Federal Motor Carrier Safety Administration, DOT

§ 350.335

or HMRs, but no later than three years after that date, the State must amend
its laws or regulations to make them
compatible with the FMCSRs and/or
HMRs, as amended.

(65 FR 15102, Mar. 21, 2000, as amended at 77
FR 59823, Oct. 1, 2012)

§ 350.333 What are the guidelines for
the compatibility review?

(a) The State law or regulation must
apply to all segments of the motor car-
rier industry (i.e., for-hire and private
motor carriers of property and pas-
sengers).

(b) Laws and regulations reviewed for
the CDL compliance report are ex-
cluded from the compatibility review.

(c) Definitions of words or terms
must be consistent with those in the
FMCSRs and HMRs.

(d) A State must identify any law or
regulation that is not the same as the
corresponding Federal regulation and
evaluate it in accordance with the
table to this section as follows:

Table to § 350.333—Guidelines for the State Law and Regulation Compatibility Review

<table>
<thead>
<tr>
<th>Law or regulation has same effect as corresponding Federal regulation</th>
<th>Applies to interstate or intrastate commerce</th>
<th>Less stringent or more stringent</th>
<th>Action authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Yes</td>
<td></td>
<td></td>
<td>Compatible—Interstate and intrastate commerce enforcement authorized.</td>
</tr>
<tr>
<td>(2) No</td>
<td>Intra</td>
<td></td>
<td>Enforcement prohibited.</td>
</tr>
<tr>
<td>(3) No</td>
<td>Interstate</td>
<td>Less stringent</td>
<td>Enforcement authorized if the State can demonstratethe law or regulation has a safety benefit or does not create an undue burden upon interstate commerce (See 49 CFR Part 355).</td>
</tr>
<tr>
<td>(4) No</td>
<td>Interstate</td>
<td>More stringent</td>
<td></td>
</tr>
</tbody>
</table>

§ 350.335 What are the consequences if
my State has laws or regulations in-
compatible with the Federal regula-
tions?

(a) A State that currently has com-
patible CMV safety laws and regulations
pertaining to interstate com-
merce (i.e., rules identical to the
FMCSRs and HMRs) and intrastate
commerce (i.e., rules identical to or
within the tolerance guidelines for the
FMCSRs and identical to the HMRs)
but enacts a law or regulation which
results in an incompatible rule will not
be eligible for Basic Program Funds
nor Incentive Funds.

(b) A State that fails to adopt any
new regulation or amendment to the
FMCSRs or HMRs within three years of
its effective date will be deemed to
have incompatible regulations and will
not be eligible for Basic Program nor
Incentive Funds.

(c) Those States with incompatible
laws or regulations pertaining to intra-
state commerce and receiving 50 per-
cent of their basic formula allocation
on April 20, 2000 will continue at that
level of funding until those incompati-
bilities are removed, provided no fur-
ther incompatibilities are created.

(d) Upon a finding by the FMCSA,
based upon its own initiative or upon a
petition of any person, including any
State, that your State law, regulation
or enforcement practice pertaining to
CMV safety, in either interstate or
intrastate commerce, is incompatible
with the FMCSRs or HMRs, the
FMCSA may initiate a proceeding
under §350.215 for withdrawal of eligi-
bility for all Basic Program and Incen-
tive Funds.

(e) Any decision regarding the com-
patibility of your State law or regula-
tion with the HMRs that requires an
interpretation will be referred to the
Pipeline and Hazardous Materials Safe-
ty Administration of the DOT for such
interpretation before proceeding under
§350.215.

(65 FR 15102, Mar. 21, 2000, as amended at 77
FR 59823, Oct. 1, 2012)