

State Hazardous Materials Regulations

The Hazardous Materials Regulations (HMR) applies to the transportation and offering of hazardous materials in commerce. Because of the inherent risks involved, handling of hazardous materials is regulated at all levels of government. As such, Shippers and carriers of hazardous materials are not only subject to the federal HMR, but are also required to follow individual state regulations. In general, no person may offer or accept hazardous materials in commerce unless the hazardous material is properly classed, described, packaged, marked, labeled, and is in the required condition for shipment.

With regard to the transportation of hazardous materials under the HMR, states are expressly preempted from promulgating any regulation that is substantively different from the federal packaging, labeling, marking, and placarding requirements. In most cases, states require shippers and carriers to comply with the federal requirements when preparing hazardous materials for transport. However, states are free to include more stringent requirements.

The following chart is intended to illustrate examples wherein a state provides a more stringent regulatory requirement on shippers and carriers of hazardous materials. It is for information only and is not intended to be, nor is it, legal advice or an exhaustive review of all law, regulations, procedures, and policies applicable to the subject matter thereof. It is not intended to create, and receipt of it does not constitute, a lawyer-client relationship.

State	Hazardous Materials State Statute or Code	Specific Citation to Additional Requirements	Summary of Additional Requirements
Alabama	Ala. Admin. Code r. 760-x-1-.16	Ala. Admin Code r. 760-x-1-.01 Ala. Admin Code r. 760-x-1-.16(c)	Additional Stopping requirements for vehicles carrying hazardous materials. Additional notification requirements to the Alabama Department of Public Safety.
Alaska	Alaska Admin. Code tit. 17, § 25.200	None	None
Arizona	Ariz. Admin. Code § 17-5-209	Ariz. Admin. Code § 17-5-209(B)-(C)	Exceptions and amendments to the federal regulations.
Arkansas	Ark. Code Ann. § 27-2-101	None	None
California	Cal. Code Regs. tit. 13, § 1160	Cal. Code Regs. tit. 13, § 1160.1 Cal. Code Regs. tit. 13, § 1161.7 Cal. Code Regs. tit. 13, § 1160.4(g)	Exceptions and Special Applications. Carrier and Shipper Hazardous Materials Training Requirements. Hazardous Materials Transportation License.
Colorado	Colo. Rev. Stat. § 42-20-101 8 Colo. Code Regs. § 1507-25	Colo. Rev. Stat. § 42-20-202 Colo. Rev. Stat. § 42-20-113 8 Colo. Code Regs. § 1507-25 8 Colo. Code Regs. § 1507-25	Transportation Permit-Application Fee. Prohibition against abandonment of vehicle containing hazardous material. Incident Notification. Longer Vehicle Combinations.
Connecticut	Conn. Gen. Stat. § 29-337	None	None

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Delaware	Del. Code Ann. tit. 29 § 8222	Del. Code Ann. tit. 29 § 8225	Packages or containers of hazardous materials exempt from federal regulations must be marked “DOT-E” followed by the number assigned. Same requirement for shipping papers.
District of Columbia	D.C. Code § 8-1401 D.C. Mun. Regs. tit. 18, § 1400	D.C. Mun. Regs. tit. 18, § 1402 D.C. Mun. Regs. tit. 18, § 1403	Exemptions. Routing
Florida	Fla. Stat. § 316.302(4)(a)	Fla. Stat. § 316.302(4)(b)	Hazardous Materials violations are first degree misdemeanors.
Georgia	Ga. Code Ann. § 46-11-1 Ga. Comp. R. & Regs. 672-10-.01	Ga. Comp. R. & Regs. 672-10-.02 Ga. Comp. R. & Regs. 672-10-.05	Permit requirements. Special conditions applying to certain movements.
Hawaii	Haw. Code R. § 19-145-1	None	None
Idaho	Idaho Admin. Code r. 11.13.01.018	None	None
Illinois	430 Ill. Comp. Stat. 30/1 Ill. Admin. Code tit. 92 § 171	Ill. Admin. Code tit. 92 § 171.17	Exemptions from regulations governing packages or containers of hazardous materials must be marked “DOT-E” followed by the number assigned. Same requirement for shipping paper.
Indiana	Ind. Code § 8-2.1-24-18(b)	Ind. Code § 8-2.1-24-18(c)	Limitations on nonspecification bulk and nonbulk packaging, including cargo tank motor vehicles.
Iowa	Iowa Code § 321.450 Iowa Admin. Code r. 761-520.1	Iowa Admin. Code r. 761-520.1(3)	Declaration of knowledge of regulations.
Kansas	Kan. Admin. Regs. § 82-4-20	None	None

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Kentucky	Ky. Rev. Stat. Ann. § 174.410(2) 601 Ky. Admin. Regs. 1:025	Ky. Rev. Stat. Ann. § 174.420(2)(a) Ky. Rev. Stat. Ann. § 174.990	Incident notification within 1 hour. Penalty provision requires willful state of mind.
Louisiana	LA. Rev. Stat. Ann. § 32:1501 LA. Admin. Code tit. 33 § V.10303	LA. Admin. Code tit. § V.10305	Driver exemptions.
Maine	16-219-60 Me. Code R. § 1	None	None
Maryland	Md. Code Regs. 11.16.01.02	None	None
Massachusetts	540 Mass. Code Regs. 14.03	527 Mass. Code Regs. 13.06 527 Mass. Code Regs. 8.00	Transportation of Explosives. Transportation of Flammable and Combustible Liquids.
Michigan	Mich. Comp. Laws § 480.11(a)	Mich. Comp. Laws § 480.19 Mich. Comp. Laws § 480.20 Mich. Comp. Laws § 480.22 Mich. Comp. Laws § 480.23	Incident notification requirements. Combustible Liquids and gases. Prohibited transfer of hazardous material. Transportation of hazardous materials on public routes.
Minnesota	Minn. Stat. § 221.033	Minn. Stat. § 221.033(b)	Exceptions for farmers, agricultural retailers, cargo tanks, and certain gasoline trucks.
Mississippi	Miss. Code Ann. § 77-7-16	None	None
Missouri	Mo. Rev. Stat. § 307.117 Mo. Code Regs. Ann. tit. 11, § 30-6.010	None	None

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Montana	Mont. Admin. R. 18-8-1503	None	None
Nebraska	Neb. Rev. Stat. § 75-364	272 Neb. Admin. Code § 10-001 291 Neb. Admin. Code § 3-005.16F	Transportation of Explosives. Safe traveling distance for carriers of explosives and other hazardous materials.
Nevada	Nev. Admin. Code § 706.377 Neb. Rev. Stat. § 459	Neb. Rev. Stat. § 459.748 Neb. Rev. Stat. § 459.780	Accident/Incident response. Unlawful acts: Gross Misdemeanors.
New Hampshire	N.H. Code Admin. R. Ann. Saf-C 603.01	N.H. Code Admin. R. Ann. Saf-C 605.01	Immediate notice of certain hazardous materials incidents.
New Jersey	N.J. Admin. Code § 16:49-1.2	N.J. Admin. Code § 16:49-1.2(a) N.J. Admin. Code § 16:49-1.2(d)-(e) N.J. Admin. Code § 16:49-3.1(h) N.J. Admin. Code § 16:49-4.2	Omitted references. Accident/Incident reporting and notification. Waiver. Restrictions in the Route 29 Tunnel facility.
New Mexico	N.M. Code R. § 18.2.3.17	None	None
New York	N.Y. Comp. Codes R. & Regs. tit. 17 § 820.8(j)	N.Y. Comp. Codes R. & Regs. tit. 17 § 820.8(f) N.Y. Comp. Codes R. & Regs. tit. 17 § 820.8(g) N.Y. Comp. Codes R. & Regs. tit. 17 § 820.8(h) N.Y. Comp. Codes R. & Regs. tit. 17 § 820.11	24 hour hotline for intrastate transportation. Reporting requirements. Incident Notification. Penalties.

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North Carolina	N.C. Gen Stat. § 20-376 14A N.C. Admin. Code 09J.0802	None	None
North Dakota	N.D. Admin. Code 38-03-01-02	N.D. Admin. Code 38-03-02 N.D. Admin. Code 38-03-03	Agricultural operations. Petroleum Products.
Ohio	Ohio Rev. Code Ann. § 4905.80 Ohio Admin. Code 4901:2-5-02	Ohio Admin Code 4901:2-6-03 Ohio Admin. Code 4901:2-6-04 Ohio Admin Code 4901:2-6-07 Ohio Admin Code 4901:2-5-10	Determination of base state. Uniform program registration. Certification. Marking of vehicles.
Oklahoma	Okla. Stat. tit. 47 § 230.1 Okla. Admin. Code § 595:35-1-4	Okla. Admin. Code § 595:35-1-6	Deletions, substitutions, and additions to the federal rules.
Oregon	Or. Admin. R. 740-110-0010	Or. Admin. R. 740-110-0040	Incident Notification.
Pennsylvania	67 Pa. Code § 403.4	67 Pa. Code § 403.7	Supplemental rules for carrier registration, towing, extended loads, and special permits for cargo tanks.
Rhode Island	R.I. Gen. Laws § 31-12-1(b)	None	None
South Carolina	S.C. Code Ann. Regs. 38-424	None	None
South Dakota	S.D. Codified Laws § 49-28A-3	S.D. Codified Laws § 49-28A-3(1)-(3) S.D. Admin. R. 61:23:01:03 S.D. Admin. R. 61:23:01:04	Modifications to the federal regulations. Hours of service exemption for planting and harvesting season. Enforcement criteria: Commercial Vehicle Alliance North American Standard Out-of-Service.

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Tennessee	Tenn. Comp. R. & Regs. 1340-06-01-.14	Tenn. Comp. R. & Regs. 1340-06-01-.19(6) Tenn. Comp. R. & Regs. 1340-06-01-.20	Fines. Route restrictions in Knox County, Tennessee.
Texas	37 Tex. Admin. Code § 4.1	37 Tex. Admin. Code § 4.1(b) 37 Tex. Admin. Code § 4.16	Explanations and exceptions. Administrative Penalties.
Utah	Utah Admin. Code r. 909-75-2	None	None
Vermont	14-055-001 Vt. Code R. § 1	14-055-001 Vt. Code R. § 2	Notification and enforcement.
Virginia	9 Va. Admin. Code § 20-110-80	24 Va. Admin. Code § 30-61-41	Tunnel Restrictions
Washington	Wash. Admin. Code § 446-50-080	None	None
West Virginia	W. Va. Code R. § 150-9-3.3(a)	W. Va. Code R. § 150-23	Uniform hazardous materials registration and permit.
Wisconsin	Wis. Admin. Code Trans. § 326.01	Wis. Admin. Code Trans. 326.07 Wisc. Stat. § 346.45	Exclusions. Stopping at railroad crossings.
Wyoming	Wyo. Stat. Ann. § 31-18-303(a) 045-040-001 Wyo. Code R. § 15	None	None

