
29 C.F.R. § 782.6

Mechanics.

(a) A “mechanic,” for purposes of safety regulations under the Motor Carrier Act is an employee who is employed by a carrier subject to the Secretary's jurisdiction under section 204 of the Motor Carrier Act and whose duty it is to keep motor vehicles operated in interstate or foreign commerce by his employer in a good and safe working condition. (Ex parte, Nos. MC-2 and MC-3, 28 M.C.C. 125, 132, 133. Ex parte No. MC-40 (Sub. No. 2), 88 M.C.C. 710 (repair of refrigeration equipment). See also *Morris v. McComb*, 332 U.S. 422.) It has been determined that the safety of operation of such motor vehicles on the highways is directly affected by those activities of mechanics, such as keeping the lights and brakes in a good and safe working condition, which prevent the vehicles from becoming potential hazards to highway safety and thus aid in the prevention of accidents. The courts have held that mechanics perform work of this character where they actually do inspection, adjustment, repair or maintenance work on the motor vehicles themselves (including trucks, tractors and trailers, and buses) and are, when so engaged, directly responsible for creating or maintaining physical conditions essential to the safety of the vehicles on the highways through the correction or prevention of defects which have a direct causal connection with the safe operation of the unit as a whole. (*Walling v. Silver Bros.*, 136 F. (2d) 168 (C.A. 1); *McDuffie v. Hayes Freight Lines*, 71 F. Supp. 755; *Walling v. Silver Fleet Motor Express*, 67 F. Supp. 846; *Keeling v. Huber & Huber Motor Express*, 57 F. Supp. 617; *Walling v. Huber & Huber Motor Express*, 67 F. Supp. 855; *Tinerella v. Des Moines Transp. Co.*, 41 F. Supp. 798; *Robbins v. Zabarsky*, 44 F. Supp. 867; *West V. Smoky Mt. Stages*, 40 F. Supp. 296; *Walling v. Cumberland & Liberty Mills Co.* (S.D. Fla.), 6 Labor Cases, par. 61,184; *Esibill v. Marshall* (D. N.J.), 6 Labor Cases, par. 61,256; *Keegan v. Ruppert* (S.D. N.Y.), 7 Labor Cases, par. 61,726; *Baker v. Sharpless Hendler Ice Cream Co.* (E.D. Pa.), 10 Labor Cases, par. 62,956; *Kentucky Transport Co. v. Drake* (Ky. Ct. App.), 182 SW (2d) 960.) The following activities performed by mechanics on motor vehicles operated in interstate or foreign commerce are illustrative of the specific kinds of activities which the courts, in applying the foregoing principles, have regarded as directly affecting “safety of operation”: The inspection, repair, adjustment, and maintenance for safe operation of steering apparatus, lights, brakes, horns, windshield wipers, wheels and axles, bushings, transmissions, differentials, motors, starters and ignition, carburetors, fifth wheels, springs and spring hangers, frames, and gasoline tanks (*McDuffie v. Hayes Freight Lines*, 71 F. Supp. 755; *Walling v. Silver Fleet Motor Express*, 67 F. Supp. 846; *Wolfe v. Union Transfer & Storage Co.*, 48 F. Supp. 855; *Mason & Dixon Lines v. Ligon* (Tenn. Ct. App.) 7 Labor Cases, par. 61,962; *Walling v. Palmer*, 67 F. Supp. 12; *Kentucky Transport Co. v. Drake* (Ky. Ct. App.), 182 SW (2d) 960.) Inspecting and checking air pressure in tires, changing tires, and repairing and rebuilding tires for immediate replacement on the vehicle from which they were removed have also been held to affect safety of operation directly. (*Walling v. Silver Fleet Motor Express*, 67 F. Supp. 846; *Walling v. Palmer*, 67 F. Supp. 12. See also *McDuffie v. Hayes Freight Lines*, 71 F. Supp. 755.) The same is true of hooking up tractors and trailers, including light and brake connections, and the inspection of such hookups. (*Walling v. Silver Fleet Motor Express*, 67 F. Supp. 846; *Walling v. Palmer*, 67 F. Supp. 12. See also *Walling v. Gordon's Transports* (W.D. Tenn.), 10 Labor cases, par. 62,934, affirmed 162 F. (2d) 203 (C.A. 6), certiorari denied 332 U.S. 744.)

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