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Gallagher Sharp Newsflash: Property-Carrying Commercial Motor Vehicle Passengers are Required to Wear Seat Belts

Today, June 7, 2016, the FMCSA published a final rule requiring passengers in property-carrying CMVs to wear seat belts.

According to the Agency, "Passenger" means "any occupant including instructors, evaluators or any other personnel who might be seated in a property-carrying CMV, regardless of their status."

The rule, effective August 8, 2016, holds motor carriers and drivers responsible for ensuring that passengers riding in property-carrying CMVs are using seat belts. Some comments from the industry complained that the motor carrier and driver would not be able to enforce the rule. But the FMCSA noted that under FMCSR 392.60 passengers are prohibited in CMVs, except where the Motor Carrier has specifically authorized the presence of a passenger as well as the circumstances under which the passenger is to be transported. Note that the regulation applies to vehicles equipped with passenger seat belts, operating on public roads in interstate commerce.

This rule does not require the use of seat belts in passenger-carrying CMVs.

Also, the rule does not address the use of restraints in sleeper berths.

Motor Carriers and their insurers should be aware of this rule and have in place policies regarding the use of seat belts by passengers, as well as enforcement of the rule. This includes amending forms which authorize passengers.

The final rule can be found at: <https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-13099.pdf>

The passenger seat belt requirement will be added to FMCSR 392.16 which currently requires drivers to use seat belts.

§ 392.16 Use of seat belts.

(a) Drivers. No driver shall operate a property-carrying commercial motor vehicle, and a motor carrier shall not require or permit a driver to operate a property-carrying commercial motor vehicle, that has a seat belt assembly installed at the driver's seat unless the driver is properly restrained by the seat belt assembly.

(b) Passengers. No driver shall operate a property-carrying commercial motor vehicle, and a motor carrier shall not require or permit a driver to operate a property-carrying commercial motor vehicle, that has seat belt assemblies installed at the seats for other occupants of the vehicle unless all other occupants are properly restrained by such seat belt assemblies.

If you have any questions please contact:

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