IDAPA 11 – IDAHO STATE POLICE

Commercial Vehicle Safety

11.13.01 – The Motor Carrier Rules

Who does this rule apply to?
Intrastate motor carriers and interstate or foreign carriers (where provided for in rule).

What is the purpose of this rule?
This rule provides for commercial vehicle safety and further defines safety fitness procedures and standards, hazardous materials, substances, and wastes, carrier safety requirements, and proof of obedience and compliance with rules and regulations.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -
Idaho State Police:

- Section 67-2901, Idaho Code – Idaho State Police Created – Director – Divisions – Powers and Duties – Failure of Peace Officers to Obey Orders, Misdemeanor – Deputies – Compensation and Powers

Who do I contact for more information on this rule?

Idaho State Police
Commercial Vehicle Safety
Monday through Friday, 8:00 a.m. to 5:00 p.m.
700 S. Stratford Drive, Suite 125
Meridian, ID 83642
Phone: (208) 884-7100
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This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

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000. LEGAL AUTHORITY.
Section 67-2901A, Idaho Code. (7-1-24)

001. SCOPE.
These rules apply to intrastate, and foreign motor carriers providing transportation of persons or property over Idaho highways by motor vehicles in the furtherance of their business or for hire. (7-1-24)

002. INCORPORATION BY REFERENCE AND FEDERAL WAIVER.
Amendments to the annual volumes are published in the Federal Register, pending their incorporation in the next annual volumes. Whenever a federal regulation is adopted by reference in these rules, subsequent recompilations are also adopted by reference, but subsequent amendments are not. (7-1-24)

01. Safety Fitness Procedures. 49 CFR subtitle B, chapter III. (7-1-24)

a. 49 CFR, Subtitle B, Chapter III, Subchapter B: eCFR :: 49 CFR Chapter III Subchapter B -- Federal Motor Carrier Safety Regulations. (7-1-24)

b. 49 CFR, Subtitle B, Chapter I, Subchapter C: eCFR :: 49 CFR Chapter I Subchapter C -- Hazardous Materials Regulations. (7-1-24)

02. Transportation of Hazardous Materials, Substances, and Wastes. (7-1-24)

a. 40 CFR Part 262 and 49 CFR, Subtitle B, Chapter I, Parts 107, 171, 172, 173, 177, 178, and 180. (7-1-24)

b. 40 CFR 262: eCFR :: 40 CFR Part 262 -- Standards Applicable to Generators of Hazardous Waste. (7-1-24)

c. 49 CFR Parts 107, 171, 172, 173, 177, 178, and 180: eCFR : 49 CFR Chapter I -- Pipeline and Hazardous Materials Safety Administration, Department of Transportation. (7-1-24)

03. Exemptions 1. Whenever any of these federal regulations would otherwise exempt intrastate carriers from any of their requirements, the exemption does not apply to intrastate carriers who will remain subject to the same requirements. (7-1-24)

04. Carrier Safety Requirements. 49 CFR Parts 356, Subtitle B, Chapter III, Subchapter B, Sections 365, 380, 382, 383, 385, 386, 387, 388 and 390 through 399. (7-1-24)

a. Adopted codes available at: eCFR: 49 CFR Chapter III Subchapter -- Federal Motor Carrier Safety Regulations. (7-1-24)

05. Exemptions 2. Whenever these federal regulations (except Section 391.11(b)(1)) would otherwise exempt intrastate carriers from any of their requirements, the exemption does not apply to intrastate carriers who will remain subject to the same requirements. (7-1-24)

06. Recognition of Federal Waivers. Whenever a driver or carrier has applied to a federal agency and been granted a waiver from any of the requirements of these federal regulations incorporated by reference in these rules, the federal waiver will also be recognized under these rules. The Department reserves the authority to implement a waiver program and grant waivers on the state level for intrastate commercial motor vehicle drivers. (7-1-24)

003. -- 007. (RESERVED)

008. FORMS.
The Idaho State Police Commercial Vehicle Safety Program Manager is authorized to produce and distribute forms and reports to carry out these rules. (7-1-24)

009. RELIEF FROM REGULATIONS.
The Department may issue a declaration of emergency relieving intrastate carriers from the requirements of 49 CFR Parts 390 through 399 adopted by reference in Subsection 002.04. (7-1-24)

010. DEFINITIONS.
In addition to the relevant definitions found in the regulations incorporated by reference the following definitions apply: (7-1-24)

01. Department. The Idaho State Police. (7-1-24)

02. Interstate Carrier. Any person owning or operating any motor vehicle in the state of Idaho or on the highways of the state of Idaho, in commerce between the States, or between the States and a foreign Nation, used or maintained for the transportation of persons or property. (7-1-24)

03. Transportation. Includes all vehicles operated by, for, or in the interest of any motor carrier irrespective of ownership or contract, express or implied, together with all services, facilities and property furnished, operated or controlled by any such carrier or carriers and used in the transportation of passengers and/or property in commerce in Idaho. (7-1-24)

011. --018. (RESERVED)

019. CARRIER SAFETY REQUIREMENT EXEMPTIONS.

01. Intrastate Carriers. (7-1-24)

a. Intrastate carriers subject to both the incorporated federal rules and the safety authority of the Idaho State Police may hire drivers who are eighteen (18) years or older as set forth in Section 49-303, Idaho Code. (7-1-24)

b. Intrastate carriers operating commercial motor vehicles transporting property with a GVW, GVWR, GCW or GCWR greater than ten thousand (10,000) pounds and up to twenty-six thousand (26,000) pounds, subject to the authority of the Idaho State Police, must comply with 49 CFR Part 390 Subpart A, Part 391.15, Parts 392, 393, and Part 396.1, 396.3(a), (a)(1), and (a)(2), and 396.5 through 396.9 and the law and rules of the state of Idaho. All intrastate carriers transporting placardable quantities of hazardous material under 49 CFR Part 172, Subpart F and passengers, meeting the definition of a commercial motor vehicle, must comply with 49 CFR Parts 356, 365, 382, 383, 385, 387, 388 and 390 through 399, and the law and rules of the state of Idaho (except Part 391.11(b)(1) for intrastate carriers). (7-1-24)T

020. -- 999. (RESERVED)