

“Ask The Law”™ offers Q & A’s

Brought to you as a public service by



CMV Insurance, 16-Hour Rule and APU’s questions answered by law enforcement officials as of July 2007

Warning: Laws are subject to change without notice

CMV Liability Insurance in California Special Update & Clarification

Q: My driver was recently stopped in California and was informed that my liability coverage of \$750,000 was not enough if I haul cars. The DOT officer told me that I need to have \$1,000,000 of liability insurance because the cars were considered hazards material, and that I could be subject to some fines. Is this true? Maverick in Virginia

A. Provided by Officer Chris Sahagun, California Highway Patrol, Commercial Vehicle Section, Sacramento, California:



Click here for Special Update & Clarification - This Law/Rule below has Changed.

Financial responsibility, minimum levels are listed in the Federal Motor Carrier Safety Regulation, Title 49 CFR, Part 387.9. The minimum level required for motor carriers transporting non-hazardous property is \$750,000.

Automobiles are not considered a hazardous material, regardless of any oil or gasoline, which could subsequently be in the tank or reservoir.

If you transport any hazardous material as a commodity, the minimum level of financial responsibility would increase.

Can I use the 16-Hour Rule?

Q: How does the 16-hour work? Can I use it? I start my week in PA. I drive out of state and come back to the state I live in. John in Tennessee

A: Provided by Sgt. Jim Brokaw, Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:



If you are a long haul driver, you won't be eligible to use this exception. According to the FMCSRs, a short haul driver may use the 16-hour exception to the 14-hour rule no more than once a week or after each 34-hour restart of the 60 or 70-hour rule. If you are a long haul driver, you won't be eligible to use this exception.

This exception only allows you to extend your 14-hour rule by 2 hours. You will be permitted to drive after the 14th hour after coming on duty, but not after the 16th hour, if you:

- 1) Have been released from duty at your normal work reporting location for the previous 5 duty tours, and
- 2) Return to that normal work reporting location and are released from duty within 16 hours, and
- 3) Have not used this exception in the previous 6 days, except following your 34-hour restart, and
- 4) Do not drive more than 11 hours after 10 consecutive hours off duty.

You have to meet all 4 of these conditions before you can use this exception. If you normally use the 100-air-mile exception and do not carry a logbook, you will have to complete a log on those days when you use this 16 hour exception, due to the fact you will be working beyond the 12-hour limit and no longer eligible for the 100 air mile radius exception.

APU weight tolerance for CMV's

Q: Is it true that if you have an auxiliary power unit (APU) on your truck you can gross up to 80,500 pounds instead of 80,000 GVW? Lee in Arkansas

A: Provided by Senior [Trooper Monty Dial](#), Texas Highway Patrol, Commercial Vehicle Enforcement Division, Garland, Texas:

Currently there is only one state that increased the overall weight tolerance for CMV's that have added APU's. **That state is Kansas.** So the driver will be granted an additional 400 pounds to the 80,000 pounds if there is an APU installed and is functional. I have no other knowledge of any additional states at this time.



*The Ask The Law™ programs, which are provided as a public service by Alcoa Wheel Products™, are an ongoing educational effort between Ol' Blue, USA™ and commercial law enforcement agencies. The specific purpose is to have truckers contact Ol' Blue, USA and pose questions to law enforcement officials relating to safety and legal issues concerning commercial vehicles. Truckers may submit questions at www.askthelaw.org. **Warning: Laws are subject to change without notice. These interpretations were made in June 2007.***

Founded in 1986, Ol' Blue, USA is a non-profit organization dedicated to highway safety education and to improving relations between the motoring public, law enforcement and commercial drivers. "Ask The Law"™ is a registered trademark of Ol' Blue, USA. This column is copyrighted© by Ol' Blue, USA.

