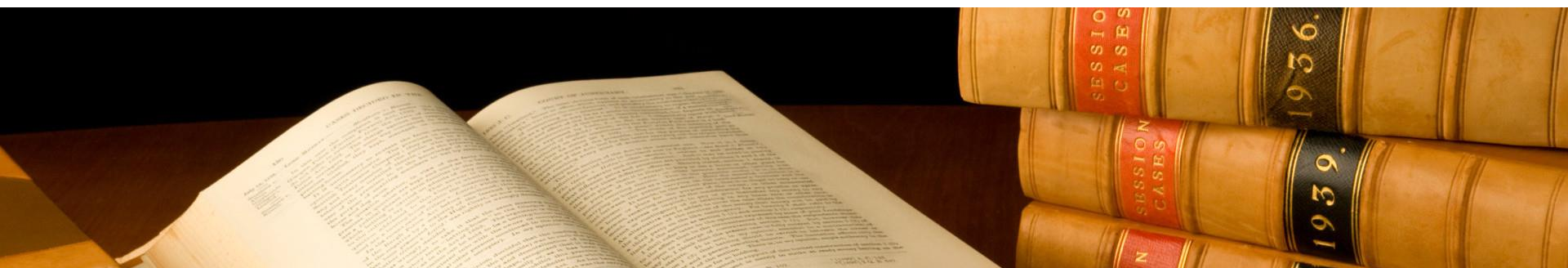
Rules – Why do we care?

Jurors don't like **rule breakers**.

When defendants are selfish and endanger others, **jurors get mad**.

FAIR & CREDIBLE RULES
+ VIOLATION

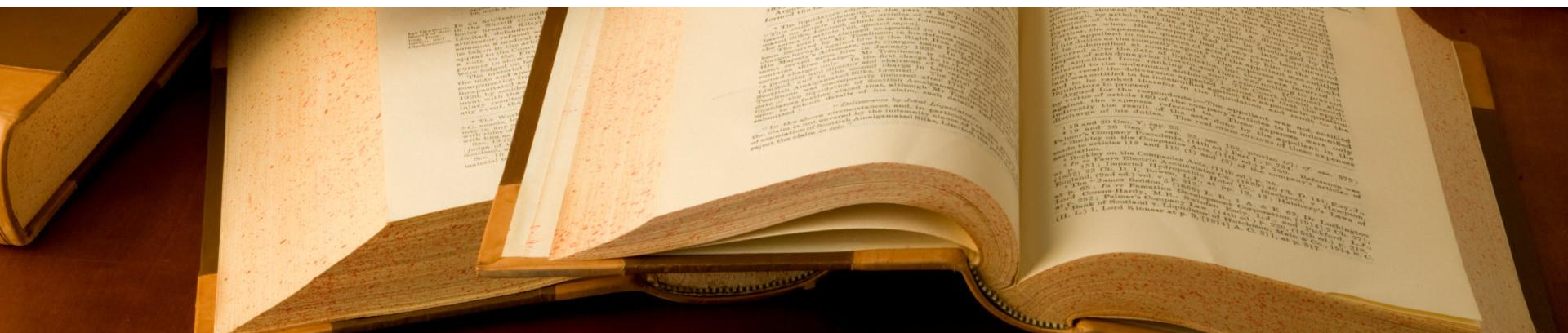
= LIABILITY



<http://www.ecfr.gov>



<https://www.fmcsa.dot.gov/regulations>



Structure

- Title: 49 - Transportation
- Subtitle: Other Regulations
- Chapter: B – FMCSR
- Subchapter: B - FMCSR
- Part: 300-399
- Subparts: A...
- Paragraphs: 373.101

Topics

- Definitions
- Applications
- Discovery
- Qualification
- Training
- General Operations
- Maintenance

Definitions

- **Commercial Motor Vehicle**
 - F.S. 316.003(12)
 - 49 CFR 382.107 (re. drugs and alcohol)
 - 49 CFR 383.5 (re. driver's license)
 - 49 CFR 390.5 (re. FMCSR Parts 390-399)
- **Interstate Commerce**
 - 49 CFR 390.5

Application

- **Fla. Stat. 361.302 – adopts:**
 - 49 CFR 382, 385, and 390-397
- **Exceptions for Intrastate**
 - 49 CFR 391.11(b)(1) – 21 years of age
 - 49 CFR 395.3(a) – 11/14 hours
 - 49 CFR 395.3(b) – 60/7 or 70/8
- **Exceptions for 150 mi. radius**
 - 49 CFR 395.8 – Record of Duty Status
- **Exceptions for Agricultural**
 - F.S. 361.302(1)

Discovery

- 379 – Preservation of Records (Appendix A)
- 371.101 – MC must issue Bill of Lading
- 371.103 – MC must issue Expense Bill
- 376.11 & 12 – Lease Agreements
- 391(F) – Qualification File & Records
- 395.8 & .11 – HOS & Supporting Docs
- 396.11(a)(4) – Pre-Trip Inspections
- 396.21(b)(1) – Periodic Inspections

Qualification

- 383.1(a) – “to prevent fatalities and injuries”
- 383.31(b) – Convictions
- 383.35 – Previous Employment
- 383.51 – Disqualification (violations)
- 391.11 – Basic Requirements
- 391.13 – Knowledge re. load/cargo
- 391.15 – Disqualification (MC responsibility)
- 391.23-27 – Investigation, Inquiries & Records

Qualification

- 391.41 – Physical Qualification
- 391.42 – Certified Medical Examiners
- 391.43 – Medical Examination

Training

- 392.1 – “...shall be instructed in and comply...”
- 383.110 – All drivers of CMVs must had the knowledge and skill necessary to operate a CMV safely as contained in this subpart...

Training

- 383.111 – All CMV operators must have knowledge of the following 20 general areas:

- | | |
|--------------------------|------------------------------|
| (1) Safe Operations | (11) Night Operation |
| (2) Safe Vehicle Control | (12) Extreme Conditions |
| (3) CMV Safety Systems | (13) Hazard Perception |
| (4) Basic Control | (14) Emergency Maneuvers |
| (5) Shifting | (15) Skid Control & Recovery |
| (6) Backing | (16) Cargo v. Control |
| (7) Visual Search | (17) Vehicle Inspections |
| (8) Communication | (18) Hazardous Materials |
| (9) Speed Management | (19) Mountain Driving |
| (10) Space Management | (20) Fatigue & Awareness |

- (1) Safe Operations
- (2) Safe Vehicle Control
- (3) CMV Safety Systems
- (4) Basic Control
- (5) Shifting
- (6) Backing
- (7) Visual Search
- (8) Communication
- (9) Speed Management
- (10) Space Management
- (11) Night Operation
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- (13) Hazard Perception
- (14) Emergency Maneuvers
- (15) Skid Control & Recovery
- (16) Cargo v. Control
- (17) Vehicle Inspections
- (18) Hazardous Materials
- (19) Mountain Driving
- (20) Fatigue & Awareness

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Disclaimer

The *Florida Commercial Driver License Handbook* contains many condensed and paraphrased points of Florida laws and provides safety advice not specifically addressed in the laws. The handbook is not a legal authority and is not intended for use in court. This handbook will not reflect any changes made by the Florida Legislature after the last revision date (located on the cover of this handbook).

Training

- 383.131(a)(1) – A State must provide an FMCSA pre-approved driver information manual.... The manual must be comparable to the American Association of Motor Vehicle Administrators' (AAMVA)... Model Commercial Driver Manual.... The manual must include...

(iv) The **substance** of the knowledge and skills that drivers **must have**, as outlined in **subpart G** of this part for the different vehicle groups and endorsements ...

Training

- 392.1 – “...shall be instructed in and comply...”
- 383.110 – All drivers of CMVs must had the knowledge and skill necessary to operate a CMV safely as contained in this subpart.

The specific types of items that a State must include in the knowledge and skills tests that it administers to CDL applicants are included in this subpart.

General Operations

392.3 – Ill or Fatigued

392.4 – Drugs

392.5 – Alcohol

392.6 – Schedules/Speed

§ 392.6 Schedules to conform with speed limits.

No motor carrier shall schedule a run nor permit nor require the operation of any commercial motor vehicle between points in such period of time as would necessitate the commercial motor vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the commercial motor vehicle is being operated.

General Operations

392.3 – Ill or Fatigued

392.4 – Drugs

392.5 – Alcohol

392.6 – Schedules/Speed

392.7 – Equipment & Inspection

392.9 – Cargo

§ 392.9 Inspection of cargo, cargo securement devices and systems.

(2) Inspect the cargo and the devices used to secure the cargo within the first 50 miles after beginning a trip and cause any adjustments to be made to the cargo or load securement devices as necessary, including adding more securement devices, to ensure that cargo cannot shift on or within, or fall from the commercial motor vehicle; and

(3) Reexamine the commercial motor vehicle's cargo and its load securement devices during the course of transportation and make any necessary adjustment to the cargo or load securement devices, including adding more securement devices, to ensure that cargo cannot shift on or within, or fall from, the commercial motor vehicle. Reexamination and any necessary adjustments must be made whenever - (i) The driver makes a change of his/her duty status; or(ii) The commercial motor vehicle has been driven for 3 hours; or(iii) The commercial motor vehicle has been driven for 150 miles, whichever occurs first.

General Operations

392.3 – Ill or Fatigued

392.4 – Drugs

392.5 – Alcohol

392.6 – Schedules/Speed

392.7 – Equipment & Inspection

392.9 – Cargo

392.14 – Hazardous Conditions

§ 392.14 Hazardous conditions; extreme caution.

Extreme caution in the operation of a commercial motor vehicle shall be exercised when hazardous conditions, such as those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke, adversely affect visibility or traction. Speed shall be reduced when such conditions exist. If conditions become sufficiently dangerous, the operation of the commercial motor vehicle shall be discontinued and shall not be resumed until the commercial motor vehicle can be safely operated. Whenever compliance with the foregoing provisions of this rule increases hazard to passengers, the commercial motor vehicle may be operated to the nearest point at which the safety of passengers is assured.

General Operations

392.3 – Ill or Fatigued

392.4 – Drugs

392.5 – Alcohol

392.6 – Schedules/Speed

392.7 – Equipment & Inspection

392.9 – Cargo

392.14 – Hazardous Conditions

392.22-25 – Stopped

392.33 – Conspicuity













General Operations

392.3 – Ill or Fatigued

392.4 – Drugs

392.5 – Alcohol

392.6 – Schedules/Speed

392.7 – Equipment & Inspection

392.9 – Cargo

392.14 – Hazardous Conditions

392.22-25 – Stopped

392.33 – Conspicuity

392.60 – Passengers

392.80 – Electronic Devices

General Operations - HOS

395.1 – Off-duty Time

off duty time – passenger: 8 | property: 10

395.3 – Maximum Driving Time – Property

11 driving / 14 on duty

60 on duty over 7 days or 70 on duty over 8 days

34 hrs reset w/ 2 x (1am-5am)

395.5 – Maximum Driving Time – Passengers

10 driving / 15 on duty

395.8 – Coloring Books

Maintenance

396.3 – “motor carrier shall systematically inspect, repair and maintain...”

Guidance: “The motor carrier is solely responsible for enduring that the vehicles under its control are in safe operating condition and that defects have been corrected.”

396.11 – Daily Inspection: service brakes, parking brake, steering, lighting, reflectors, tires, horn, windshield wipers, mirrors, coupling devices, wheels and rims, and emergency equipment.

396.13 – Pre-Trip Inspection

396.17 – Periodic (annual) Inspections

Questions?

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