

~~RHODE ISLAND DEPARTMENT OF~~

~~TRANSPORTATION RULES AND~~

~~REGULATIONS~~

~~FOR THE ENFORCEMENT OF MOTOR CARRIER SAFETY~~

RULES AND REGULATIONS FOR THE ENFORCEMENT OF MOTOR CARRIER SAFETY

~~Pursuant to the provisions of Section 31-23-1 (b) of the Rhode Island General Laws, the Rhode Island Department of Transportation proposes to adopt the within rules and regulations for the enforcement of motor carrier safety.~~

280-RICR-30-15-11

TITLE 280 – DEPARTMENT OF REVENUE

CHAPTER 30 – DIVISION OF MOTOR VEHICLES

SUBCHAPTER 15 – SAFETY AND EMISSIONS

PART 11 – Rules and Regulations for the Enforcement of Motor Carrier Safety

11.1 Authority and Purpose

~~This Part is promulgated pursuant to following rules and regulations are promulgated to administer Section R.I. Gen. Laws § 31-23-1 (b) of the Rhode Island General Laws of 1956, as amended, and supercede any regulations adopted heretofore which are inconsistent with the provisions contained herein.~~

11.2 Purpose

~~This Part is promulgated to ensure e purpose of these rules and regulations is to provide a mechanism for reducing the number and severity of accidents involving commercial motor vehicles by uniformity in motor carrier safety enforcement activities and increasing the likelihood that safety defects, driver deficiencies and unsafe carrier practices will be detected and corrected. ~~The rules and regulations will also provide uniformity in the area of motor carrier safety inspections conducted by Federal and state officials.~~~~

11.3 Compliance with Federal Regulation

All commercial motor vehicles must abide by federal motor carrier safety regulations and hazardous materials regulations as set forth in R.I. Gen. Laws § 31-23-1(b)(1).

11.4 Enforcement

- A. The Rhode Island State Police, or its designee, shall enforce the provisions of these regulations.
- B. Carriers convicted of violating this Part shall be fined pursuant to R.I. Gen. Laws § 31-41.1-4 for each offense.

~~2.0 Definition~~

~~The term motor carrier includes a common carrier by motor vehicle, a contract carrier by motor vehicle, and a private carrier of property by motor vehicle.~~

~~3.0 Adoption of the Federal Motor Carrier Safety Regulations~~

~~The rules and safety regulations promulgated by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, as contained in Title 49 of the Code of Federal Regulations, known as the "Federal Motor Carrier Safety Regulations", are hereby adopted as the safety rules and regulations of the Rhode Island Department of Transportation, governing all motor carriers, where such Federal regulations are not in conflict with the laws of the State of Rhode Island. This adoption embraces not only the United States Department of Transportation safety regulations that are in effect as of the date of this rule, but also such changes in such regulations as are hereafter promulgated by the Bureau of Motor Carrier Safety or said bureaus respective successors in jurisdiction. Copies of the "Federal Motor Carrier Safety Regulations" may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402~~

~~4.0—The following parts and sections of the Federal Motor Carrier Safety Regulations are exempt from state adoption.~~

~~1. Section 391.11(b)1~~

~~2. all of Part 394~~

~~5.0—Enforcement~~

~~The Rhode Island Department of Transportation and the Rhode Island State Police shall enforce the provisions established by these rules and regulations.~~

~~6.0—Declaration of Knowledge~~

~~All registrants of commercial motor vehicles with a gross vehicle weight of 10,000 pounds or more or transporting hazardous material will declare knowledge of applicable Federal and State motor carrier safety regulations. The following certification will be required for the registration and reregistration of commercial vehicles:~~

~~“I hereby certify knowledge of applicable Federal and State motor carrier safety regulations and laws and declare that all~~

~~operations will be conducted in compliance with such requirements”.~~

~~7.0—Severability~~

~~If any provision of these rules and regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect,~~

~~and to this end the provisions of these rules and regulations are declared to be severable.~~

~~I hereby certify that the above is a true copy.~~

~~Matthew J. Gill, Jr.~~

~~Director~~

~~Filed with the Office of the Secretary of State: September 9, 1986~~