

How Turf and Ornamental Businesses Operating Commercial Trucks Can Comply with Georgia Department of Public Safety Commercial Motor Vehicle Regulations: a Q & A Approach

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(Summary of a presentation by SGT. Terry Joiner, Georgia Department of Public Safety, Motor Carrier Compliance Division – Region 5 organized by Jennifer Davidson, Muscogee County and Columbus City Extension Agent for Horticulture)

What websites can I go to if I have any questions about operating commercial motor vehicles?

DOT Public Safety web addresses include the following:

www.dps.ga.gov

www.gamccd.net

www.fmcsa.dot.gov (click on the Motor Carrier's Guide to Improving Highway Safety (ETA) link near the bottom of the page and that will take you to a page telling you "About the Guide." There you can download a pdf version of the guide. The guide includes sample forms and instructions that will help keep you in compliance.)

What vehicles are considered commercial motor vehicles and how do I determine if my trucks fall under this description?

If your vehicle is used in commerce, either exclusively for within Georgia or for interstate commerce and the Gross Vehicle Weight Rating (the GVWR, found on the manufacturer's vehicle identification number plate) for the single motorized vehicle or added to the GVWR for any trailer pulled by that vehicle is 10,001 pounds or more, you are subject to the safety rules. Unified Carrier Registration (UCR) Agreement or Georgia Intrastate Motor Carrier Registration (GIMC) will apply to your fleet and you must register at the UCR/GIMC Link at www.gamccd.net.

For example, if your crew is driving a pickup with a GVWR of 7,500 pounds and they are also towing a trailer with a GVWR of 3,000 pounds, the combination has a combined GVWR of more than 10,001 pounds, and would be defined under Title 49 Rule 390.5 as a commercial motor vehicle that must be in compliance with federal and/or State of Georgia Safety Rules (which mirror federal).

I have Commercial Motor Vehicles (CMV) and one of them gets pulled over for an inspection while on the road. What are some of the things that the Officer will be looking for with or on the vehicle?

Your CMV must be marked on both sides of the CMV with the USDOT (if the carrier, which is the business not the individual truck, is set up for interstate commerce) or GADOT (if the carrier is exclusively an intrastate business) number preceded by "USDOT" or "GADOT" plus the company name. This information must be visible from a distance of at least 50 feet (letters approx. 2" high as a minimum). See the Public Information and Education Fact Sheet #051 of the Georgia Department of Public Safety Motor Carrier Compliance Division for additional information.

The yearly UCR fee (for interstate carriers) or GIMC (for Intrastate carriers) must have been paid (the actual fee depends on the number of vehicles or combinations registered and the Officer accesses

the state database via his computer to verify compliance). Proof of completed the annual vehicle inspection (AVI) must be with the truck (avoid using decals as they typically last less than six months in our heat and sun conditions). A copy of the annual vehicle inspection report is sufficient; however, a truck and trailer combination requires that two AVIs be present, one for the motor vehicle and one for the trailer. Also the driver must have a valid U.S. State, Canadian, or Federal Mexican (a *Licencia Federal Conductor* license with the Seal of Mexico on the license) driver's license and their medical examiner's certificate with him/her. The medical certificate is valid for two years. For drivers licenses from other states or countries, the person with this type of license cannot have been living in Georgia for more than 6 months (for non-CDL licenses) or for more than 30 days (CDL licenses). Changes to the driver's address or other information on the license must be reported within 60 days of the change.

What are some of the common violations that the Officer might find and cite me for during the CMV stop?

Let's list those to make it easier to follow:

1. Seat belt use by the driver and all passengers. Georgia is a zero-tolerance state so everybody in the vehicle must be wearing their seat belts at all times. The fine for the driver not wearing a seat belt is \$150; each passenger not wearing their seat belt would be issued a \$15 ticket.
2. Commercial motor vehicle window tint for both the driver's side window and the window opposite the driver must allow at least 70% light transmission, which is about what's allowed by the glass that vehicle manufacturers use. The Officer must be able to see through both windows at the same time; more tint than this will result in a citation. Tint on the window behind the driver is not regulated and so is permissible.
3. CMVs may not have a radar detector in or on the vehicle. If one is in the truck the fine is \$200.
4. The driver may not have any alcoholic beverage (including so called "non-alcoholic" beer) anywhere on the vehicle or combination. The fine is \$300. For example, picking up a six-pack after work or with the family groceries and having it in the truck on the way to motel or home is a violation. Trash or litter (cans, bottles, or the like) thrown in the back of the vehicle (not in the cab since the preponderance of the evidence would suggest that the beverage had been consumed by someone in the vehicle) may be allowable if obviously trash.
5. A fire extinguisher with a UL rating of 5 B:C or more, three reflective warning triangles, and spare electrical fuses must be in the truck. Workplace safety cones don't substitute for the reflective triangles. Flares should not be used because of the risk of fire (typically, lawn equipment will be gas or diesel powered and chances of a fire starting from a burning flare would be greater). The use of cones is not discouraged; it is just that they cannot be substituted for the reflective triangles. Use as a company policy can result in an insurance discount, the same as a "drug-free workplace" policy and its signage.
6. For trailers, there must be reflective tape on the left, right, and rear sides for trailers 80 or more inches wide (includes trailer plus wheel wells). The tape must equal or exceed half the trailer length (width for the rear side). Best way to gage this, is you are in compliance if the gaps in the tape are shorter than the length of the tape. There must also be lighted side

- markers and reflectors at each corner. If the trailer exceeds a certain length, there must be lighted markers and reflectors in the middle of the trailer (amber, amber, red).
7. For equipment greater than 10,000 pounds, there must be 4 main body tie downs or securement devices minimum plus one per equipment attachment (bucket, backhoe, etc.). Two connections equals only ONE device. For equipment less than 10,000 pounds, there must be 2 tie downs or securement devices minimum. Securement devices or tie downs must have working load limits (WLL) on them sufficient to secure the equipment. Rubber bungee cords and the like do not have load limits and are not authorized.
 8. Cargo securement rules apply to enclosed trailers as well. Every item must be secured!

What does the Officer look for when he conducts his inspection for the mechanical integrity of my vehicle?

Everything on the vehicle (brakes, parking brake, turn signals, emergency flashers, lights, etc.) must work properly. Front steering tires must have a minimum of 4/32" tire tread left and all other tires must have a minimum of 2/32" tread left. Any crack in the windshield bigger than a half-dollar or intersecting or adjoining cracks bigger than that will be considered a defect and written up.

What size trailer must have brakes on all its wheels and a breakaway braking system?

Any trailer rated at or above a GVWR of 3,000 pounds must have brakes on all wheels. There must be a battery box and cable to activate the brakes and lights if a breakaway occurs and remain activated a minimum of 15 minutes. A common violation is having the cable arranged in such a way that it will not trigger activation.

If you have an old homemade trailer that does not have a Vehicle Identification Number, you can request a homemade VIN from the Georgia Department of Revenue. Remember that if it is rated for 3,000 pounds or more, you must have brakes on all wheels and a breakaway system installed on it.

My CMVs often carry gasoline or diesel for our equipment and mowers or sometimes pesticides that we apply to customer's properties.

These materials as well as pesticides come under a hazardous materials classification called "Materials of Trade." They may be something used to protect the driver such as insect spray or breathing apparatus, something to maintain a motor vehicle such as spare batteries or engine starting fluid, or a product you consume as part of a business that is not transportation such as pesticides, and gasoline or diesel for small engines. There are certain hazard classes that come under Materials of Trade regulations and there are limits for both individual packages and for the entire vehicle. See the Public Information and Education Fact Sheet #031 of the Georgia Department of Public Safety Motor Carrier Compliance Division for a table listing these limits. Small quantities of gasoline or diesel in cans that meet standards for a DOT-specification container (most gas cans sold today) are allowed. All Materials of Trade must be secured from relative motion (contained in boxes, cages, bins or compartments built for that purpose or tied down securely) within the vehicle. Materials of trade containers must have the common name, brand name, trade name, or DOT shipping name. Refer to Fact Sheet #031 for additional information. Pesticides and diluted pesticides are allowed if they do not have Hazardous Material labeling or have the signal words "Danger-Poison." The Georgia Department

of Agriculture has its own rules so check with your pesticide inspector for compliance with their regulations.

I have Commercial Motor Vehicles (CMV) and one of them gets pulled over for an inspection while on the road. What sort of questions will the Officer ask my driver?

The Officer will ask for the truck's registration and about the driver's Hours of Service Log Book. Certain drivers will be exempt from having to maintain a Log Book. This comes via a short-haul provision that offers an exemption from keeping the Log Book. Drivers should know whether the exemption applies to them and be able to answer the Officer's questions. Remember, however, that to qualify for the exemption, **all** of the following conditions of the short-haul provision must be met at all times:

1. Less than 150 air miles from home base (place of business) for Non-CDL and less than 100 air miles for CDL.
2. A true and accurate time record for the driver is kept at the business office and held for 6 months. It must record the total time on duty. Inconsistent time records will negate the exemption!
3. The driver may not exceed 12 hours maximum on duty per day at the normal work location.
 - a. If they work over 12 hours they need a Log Book and rest period.
 - b. If they stay in a hotel (say, at the job site, and don't return to home base to clock out), they need a Log Book.
 - c. Time records do not have to be on the truck; they must be at home base, however.
 - d. Salaried employees without a time record need a Log Book.

Can firearms be in the CMV?

Company policy can restrict the presence of firearms but if there is no company policy against it and the driver or one of the passengers has a concealed carry permit, firearms are permitted. Their presence should be reported to the Officer immediately and the concealed carry permit presented at the same time.

If the Department of Public Safety conducts an audit of my business, what records will I be expected to show?

A listing is probably the best way to present this information, so here are the files and forms at the Company's business site they will need to see and examine:

1. Drivers' files with daily hours of service recorded (time recordkeeping also applies to single person businesses for determining whether the Log Book exemption applies)
2. Drivers' applications for employment
3. Drivers' past employer inquiry forms
4. Yearly MVRs for drivers (easiest for the office to pull all drivers' MVR yearly using employee signed affidavits)
5. Copy of drivers' medical certificates or forms
6. Annual review of driver record form for each driver
7. Driver's list of violations (written by each driver yearly)
8. Vehicle maintenance files (one for every vehicle powered or towed), which contain:
 - a. Vehicle identification number, make, serial number, year, and tire size

- b. Due dates for scheduled maintenance
 - c. Record of inspection and repairs (logged oil changes, tire rotations, etc.)
 - d. Annual sheet of certification inspections
 - e. Annual inspector's certification form (the annual inspector may be a company employee or an outside inspector)
9. Daily vehicle inspection reports (end of day inspection performed by driver). The DVIR file can be kept in the vehicle but this is not a good idea (subject to immediate review by any Officer making a roadside stop). Best to keep this file at the place of business.
- a. If no defects are found for the day, the paper copy does not have to be retained
 - b. DVIR file must be kept for 90 days

When is my driver required to have a CDL license?

If the GVWR is 26,001 pounds or greater or the combination truck and trailer exceeds 26,000 pounds GVWR along with a trailer GVWR in excess of 10,000 pounds, the driver must have a Class A CDL license. Use the 2 prong test — Does the combination of the 2 vehicles exceed 26,000 **AND** does the trailer GVWR alone exceed 10,000 pounds? If the answer to both questions is yes, a CLASS A is required. Also a CDL is required if the Power Unit alone exceeds 26000 pounds, which would be a Class B CDL.