

NOTICE TO UA PIPELINE RIG WELDERS IN MASSACHUSETTS **MASSACHUSETTS NEW COMMERCIAL VEHICLE LAWS**

<https://www.mass.gov/regulatory-bulletin/new-usdot-number-requirement-for-intrastate-cmvs>

The regulation discussed in the bulletin requires motor carriers engaged in **intrastate** commerce in Massachusetts having a gross vehicle weight rating or combination weight rating over 10K lbs. to obtain and affix a U.S. DOT number to their vehicle in accordance with 49 CFR 390.21. In view of the nature of pipeline work, the activities of rig welders, and the broad scope of interstate commerce under applicable court decisions/case law, we've taken the position that virtually all rig welders—including rig welders who live and typically work in Massachusetts—are **interstate** motor carriers and therefore covered by the federal exemption we obtained from the U.S. Congress. As you know, under our exemption, covered rig welders are not required to obtain or display a U.S. DOT number in accordance with 49 CFR 390.21. **Accordingly, we recommend that every rig welder politely advise any DOT officer who pulls him over that he is exempt by federal law and regulations from obtaining or displaying a U.S. DOT number (and from other requirements of Federal Motor Carrier Safety Regulations) and offer to provide the attached notice to the officer.**

Rig welders should avoid using the words “interstate” or “intrastate” unless the officer insists that the rig welder is an intrastate carrier rather than an interstate carrier. The reason is because, as you know, few officers truly understand the difference between interstate and intrastate commerce, including the broad scope of interstate commerce. That is partly why the attached notice doesn't get into interstate and intrastate commerce. It advises the rig welder who is pulled over to simply “respectfully inform the officer that your vehicle is exempt from registration as a motor carrier and the associated requirements and offer to provide him or her with a copy of this Notice, including the attached authorities.”

The cases that tend to create problems are those in which the rig welder lives in, and seldom works outside of, the State in question (Massachusetts here). For reasons discussed above, those rig welders should claim the exemption and offer the notice in the same way as any other rig welder. If an officer insists that the rig welder is an intrastate carrier, the welder or the Local 798 agent can try to argue to the officer that, under the regulations applicable to Federal Motor Carrier Safety Assistance Program (FMCSAP) (in which Massachusetts), the exemption must be applied equally in interstate and intrastate commerce.